



## OFFICIAL AGENDA

### PLANNING & ZONING COMMISSION

### CITY OF STARKVILLE, MISSISSIPPI

MEETING OF TUESDAY, May 13, 2014

CITY HALL - COURT ROOM,

101 E. LAMPKIN STREET, 5:30 PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL OF THE MARCH 11, 2014 MINUTES
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
  - A. PP 14-02: Preliminary Plat request by Garden Properties, LLC for a 21 lot subdivision of 4.96 acres; located on Yellow Jacket Drive.
  - B. PP 14-03: Preliminary Plat request by James and Teresia Spinks for a 1 lot FP 14-01 subdivision of 1 acre; located on Butler Road.
  - C. PP 14-04: Preliminary Plat request by Frank Jones Construction for an 85 lot subdivision; located at the end of Sawgrass Road.
  - D. CU 14-01: Conditional Use request by Anthony Depot, LLC for 2 apartment units in a C-2 zone located at 223 South Jackson Street.
  - E. RZ 14-03: Rezoning request by RLM Sonic Properties for a Rezoning of 0.18 acre from R-3 Multi-Family to B -1 Buffer District; located at 711 Vines Street.
  - F. RZ 14-04: Rezoning consideration of the Thad Cochran Research Park from R-1 Single Family to P-O Planned Office District.
- XIII. PLANNER REPORT
- XI. ADJOURN

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Joyner Williams, at (662) 323-2525, ext. 121 at least forty-eight (48) hours in advance for any services requested.

## **UNAPPROVED**

### **MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF MARCH 11, 2014 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. The meeting was called to order by Commission Chair Jerry Emison. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Attending the Commissioners were City Attorney Chris Latimer, City Planner Buddy Sanders, CAO Taylor Adams, City Engineer Edward Kemp, and Recording Secretary Bill Green.

#### **A CONSIDERATION OF THE WRITTEN AGENDA**

The Commission considered the matter of approval of the written agenda dated March 11, 2014. Upon the motion of Commissioner Murdock, which was seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as presented.

#### **CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 14, 2014**

Chair Emison called for consideration of approval of the January 14, 2014, minutes. Commissioner Herring moved to approve the minutes, seconded by Commissioner Moore, and the resulting vote for accepting the minutes was unanimous.

#### **CITIZEN COMMENTS**

Chair Emison asked if any member of the public cared to address the Commission regarding items not already on the Agenda, reminding them of the Public Hearing on the Agenda and that comments regarding proposed items would be called for at the appropriate time. Dr. Milo Burnham from Ward 2 came forward to ask the Planning & Zoning Commission to address the Board of Aldermen's unanimous reversal on February 18 of a unanimous recommendation made by the Planning & Zoning Commission. Commissioner Herring stated that the Commission serves as an advisory one; Commissioner Murdock responded that the P&Z Commission's decision was made after lengthy deliberation; and Chair Emison responded that, although he didn't vote that night, the Commission's action speaks for itself.

#### **OLD BUSINESS**

Chair Emison stated that RZ 13-08, which is currently listed as New Business, is actually Old Business, having been tabled back in July, and he called for a motion to lift RZ 13-08 from the

table. Commissioner Murdock moved to lift RZ 13-08 from the table, seconded by Commissioner Loveless, and the Commission voted unanimously to lift RZ 13-08 from the table.

**RZ 13-08: Request by the Catholic Diocese of Jackson  
to rezone property located at or near 102 North Nash Street,  
or Lots 16, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District**

Chair Emison asked the City Planner to introduce item RZ 13-08, a Public Hearing noticed by the City of Starkville to rezone property located at or near 102 North Nash Street, or Lots 6, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District.

City Planner Buddy Sanders presented the Applicant's request, stating that when a submission for the rezoning came before the Planning & Zoning Commission on July 24, 2013, neighbors in the Nash Street area expressed concern regarding storm water runoff and traffic issues that potentially could be created by the rezoning. Questions came up regarding the number of parking spaces, number of cars at church services/events, gravel, landscaping, and site design, so the request for a rezoning by the Catholic Diocese of Jackson was tabled until additional information could be provided. Mr. Sanders stated that in the interim, the applicant has submitted a site plan/landscape plan illustrating 29 parking spaces and the requisite landscaping. Additionally, the applicant submitted storm water documentation. Notice for this public hearing was given by mail to adjacent property owners within 300 feet of the subject parcels on February 24, 2014; a notification sign was placed on North Nash Street; and an ad was placed and published in the February 24, 2014, edition of the *Starkville Daily News*.

There are multiple zoning districts and uses adjacent to the subject properties. Saint Joseph Catholic Church is located to the east, in a T-5 zoning district. Located to the south are a convenience store, rental unit(s), and offices facing University Drive, which are also in a T-5 zoning district. To the west are multi- and single-family uses in T-5, C-2, and R-3 zones. The property to the north is owned by the applicant and contains a parking lot that was Approved by Exception in 1994 as R-1.

Mr. Sanders continued with a slide presentation, which depicted the proposed plan of use for the property. Chair Emison reminded the Commission that, although helpful to view renderings of plans for the land, the rezoning to be considered would be a land-use decision, not a site-plan approval, unless conditions are attached that make the presented material necessary. After the presentation, Mr. Sanders listed the criteria for rezoning:

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

**1. Error: There is a Manifest Error in the ordinance and a Public Need to correct the error.**

*There are no errors in need of correction with either the ordinance or zoning map.*

## **2. Change in Conditions.**

*Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.*

City Planner Sanders also described the Proposed Rezoning's Consistency with the Comprehensive Plan and detailed how, in particular, the rezoning would engender growth and the protection of Nash Street. He reported that the City Engineering Staff has reviewed the storm-water and site-plan information and has made the following comments:

- It is suggested that the driveway entering the street be approximately 10 to 15 feet of concrete apron to prevent the gravel from the parking lot from entering the public roadway.
- It is suggested to either have turnarounds at the end of each dead-end driveway or provide a north/south connector from each drive to allow for easier and safer exit in the instances where all the parking spaces on that aisle are full.
- Per the provided storm-water calculations, the post development runoff volume for the two- and 10-year storm events is less than or equal to the predevelopment runoff volumes for those same storm events. Historically, the inlets located on Nash Street have had issues with flooding during heavy rain events. These inlets drain the water from Nash Street roadway, as well as a large majority of the Catholic Church campus. It is suggested, if the Catholic Church is agreeable, to provide an additional inlet and corresponding pipe, which would be located on the Catholic Church property near the northwest corner of the site, that will collect and convey the water from the Catholic Church campus to the existing inlet and storm sewer instead of discharging this storm water into the roadway.

Mr. Sanders continued the presentation by stating the positive Economic Effects the rezoning would have on the subject property (no additional property taxes from a non-profit entity and creation of jobs from the construction), the Orderly Development (any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities), and the Public Need for the Rezoning (the construction of a parking lot would allow for additional off-street parking, creating a safer parking option).

Public input from notice consisted of two calls asking for additional information on the Public Hearing and one call voicing support of the Rezoning.

## **STAFF RECOMMENDATION:**

At the conclusion of his presentation, Mr. Sanders stated that if the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-1 Single Family to B-1 Buffer, Staff recommends the following conditions:

1) North Nash Street traffic flow recommendations:

a.) Access to parking lot from North Nash Street should be right-turn in only;

-or-

b.) No access allowed from North Nash Street.

2) Existing trees should be preserved, and proper measures should be used during and after construction to protect existing trees.

3) If property is ever developed, current trees on the subject properties shall not be cut.

4) Storm water runoff should be addressed to the satisfaction of the City Engineer (see three bullet points on previous page).

Chair Emison asked City Attorney Latimer if item 4 would be specific enough to be actionable, and Mr. Latimer queried the City Engineer, who stated that more specific actionable conditions would be preferable. Mr. Latimer suggested using the wording in the Staff Report in the bullet points on page 4 (in these minutes on page three), which was agreed upon by the City Engineer.

Mr. Loveless suggested that condition number 3 would be too stringent to hold in perpetuity, and Commissioner Emison stated that although he agreed, amendments could be made to the conditions further along in the process.

Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant. Mr. Jeff Artigues gave a brief history of the presence of the Catholic Church in Starkville. Over the past decade, church membership has increased, and since numbers have continued to grow, available parking is necessary. The church has consulted an engineer and a design group, who averred that potential problems with runoff water can be avoided and that the green areas will be preserved. He went on to describe the proposed improvement in landscaping, as well as the current parking conditions, showing a need for more parking for the church's three masses on Sundays. A parking analysis was done, and the projection in 2009 based on 2 percent growth shows that in 2015, 163 spaces would be needed; the church currently has 139, so church growth has exceeded that growth projection. In addition, he presented photos of overflow parking in the neighborhood, as well as images of trees that will be preserved throughout the process. He addressed the concern about access to Nash Street and proposed that

limiting the access would not reduce the traffic on Nash Street, since drivers would turn on Nash regardless. He reminded the Commission that the traffic issue would occur only on Sundays.

After Mr. Artigues presentation, Commission Chair Emison called for questions. City Attorney Latimer asked for and received clarification from Mr. Artigues that all his materials in his report were to be part of the public record. Mr. Emison asked if the conditions specified in the Staff Recommendations were acceptable to the church, and the Applicant agreed that they were generally acceptable.

Chair Emison opened the floor for citizen comments, and John Hamilton signed in to comment. Mr. Hamilton expressed concern over rain events and explained that water channels down the sidewalk onto his driveway and then onward to a low point, so he asked that the runoff issue would be addressed. Secondly, he asked if the church would allow parking in their lot on game days, which would make more traffic on days in addition to Sundays; efforts have been made to ameliorate game-day traffic on Nash Street, and he is concerned that a high-traffic situation on Nash Street will return as a result. Thirdly, he requested that the school bus be parked elsewhere besides on the street.

Following Mr. Hamilton's comments, Commissioner Herring asked for clarification regarding the runoff situation depicted in Mr. Hamilton's photos, whether they depicted the current situation, and if he thought the parking lot would make the situation worse. Mr. Hamilton agreed that from the engineer's report, the parking lot wouldn't make things worse. Commissioner Herring noted that even though the parking lot would not make the situation worse, Mr. Hamilton would like consideration for making the water runoff situation better through the process of building a parking lot.

The next citizen to comment was Mr. Boyle, who spoke of his appreciation for the careful effort taken to consider what was best for Nash Street, but his concern is that, should the request be taken to the Board of Aldermen for their approval, the conditions placed in the Staff Recommendation would not be maintained.

Next to address the Commission was Cindy Miller, of 112 North Nash, who spoke of her yard's drainage problems resulting from the Catholic Church's construction of the previous parking lot. Additionally, she is concerned about protecting the historic significance of the neighborhood and that she would be against any ingress or egress on Nash Street because of the street being used as a cut through and wondered if any effort would be made (e.g., an entry gate) to prevent cars from driving through the parking lot during non-church services. She also wanted verification that a rumored long-range plan for the gravel parking lot would be prevented in the future. She also proposed installing traffic calming devices as a solution.

Cindy Harris, a parishioner of St. Joseph Catholic Church, came forward to say that St. Joseph has been known as a good partner to the community and that the church's plans for landscaping would improve the current look of the neighborhood.

Mike Ryan, who owns the rental property across the street from St. Joseph and who is a parishioner of the church, addressed his concern regarding the wording in the condition attached to the Staff Recommendation that would prohibit trees being cut down for any reason. Mr. Ryan also stated that the proposed lot is not part of the historical district and shouldn't be treated as such. Regarding the water-runoff issue and traffic-flow issues, he argued that Nash Street isn't the only area affected by drainage problems and that it is the best route to 182; the drains are old, and the parking lot will not affect a traffic situation that is not likely to change. He said that St. Joseph's current landscaping is evidence of their concern for aesthetics, and they are in dire need of parking space.

After the citizen comments, Chair Emison closed the Public Hearing and opened the discussion for the Commissioners to deliberate on the matter of rezoning the property from R-1 to B-1. Commissioner Murdock expressed concern with rezoning the property to B-1, because it would open the door to many other uses, and a B-1 Buffer District is a designation intended more for urban sprawl areas. The evidence for the needed Change in Conditions criterion is not met in this case, because the changes have been more toward historic preservation, not urban sprawl. Additionally, the parking lot usage would need to be approved through Conditional Use, regardless, so perhaps another zoning designation would be more appropriate. He suggested that one solution would be to aggregate into one all the church property, which is currently zoned T-5; rezoning to a Transect District would not change the current plan, and worries would be alleviated about future use and preservation of the historic district. Commissioner Herring suggested that in order to move forward, the board could approve the B-1 rezoning and apply specific conditions to prevent unwanted outcomes.

After much discussion regarding the type of district designation that would be appropriate for the Change in Conditions and Public Need, Commissioner Loveless moved that the Planning & Zoning Commission grant the Rezoning Request from R-1 Single Family to B-1 Buffer, based on Change in Neighborhood, Change in Conditions, and Public Need for parking as demonstrated, subject to the following conditions: Existing trees should be preserved and proper measures should be used during and after construction; storm-water runoff should be addressed to the satisfaction of the City Engineer as specified by the 3 bullet points on page 4 of the Staff Report; ingress/egress be allowed to a 12-foot drive at the southwest corner of lot; the use be restricted to gravel parking lot or other similar church-related function; and the landscaping plan be implemented. Commissioner Herring seconded the motion and the motion carried by a vote of four Commissioners in favor and two Commissioners against.

**RZ 14-02: “Cottages at Starkville Station”, LLC, Rezoning request of 4.03 acres located west of the Starkville Station RV Park or at the end of R.V. Way**

City Planner Buddy Sanders presented the Rezoning Request by “Cottages at Starkville Station”, LLC. He stated that the Applicant is seeking to Rezone 4.03 acres from R-5 Multi-Family High Density to R-4A Single Family High Density to allow for the construction of a 22-lot garden home community. The subject property is located west of the Starkville Station R.V. Park, or at the end of R.V. Way.

A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The Applicant has applied for the subject property Rezoning for R-4A, to allow for a smaller lot width. The Applicant has also submitted a revised Preliminary Plat, to meet the requirements of an R-4A development and is on the Planning & Zoning Agenda for consideration.

Notification by mail to adjacent property owners within 300 feet of the subject parcels took place on February 20, 2014, and a notification sign was also placed at the end of R.V. Way. An ad was placed and published in the February 24, 2014, *Starkville Daily News*.

The earliest zoning map that Staff has available illustrates the subject properties being R-2 Single Family. The 1982 zoning map lists the subject properties as being zoned R-5, which is the current zoning district today.

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

**1. Error: There is a Manifest Error in the ordinance and a Public Need to correct the error.**

*There are no errors in need of correction with either the ordinance or zoning map.*

**2. Change in conditions.** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

**Consistency with Comprehensive Plan:** The Starkville Comprehensive Plan supports infill development to achieve greater utilization of existing municipal service, reduce the need for cost of extension of services, and provide housing options.

**Land Use Compatibility:** An R-4A development would be compatible with adjacent uses in that the proposed Cottages at Starkville Station single family units would mix well with existing

single family residential areas to the north, and the density of the proposed Cottages at Starkville Station development would fit with the Polo Apartments to the south and the Bella Grove Condominiums to the west yet would be a medium density development, by having 5.46 units per acre. A medium density development is 4-8 units per acre; high density is 8-15 units per acre.

**Changed Conditions:** There has been significant change at the intersection on South Montgomery Street and Yellow Jacket Drive since 2007, with the multi-family/condo developments of Annabella and Belle Grove to the west. The Starkville Station R.V. Park to the west was rezoned from R-5 to C-2 in 2008.

**Adequate Public Facilities:** Water, sewer, and electrical lines are available.

**Natural Environment:** There are no known environmental issues. An R-4A development requires 20 percent of the proposed development to be open space. The Applicant is also proposing to have a bio-retention area as part of the development. Buffer yards would be required on the east, west, and south property lines. The applicant is encouraged to seek a waiver from the Tree Advisory Board for the buffer yard required along the north property line due to an underground gas transmission line.

**Economic Effects:** There would be an economic gain to the City of Starkville in the form of increased property tax revenue, sales tax revenue being spent at local merchants, and creation of jobs from temporary construction.

**Orderly Development:** Any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities. The Cottages at Starkville Station Preliminary Plat has been reviewed by the Development Review Committee.

**Public Need:** The proposed Rezoning would allow additional housing options for Starkville and would be an infill development, which the Starkville Comprehensive Plan supports.

#### **STAFF RECOMMENDATION:**

If the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-5 Multi-Family High Density to R-4A Single Family High Density, Staff recommends the following conditions:

- 1) The developer is to utilize bio-retention as a means of storm-water management with a plan to be submitted to and approved by the City Planner and Engineer during the Development Review process.
- 2) A Waiver is required from the Starkville Tree Advisory Board for the required north buffer yard.

3) Development is limited to 22 lots for single family homes.

After Mr. Sanders made his presentation, Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant.

Mike Brent of Brent Engineering Service addressed the Commission, stating that after having come before the Commission in January when the lot width issue arose, he spoke with the owners, and they preferred not to lose four lots as would be required with an R-5 rezoning. A meeting with Mr. Sanders provided an alternative solution, and it was determined that an R-4A rezoning would be a suitable solution that would meet the needs of the owners, as well as meeting the infill need from the City.

Since there were no others coming forward to speak, the Public Hearing was closed and opened up to discussion among the Commissioners. Commissioner Herring agreed that an R-4A zoning would be an appropriate designation for the property. Commissioner Murdock queried whether the rezoning qualified under Change in Conditions, when historically the zones went from less intense to more intense, with this proposed change trending in the opposite direction.

After discussion among the Commissioners, Commissioner Herring moved to approve the rezoning to R-4A, based on the finding of Public Need and Change in Conditions and with the three conditions set forth in the Staff Recommendation. Commissioner Loveless seconded the motion, and the motion carried by a vote of five to one.

#### **PP 14-01: “Cottages at Starkville Station”, LLC**

Next there came before the Commission, presented by City Planner Buddy Sanders, a request by “Cottages at Starkville Station”, LLC, for a Preliminary Plat approval of a 22 lot subdivision west of the Starkville Station RV Park. Zoning for the property is R-5 (Multi-Family High-Density). A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The applicant has requested a Rezoning to R-4A to allow for a lot width less than 50 in width.

The Developmental Review Committee has reviewed the request twice and found no significant concerns regarding the subject Preliminary Plat, but the Engineering Division did note that upstream storm water will need to be routed through the development in some fashion without it going through the detention facility, with a slight adjustment in the turning radius at the end of R.V. Way.

Three off-street parking spaces per lot are required of an R-4A development. In order to reduce the amount of impervious surface area, a pervious surface parking area, such as Grasscrete, should be used for at least the third parking space.

Staff recommends approval of the “Cottages at Starkville Station” Preliminary Plat. It is recommended that the following conditions be issued with recommendation of approval:

- 1) Additional easements may be required.
- 2) Upstream storm water will need to be routed through the development in some fashion without it going through the detention facility.
- 3) Infrastructure drawings will be required upon Preliminary Plat approval prior to construction.
- 4) Parking spaces are to be illustrated and surface type listed on the final plat. The third parking space per lot is to be pervious.
- 5) Rezoning approval to an R-4A Single Family High Density zoning district is required.

After the presentation by Mr. Sanders, the Commissioners discussed the wording of percentages of gross versus net in the setbacks. Commissioner Herring requested that, going forward, a table be available showing the exact method of calculation for the 20 percent. Mr. Brent agreed to show how the calculations were made when making the presentation before the Board of Aldermen if this Commission approves. Commissioner Murdock queried about the purpose of the recreational area around the outer edge, and Mr. Brent responded that it would be a common use, open space area. He went on to describe the usage of the detention areas with the goal of long, flat slopes so that during most times, the fact that the area is a detention area will not be obvious.

Commissioner Murdock asked Mr. Sanders why there is a requirement on a dead-end street for changing the width of the road from 24 to 33 feet, at great cost to the City, and the City Planner responded by saying that the increase is for compliance to City standards, which is required for a public right-of-way under R-4A. To amend this, a variance request would have to be approved. The requirement for three off-street parking spaces in a higher density area would also have to change through variance request, as well.

City Attorney Latimer advised that it is within the powers and duties of the Planning & Zoning Commission to prepare and propose regulations governing subdivision of land to change the ordinance, subject to approval of the Board of Aldermen.

After discussion among the Commissioners, Commissioner Hicks made a motion to recommend approval of the Preliminary Plat with the attached conditions recommended by Staff, which was seconded by Commissioner Moore, and the motion passed five to one to approve the Preliminary Plat.

## **PLANNER'S REPORT**

Chair Emison then asked for Mr. Sanders to present the Planner's Report. Mr. Sanders reported that a courtesy letter was sent out to the occupants of the Research Park regarding the rezoning of the Research Park, and the rezoning request should come before this board in May.

Commissioner Herring asked about the second section in the Research Park and whether it would require a rezoning. Mr. Sanders responded that he has included those areas in the rezoning, and in his recent letters to the current occupants, he made them aware that the section is to be included in the rezoning.

Commissioner Hicks asked if research had been made into the restrictive covenants and made a recommendation that the Special Exception be looked at again so that a complete rezoning to allow a parking lot would not be necessary; Conditional Use seems too strong, but a Special Exception to be used on an extreme limited basis would be more appropriate.

Mr. Latimer reminded Staff that the St. Joseph Catholic Church should be made aware that the rezoning has to come back in the approval process as a Conditional Use. Commissioner Herring asked if the conditions placed on the parking lot rezoning would suffice instead of adding a Conditional Use, and Mr. Latimer responded by saying that since the parking lot is only allowed by condition in a B-1 zone and is a different legal test, a two-step process is necessary.

Before the close of the meeting, Chair Emison announced the news of his election to the College of Fellows of the American Institute of Certified Planners and was congratulated by the members of the Commission for this honor.

## **ADJOURNMENT**

Commissioner Emison called for a motion to adjourn. Commissioner Murdock made the motion, seconded by Commissioner Hicks, and the Commission voted unanimously to adjourn the meeting at 8:08 PM. The next regularly scheduled meeting will be Tuesday, May 13, 2014, at 5:30 PM in the City Hall Courtroom.

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Jerry Emison, Chair

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Buddy Sanders, City Planner

  
**THE CITY OF STARKVILLE**  
COMMUNITY DEVELOPMENT DEPT  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders City Planner (662-323-2525 ext. 119)  
**CASE:** PP 14-02: Preliminary Plat For Bent Brook Ridge Subdivision  
**DATE:** May 9, 2014

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**BACKGROUND INFORMATION:**

Garden Properties, LLC is requesting Preliminary Plat approval to subdivide 4.96 acres into 21 lots off Yellow Jacket Drive, between Pleasant Acres Subdivision and the athletic fields of Starkville High School. Please see Attachments 1 and 4.

The Board of Aldermen approved a Rezoning of the subject property by Appeal on February 18, 2014 from R-1 Single Family to R-3A Single Family Medium Density with the following conditions:

- 1. All restrictive covenants listed in Deed Book 2008, page 6800; Recorded in the Oktibbeha County, Mississippi Chancery Clerk's Office are to be applied to any development.*
- 2. Development of homes on the subject property is limited to 23 lots.*
- 3. All houses are to have dual car garages.*
- 4. Any privacy fence is required to be at least six feet in height.*
- 5. The developer is to utilize bio-retention as a means of storm water management with a plan to be submitted to and approved by the City Planner during the Development Review process.*

Requirements of a development in an R-3A Single Family Medium Density are:

*R-3A single-family, medium-density*

- A. Intent. These districts are intended to be composed of single-family dwellings. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring minimum yard and area standards. R-3A zoning districts shall be more restrictive than the R-3 (multi-family) district but less restrictive than the R-1 (single-family) district.*

- B. *Required lot area and width, yards, building areas and height for single-family dwellings:*

*Front setback: 25 feet*

*Side setback: 5 feet*

*Rear setback: 20 feet*

*Minimum lot area: 5,000 square feet*

*Minimum width at building line: 50 feet*

*Maximum building height: 45 feet*

- C. *Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.*

- D. *Permitted and conditional uses shall be as follows:*

1. *The following uses are permitted by right in the R-3A zoning district:*

*a. Single-family dwelling.*

*b. Garden.*

*c. Home occupation.*

2. *The following uses are allowed by conditional use in the R-3A zoning district:*

*a. Church or place of worship.*

*b. Golf course, not including commercial driving ranges; need not be enclosed within structure.*

*c. Public utilities.*

*d. Recreational facilities.*

- E. *Comprehensive plan. The R-3A zoning district shall be considered a medium density residential land use classification allowing a maximum gross density of eight dwelling units per acre, as allowed per Table 32 of the city's comprehensive plan. (Ord. No. 2008-9, § II, 11-4-08)*

The proposed Bent Brook Ridge Subdivision 21 lots meet the size requirements above.

The Tree Advisory Board recommended approval of a tapered Waiver of the Type B/20-foot buffer yard along the west property line and the 10-foot landscape strip along the entryway and western property line on May 7, 2014.

## **PLAT PROPOSAL**

### **General Information**

|                 |                    |
|-----------------|--------------------|
| Total Acreage:  | 4.96 Acres         |
| Number of Lots: | 21                 |
| Open Space:     | 0.72               |
| R.O.W Acreage:  | 1.62               |
| Gross Density:  | 4.23 Lots per acre |
| Net Density:    | 7.09 Lots per acre |

### **Easements and Dedications**

Proposed Easements are illustrated on proposed preliminary plat. Please see Attachment 4.

### Findings and Comments

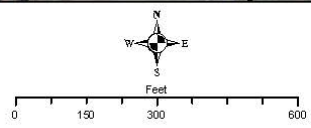
The Development Review Committee reviewed the proposed Bent Brook Ridge Preliminary Plat on April 9, 2014. Please see Attachment 5 for the Development Review Committee's comments.

## Attachment 1

# PP 14-02 Aerial

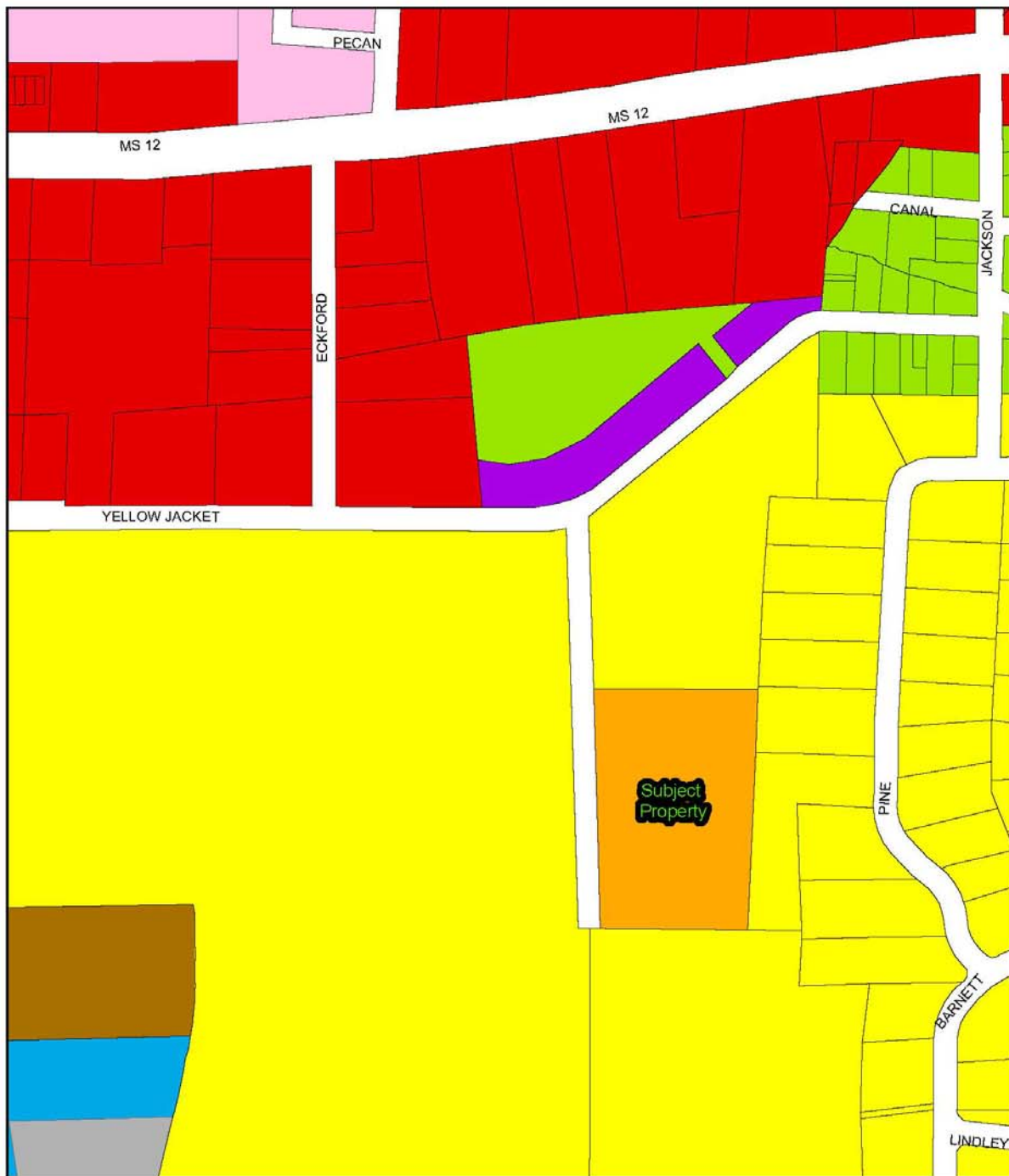


City of Starkville 2014



## Attachment 2

# Area Zoning Map



## Area Zoning

B-1 Buffer District

C-1 Neighborhood Commercial

C-2 General Business

M-1 Manufacturing

R-1 Single Family

R-3 Multi-Family

R-3-A Single Family Medium Density

R-5 Multi-Family, High-Density

R-6 Mobile Homes/MHP/MHS



Feet  
0 125 250 500

City of Starkville 2014

## Attachment 3



View From Yellow Jacket Drive



North



East



South



West

## Attachment 4

# **BENT BROOK RIDGE SUBDIVISION**

YELLOW JACKET DRIVE  
STARAVILLE, MISSISSIPPI

FOR

**GARDEN PROPERTIES, LLC**

100 SPULL INDUSTRIAL PARK RD  
STARAVILLE, MISSISSIPPI  
(601) 533-2297  
gardenproperties@bentbrook.com

BY

**SE**  
Seymour Engineering, Inc.  
2000 N. 10TH AVE.  
STARAVILLE, MS 39375  
Tel: (601) 533-2297 Fax: (601) 533-2297  
12/4/13

## **EXPLANATION OF SYMBOLS**

Notes: 1. All dimensions are in feet and inches. 2. All dimensions are to the center of the line. 3. All dimensions are to the outside of the line. 4. All dimensions are to the inside of the line. 5. All dimensions are to the center of the line. 6. All dimensions are to the outside of the line. 7. All dimensions are to the inside of the line. 8. All dimensions are to the center of the line. 9. All dimensions are to the outside of the line. 10. All dimensions are to the inside of the line.

## **EXHIBIT A: SUBDIVISION LAYOUT**

This exhibit shows the layout of the subdivision, including the location of the roads, the location of the lots, and the location of the easements. The layout is shown in a plan view, with the roads and lots labeled with their respective names and numbers.

## **EXHIBIT B: LOT DIMENSIONS**

This exhibit shows the dimensions of each lot in the subdivision. The dimensions are given in feet and inches, and are shown for each lot in the subdivision. The lot numbers are shown in the left margin of the exhibit.

## **EXHIBIT C: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT D: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT E: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT F: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT G: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT H: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## **EXHIBIT I: EASEMENTS**

This exhibit shows the location and dimensions of the easements in the subdivision. The easements are shown in a plan view, with the location and dimensions of each easement labeled. The easement numbers are shown in the left margin of the exhibit.

## Attachment 5



THE CITY OF STARKVILLE  
DEVELOPMENT REVIEW COMMITTEE  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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## COMMITTEE MEMBER COMMENTS

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**TO:** Springer Engineering  
**FROM:** Buddy Sanders, City Planner  
**SUBJECT:** PP 14-07: "BENT BROOK RIDGE SUBDIVISION" PRELIMINARY PLAT REVIEW; R-3A ZONING DISTRICT; WARD 4.  
**DATE:** APRIL 9, 2014

---

The following information is provided to assist you in expediting your plan approval process. These comments are from the Development Review Committee, which represent the various City Departments and area utility providers that are involved in the review of your plans.

**Community Development/Planning:** Buddy Sanders, City Planner  
(662) 323-2525, ext. 119 [b.sanders@cityofstarkville.org](mailto:b.sanders@cityofstarkville.org)

Landscape Plan Required

Buffer Yard Waiver may be required along west property line.

Please reference in note 7, Book 2008, Page 6880: All restrictive covenants are required per February 19, 2014 Board of Aldermen approval.

**Atmos Energy:** Wade Shultice, Project Specialist  
662-323-2742 [wade.shultice@atmosenergy.com](mailto:wade.shultice@atmosenergy.com)

**AT&T:** Karon Scott, Manager OSP Planning & Engineering Design  
662-327-8319 662-327-8320 [ks4849@att.com](mailto:ks4849@att.com)

**Community Development Department/Development:** Joyner Williams, Building Official/ADA Coordinator 662-323-8012, ext. 132 [jo.williams@cityofstarkville.org](mailto:jo.williams@cityofstarkville.org)

**Community Development Department/Engineering Division:** Edward Kemp, PE, City Engineer 662-323-2525, ext. 111 [e.kemp@cityofstarkville.org](mailto:e.kemp@cityofstarkville.org)

1. At the end of Note 12, please add the following: "and to be designated as common area." Essentially, I would like it spelled out that the detention area is the responsibility of the HOA.
2. Do you want to include "Tract IV" (1786 Square feet) as extra right-of-way instead of having a thin sliver of a remainder of property? I am indifferent either way- I just wanted to make sure that this wasn't going to cause long-term ownership issues.

Fire Department: Mark McCurdy, Fire Marshall  
662-323-2962 [mmccurdy@cityofstarkville.org](mailto:mmccurdy@cityofstarkville.org)

MetroCast: Mitch Douglas, Plant Manager  
662-323-1615, ext. 17 [mdouglas@metrocast.com](mailto:mdouglas@metrocast.com)

Police Department: Frank Nichols, Chief  
662-323-2700 [policechief@cityofstarkville.org](mailto:policechief@cityofstarkville.org)

Public Services Department: Charles Box  
662-323-2525 [c.box@cityofstarkville.org](mailto:c.box@cityofstarkville.org)

Sanitation & Environmental Services Department: Emma Gandy  
662-323-2652 [sanitation@cityofstarkville.org](mailto:sanitation@cityofstarkville.org)

There are no comments from the Sanitation Department on the Bent Brook Subdivision Project at this time.

Starkville Electric Department: Jason Horner, System Engineer  
662-323-3133, ext. 114 [jasonh@starkvilleelectric.com](mailto:jasonh@starkvilleelectric.com)

1. A 10' utility easement from the back of the sidewalk will be required along all road frontage (both sides of street) for installation of underground electric. Easement can be omitted along the south side of Lot 6 & 7 (211 & 213 Bent Brook Lane) due to close proximity of building footprint to sidewalk.
2. Developer will be responsible for installation of underground conduit system based on SED engineering design to SED specifications. SED specifications can be found at <http://www.cityofstarkville.org/DocumentCenter/View/1013>.
3. Standard city street lighting to be installed by SED as a part of this project.

  
**THE CITY OF STARKVILLE**  
COMMUNITY DEVELOPMENT DEPT  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders City Planner (662-323-2525 ext. 119)  
**CC:** PP 14-03 & FP 14-01 James and Teresia Spinks Subdivision  
**DATE:** May 9, 2014

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**BACKGROUND INFORMATION:**

James and Teresia Spinks purchased 1 acre from Luther and Allie Hunter on June 4, 2013. Please see Attachment 5. Unknown to both the Grantor and Grantee, was that the a subdivided lot of under 5 acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen

James and Teresia Spinks are seeking to bring the 1 acre lot they purchased last year into compliance by asking for Preliminary and Final Plat Approval so they can move a mobile home onto the property as their residence.

The proposed lot is located on Butler Road and located in an R-6 Mobile Home/MHP/MHS Zone. A mobile home is a Permitted Use in an R-6 Zone and is required to meet the requirements below of Appendix A, Article VII, Section H. R-6 of the Starkville Zoning Ordinance: Please note bold text:

*These [R-6 residential (mobile homes)] districts are intended to be comprised mainly of mobile homes, mobile home parks, and mobile home subdivision, along with appropriate neighborhood supporting facilities. The character of this district is protected by requiring that certain yard and area standards be met. [The following regulations apply to R-6 districts:]*

1. See chart for permitted uses.
2. See chart for uses which may be permitted as an exception.
3. Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots:
  - (a) The parcel of land to be used for a mobile home park or subdivision shall have a minimum lot area of five acres. The minimum width of the lot at the building line shall be 300 feet. The minimum yard depths for the mobile home park or subdivision shall be: Front, 30 feet; side and rear, 15 feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any individual mobile home. The height of all structures in the trailer park shall be limited to one story or 12 feet.

- (b) The individual mobile home lot shall have a minimum lot area of 5,000 square feet and shall not be less than 40 feet in width at the building line. The minimum yard requirements for the mobile home lot shall be: Front, 20 feet; rear, 15 feet; sides, five feet. This yard space may be used for parking of the residents' vehicles, but shall not constitute any of the yard requirements for the mobile home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each lot. Structures shall not cover more than 35 percent of the total building area.**
- (c) All mobile homes permitted by this ordinance shall meet the following guidelines:**
  - (i) be secured on a permanent foundation with tiedowns;**
  - (ii) Shall be provided with a skirt of material comparable to exterior of the structure and shall be placed on the site in a manner compatible with adjacent sites; and**
  - (iii) Shall be in conformance with codes adopted by the City of Starkville.**

**4. Off-street parking requirements: Two parking spaces shall be provided for each mobile home. See article VIII of this ordinance for requirements for other uses.**

The proposed 1 acre meets the lot requirements above. Please see Attachment 4.

Applicant will need to submit a site plan to Community Development illustrating that a proposed mobile home meets setback and parking requirements.

## **PLAT PROPOSAL**

### **General Information**

The Applicant is requesting Preliminary and Final Plat approval of a 1 acre lot subdivision.

Please see Attachment 4.

### **Easements and Dedications**

The City is not requiring any Easements at this time. However, Easements from Four County Electric and Rock Hill Water Association will/may be required.

Both Four County Electrical and Rock Hill Water services are available in the area.

There are no sewer lines at site; a septic system meeting Mississippi State Department of Health requirements will be required.

### **Findings and Comments**

The Development Review Committee reviewed the James and Teresia Spinks Application on April 17<sup>th</sup> , and the only comments made were: electricity would need to come from

Four County Electric and approval of a septic system would be required by the Mississippi State Department of Health.

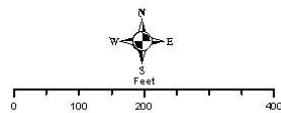
### **CONCLUSIONS**

If the Planning and Zoning Commission decides to approve the Applicant's request for a 1 lot subdivision, Staff recommends the following condition:

1. Documentation from the Mississippi State Department of Health stating that a septic system can be installed on the subdivided property.

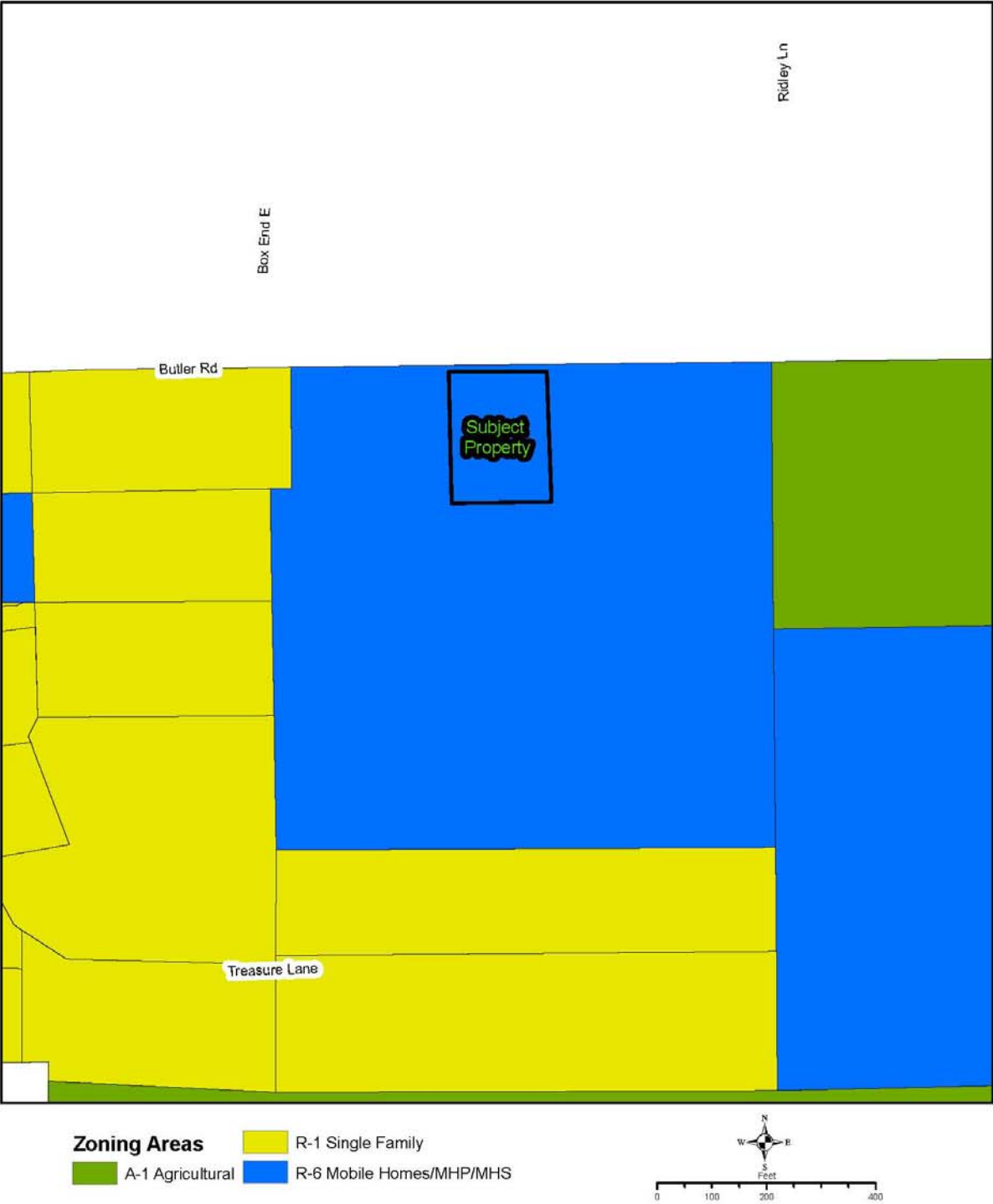
## Attachment 1

# PP14-03 AERIAL



## Attachment 2

# PP14-03 AREA ZONING



## Attachment 3



North



East

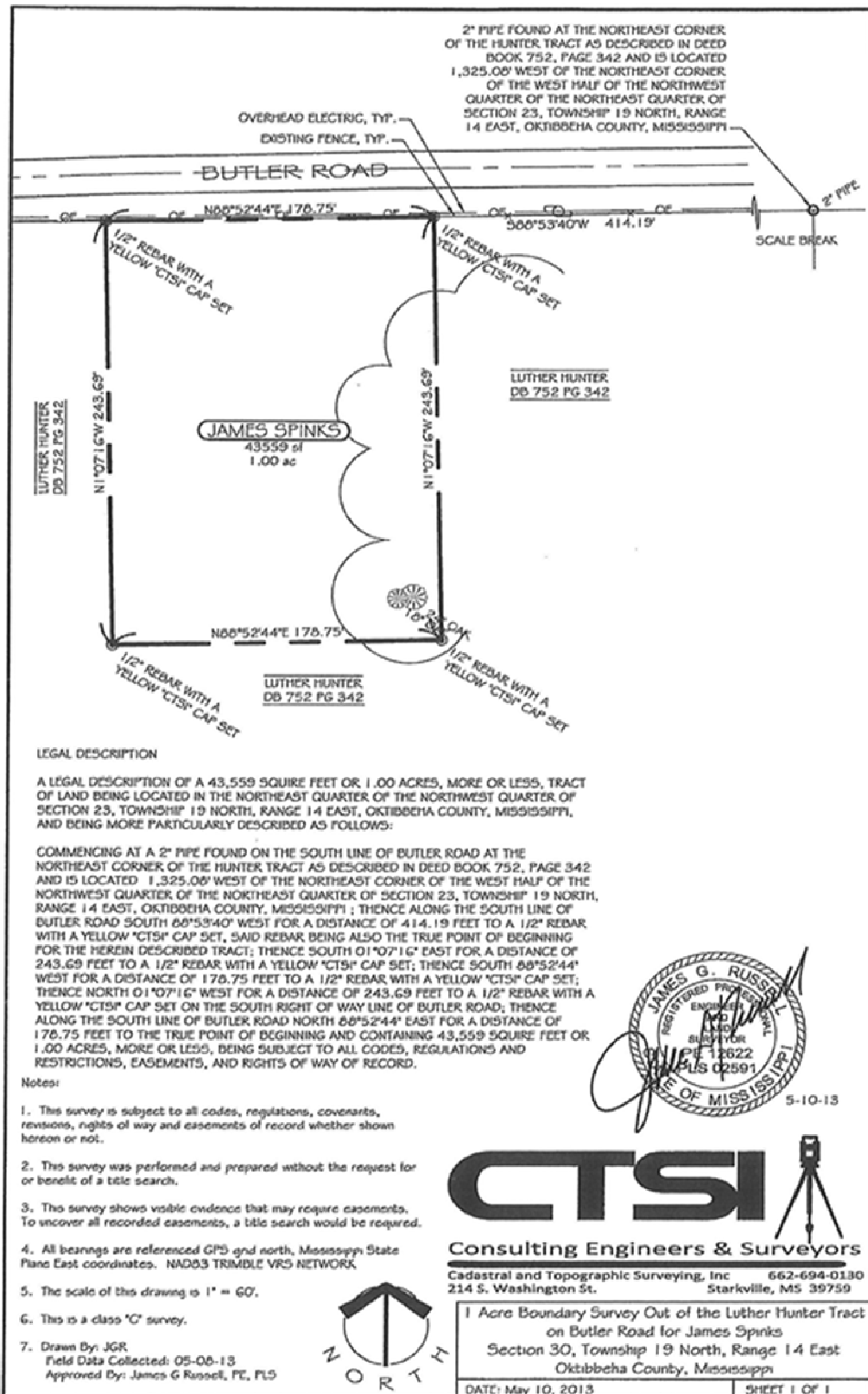


South



West

## Attachment 4



## Attachment 5

2013 2917  
Recorded in the Above  
Deed Book & Page  
06-04-2013 02:21:46 PM  
Monica W. Banks  
Oktibbeha County, MS

**This document prepared by:**  
**Moore Law Office**  
**108 S. Lafayette**  
**Post Office Box 924**  
**Starkville, MS 39760**  
**(662) 323-7740**  
**MS Bar #3450**

**GRANTORS: LUTHER HUNTER**  
**ALLIE HUNTER**  
**ADDRESS: 655 BUTLER ROAD**  
**STARKVILLE, MS 39759**  
**PHONE: (662) 323-4331**

**GRANTEE: JAMES C. SPINKS**  
**TERESIA SPINKS**  
**ADDRESS: 108 EAST GARRARD ROAD, APT. 206-A**  
**STARKVILLE, MS 39759**  
**PHONE: (662) 648-8893**

**INDEXING INSTRUCTIONS:**

**1.00 ACRE, MORE OR LESS, IN NE 1/4 OF NW 1/4 OF S23, T19 N, R14 E,**  
**OKTIBBEHA COUNTY, MISSISSIPPI**

**STATE OF MISSISSIPPI**  
**COUNTY OF OKTIBBEHA**

**WARRANTY DEED**

**For and in consideration of Ten Dollars (\$10.00) cash in hand paid,**  
**and other good and valuable consideration, the receipt of all of which is**  
**hereby acknowledged, We, LUTHER HUNTER and wife, ALLIE HUNTER,**  
**Grantors, do hereby convey, release, and warrant unto JAMES C. SPINKS,**

2013 2918  
Recorded in the Above  
Deed Book & Page  
06-04-2013 02:21:46 PM

**and wife, TERESIA SPINKS as joint tenants with full rights of survivorship and not as tenants in common, Grantees, the following described property situated in the County of Oktibbeha, State of Mississippi, and being more particularly described as follows, to-wit:**

**A 43,559 SQUIRE FEET OR 1.00 ACRES, MORE OR LESS, TRACT OF LAND BEING LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT A 2" PIPE FOUND ON THE SOUTH LINE OF BUTLER ROAD AT THE NORTHEAST CORNER OF THE HUNTER TRACT AS DESCRIBED IN DEED BOOK 752, PAGE 342 AND IS LOCATED 1,325.08" WEST OF THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI; THENCE ALONG THE SOUTH LINE OF BUTLER ROAD SOUTH 88°53'40" WEST FOR A DISTANCE OF 414.19 FEET TO A 1/2" REBAR WITH A YELLOW "CTSI" CAP SET, SAID REBAR BEING ALSO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT; THENCE SOUTH 01°07'16" EAST FOR A DISTANCE OF 243.69 FEET TO A 1/2" REBAR WITH A YELLOW "CTSI" CAP SET; THENCE SOUTH 88°52'44" WEST FOR A DISTANCE OF 178.75 FEET TO A 1/2" REBAR WITH A YELLOW "CTSI" CAP SET; THENCE NORTH 01°07'16" WEST FOR A DISTANCE OF 243.69 FEET TO A 1/2" REBAR WITH A YELLOW "CTSI" CAP SET ON THE SOUTH RIGHT OF WAY LINE OF BUTLER ROAD; THENCE ALONG THE SOUTH LINE OF BUTLER ROAD NORTH 88°52'44" EAST FOR A DISTANCE OF 178.75 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 43,559 SQUIRE FEET OR 1.00 ACRES, MORE OR LESS, BEING SUBJECT TO ALL CODES, REGULATIONS AND RESTRICTIONS, EASEMENTS, AND RIGHTS OF WAY OF RECORD.**

**The above described property is conveyed subject to all prior mineral reservations, if any, and also subject to easements for public utilities and rights of way for public roadways, whether the same appear of record or not, if any.**

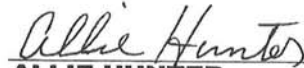
**It is agreed and understood that the taxes for the current year have**

2013 2919  
Recorded in the Above  
Deed Book & Page  
06-04-2013 02:21:46 PM  
Monica W. Banks  
Oktibbeha County, MS

been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration.

WITNESS OUR SIGNATURES this the 4 day of JUNE, 2013.

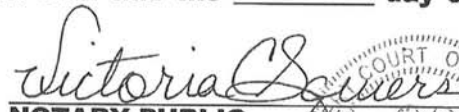
  
LUTHER HUNTER

  
ALLIE HUNTER

**STATE OF MISSISSIPPI  
COUNTY OF OKTIBBEHA**

Personally appeared before me, the undersigned authority in and for the said jurisdiction, the within named LUTHER HUNTER and wife, ALLIE HUNTER, who being by me first duly sworn, state on oath and acknowledge that they signed and delivered the foregoing Warranty Deed as their free and voluntary act and deed and for the purpose therein stated.

Given under my hand and official seal this the 4th day of June, 2013.

  
NOTARY PUBLIC

My Commission Expires:



Oktibbeha County, MS  
I certify this instrument was filed on  
06-04-2013 02:21:46 PM  
and recorded in Deed Book  
2013 at pages 2917 - 2919  
Monica W. Banks

  
**THE CITY OF STARKVILLE**  
COMMUNITY DEVELOPMENT DEPT  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders City Planner (662-323-2525 ext. 119)  
**CASE:** PP 14-04: Preliminary Plat for Country Club Estates Final Phase  
**DATE:** May 9, 2014

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**BACKGROUND INFORMATION:**

Frank Jones Construction is requesting Preliminary Plat approval to subdivide 40.46 acres into 85 lots, with 61 lots being at least 13,068 sq. ft./0.30 acre, which is a lot size found typically in a R-1 Single Family subdivision. The Applicant is also proposing to subdivide 24 garden home lots with the minimum lot size being 8,276 sq. ft./0.19 acre. The minimum lot size required in a R-4 Zone is 3,200 sq. ft./0.07 acre.

Please see Attachments 1, 2, 3, and 4.

Below is information pertaining to an R-4 Zoning District:

*Sec. F. R-4 residential zoning regulations.*

*These [R-4 residential] districts are intended to be composed mainly of zero lot line and cluster development type single-family dwellings, with duplex and three- and four-family dwellings also permitted. Mobile home parks and mobile home subdivisions are also permitted under certain special conditions. Appropriate residential support facilities are provided for along with certain yard and area standards to protect the open character of the district. [The following regulations apply to R-4 districts:]*

- 1. See chart for permitted uses.*
- 2. See chart for uses which may be permitted as a special exception.*
- 3. Required lot area and width, yards, building areas and height for residences:*
  - (a) Minimum lot area, one-family dwelling: 3,200 square feet.*
  - (b) Minimum lot width at building line: 34 feet.*
  - (c) Minimum depth of front yard: 25 feet.*
  - (d) Minimum width of side yard (only one required): Ten feet.*
  - (e) Minimum depth of rear yard: 20 feet.*
  - (f) Maximum height of structure: 45 feet.*
  - (g) Minimum distance between buildings: Ten feet.*
- 4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

Instead of traditional retention/detention ponds, the Applicant is proposing to use swales or linear basins for storm water management.

## **PLAT PROPOSAL**

### General Information

|                 |                   |
|-----------------|-------------------|
| Total Acreage:  | 40.46 Acres       |
| Number of Lots: | 85                |
| Open Space:     | 8.15              |
| Gross Density:  | 2.1 Lots per acre |
| Net Density:    | 2.6 Lots per acre |

### Easements and Dedications

Additional Easements will be required.

### Findings and Comments

The Preliminary Plat for Country Club Estates Final Phase was reviewed by the Development Review Committee, DRC, on May 8, 2014; please see Attachment 5 for comments from the May 8th DRC meeting.

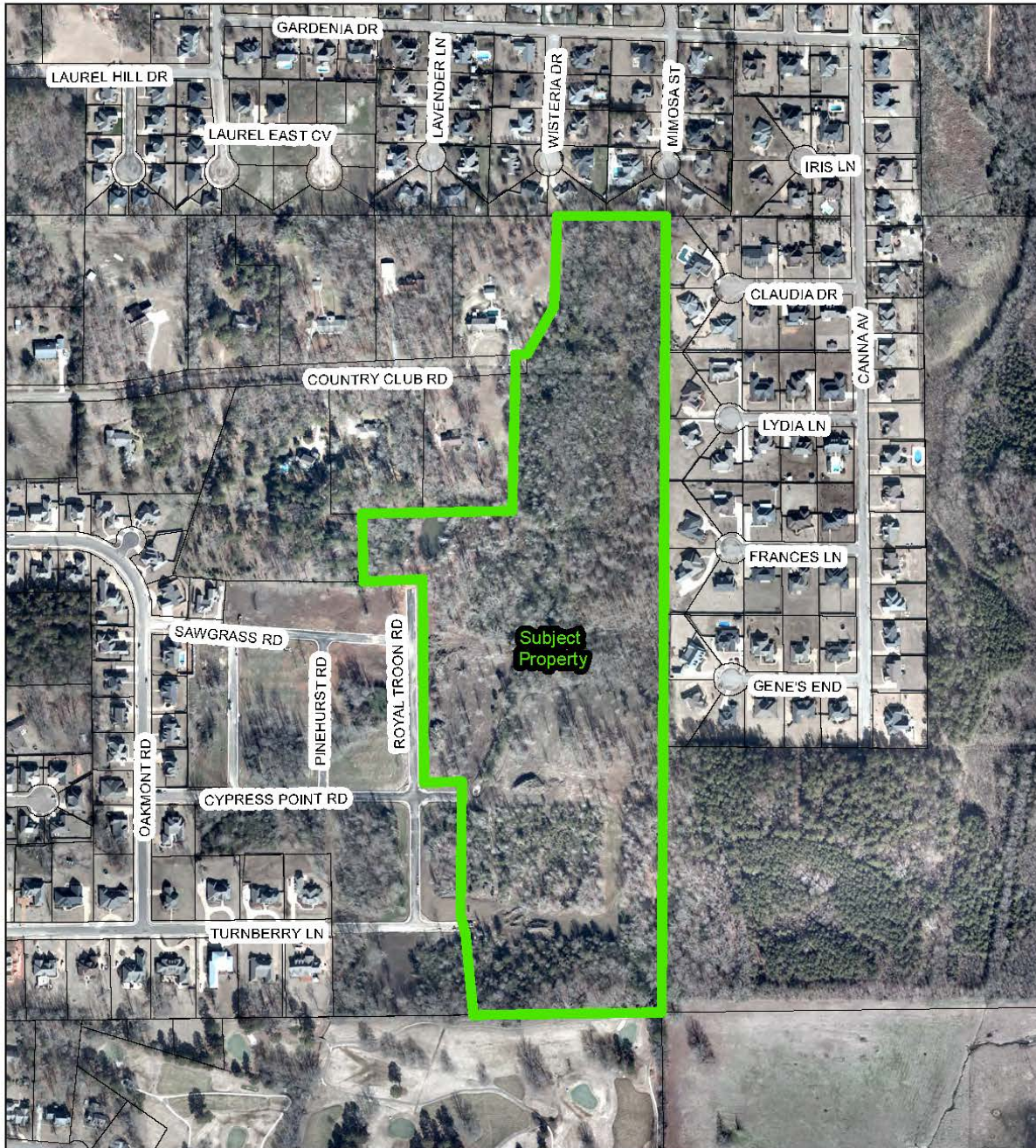
### Recommendations

If the Planning and Zoning Commission decides to approve the Applicant's request for a 1 lot subdivision, Staff recommends the following conditions:

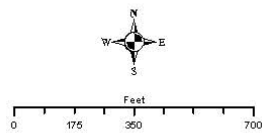
1. Covenants restricting the placement of any fence within drainage Easements.
2. Drainage swales/linear basins to be designed to the satisfaction of the City Engineer and approval of the Board of Aldermen.
3. Document outlining ownership and maintenance responsibilities of storm drainage system to the satisfaction of the City Attorney, City Engineer and Community Development Director.

## Attachment 1

# PP 14-04 Aerial



City of Starkville 2014

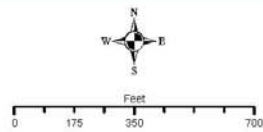


## Attachment 2

# PP 14-04 Area Zoning



City of Starkville 2014



## Attachment 3



North



East



South



West

## Attachment 4



## Attachment 5

**HISTORIC**  
**STARKVILLE**  
MISSISSIPPI'S COLLEGE TOWN  
**THE CITY OF STARKVILLE**  
**DEVELOPMENT REVIEW COMMITTEE**  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

---

**COMMITTEE MEMBER COMMENTS**

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**TO:** Pritchard Engineering  
**FROM:** Buddy Sanders, Community Development Director  
**SUBJECT:** PR 14-10: "COUNTRY CLUB ESTATES - FINAL PHASE", SITE PLAN REVIEW;  
SUBDIVISION PLAN, SOUTH MONTGOMERY ST @ OAKMONT ROAD, R-4 ZONING  
DISTRICT; WARD 3  
**DATE:** APRIL 30, 2014

---

The following information is provided to assist you in expediting your plan approval process. These comments are from the Development Review Committee, which represent the various City Departments and area utility providers that are involved in the review of your plans.

**Community Development/Planning: Buddy Sanders, City Planner**  
662) 323-2525, ext. 119     [b.sanders@cityofstarkville.org](mailto:b.sanders@cityofstarkville.org)

Covenants will need to restrict the placement of any fence within Drainage Easements

Drainage Easements will need to be maintained by home owners association

**Atmos Energy: Wade Shultice, Project Specialist**  
662-323-2742     [wade.shultice@atmosenergy.com](mailto:wade.shultice@atmosenergy.com)

**AT&T: Karon Scott, Manager OSP Planning & Engineering Design**  
662-327-8319     662-327-8320 [ks4849@att.com](mailto:ks4849@att.com)

**Community Development Department/Development: Joyner Williams, Building Official/ADA Coordinator** 662-323-8012, ext. 132     [jo.williams@cityofstarkville.org](mailto:jo.williams@cityofstarkville.org)

**Community Development Department/Engineering Division: Edward Kemp, PE, City Engineer**  
662-323-2525, ext. 111     [e.kemp@cityofstarkville.org](mailto:e.kemp@cityofstarkville.org)

1. A full infrastructure review was not performed for the preliminary plat review. Once stormwater calculations are submitted, we will perform the full review and provide comments/questions back to the applicant/ consultant. Please provide any/all details related to the project for review as well.
2. From the submitted drawings, the stormwater appears to be mitigated through "swales" or linear basins along the rear lot lines. It has been discussed that this method is acceptable in concept as long as it meets the volume/flow requirements of the stormwater ordinance and that future maintenance/ownership questions are adequately addressed. In order to prevent confusion

in the future once the subdivision is built out, it has been suggested that the applicant provide covenants which will apply to each lot:

- a. Restrictions of grading, filling, piping, modifying the linear basins within the drainage easement.
  - b. Restrictions on installation of fences or other obstructions within the drainage easement.
  - c. Maintenance of the basins/easement will be the responsibility of the HOA. This note should appear on the plats as well.
3. Further, it was discussed that a separate, standalone document be prepared and executed by the applicant and City which outlines the ownership and maintenance responsibilities of the storm drainage system. It was agreed on in concept that:
- a. The HOA would be responsible for the linear basins from the point where the water is discharged out of the Flared End Section to the next inlet located on a City Street which would also include the outlet structure(s)
  - b. The City would be responsible for the inlets and storm drainage along the City streets as well as the conduits which will be receiving upstream, off-site stormwater.
  - c. It should also be noted on this agreement that it will be the HOA's responsibility to maintain the linear basins in such a way to prevent upstream or downstream flooding of City streets
  - d. Also noted that the Developer/ HOA understand that these linear basins do in fact drain City streets and connect City infrastructure but are not the responsibility of the City nor will the City be expected to maintain, improve, modify, or alter these basins at any point in the future.

**Fire Department: Mark McCurdy, Fire Marshall**  
662-323-2962    [mmccurdy@cityofstarkville.org](mailto:mmccurdy@cityofstarkville.org)

1. No Objections as proposed.

**MetroCast: Mitch Douglas, Plant Manager**  
662-323-1615, ext. 17    [mdouglas@metrocast.com](mailto:mdouglas@metrocast.com)

**Police Department: Frank Nichols, Chief**  
662-323-2700    [policechief@cityofstarkville.org](mailto:policechief@cityofstarkville.org)

**Public Services Department: Charles Box**  
662-323-2525    [c.box@cityofstarkville.org](mailto:c.box@cityofstarkville.org)

**Sanitation & Environmental Services Department: Emma Gandy**  
662-323-2652    [sanitation@cityofstarkville.org](mailto:sanitation@cityofstarkville.org)

**Starkville Electric Department: Jason Horner, System Engineer**  
662-323-3133, ext. 114    [jasonh@starkvilleelectric.com](mailto:jasonh@starkvilleelectric.com)

  
**THE CITY OF STARKVILLE**  
**COMMUNITY DEVELOPMENT DEPT**  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

---

**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders (662-323-2525 ext. 119)  
**SUBJECT:** CU 14-01: Anthony Depot, LLC; Conditional Use  
**DATE:** May 9, 2013

---

**AREA:**

Anthony Depot, LLC, is requesting a Conditional Use to allow two apartment units in the old Starkville Depot located at 223 South Jackson Street, more specifically at the intersection of the railroad track and South Jackson Street. Please see Attachments 1 and 2. The property is surrounded by C-2 Zoned property. Land use are commercial on all sides with the exception to the south where there are residential uses. There is a significant grade difference between the subject property and the property to the south.

**CONDIONAL/EXCEPTION USE REQUEST:**

The Anthony Depot, LLC Building is 3,010 square feet in size and currently 1,650 square feet is occupied by B.J.'s Pharmacy. The applicant is proposing to place two apartment units in the currently unoccupied 1,360 square feet of the former depot.

A multi-family use is considered a Conditional Use in the City of Starkville Permitted and Conditional Use Chart.

**REQUIREMENTS FOR A  
CONDIONAL/EXCEPTION USE REQUEST:**

General criteria for approving a conditional use. A conditional use shall be permitted only upon a finding that the proposed conditional use, application, and applicable performance criteria comply with the criteria herein specified unless the city determines that the proposed conditional use does not meet the criteria herein provided and that the proposed conditional use is adverse to the public's interest. In addition, the site plan criteria of an application for a conditional use shall describe the proposed land use characteristics and site plan techniques proposed to mitigate against possible adverse impacts to properties in the immediate vicinity.

A. Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

1. Scale and intensity of use as measured by the following:
  - a. Square footage for each specific use.

*The total square footage of the Anthony Depot, LLC Building is 3,010 square feet with 1,650 square feet being occupied by B.J.'s Pharmacy. The remaining 1,360 square feet will be occupied by two apartment units.*

b. Traffic generation.

*The proposed use will be located on property that has an existing commercial use and has existing access to South Jackson Street.*

c. Proposed number and type of service vehicles.

*None*

d. Proposed employment.

*None*

e. Off-street parking needs.

*Current Number of Parking Spaces: 20*

*Required Parking for Pharmacy: 8*

*Required Parking for Possible Apartment Units: 3*

*Remaining Parking Spaces: 9*

2. On- or off-site improvement needs generated by the proposed use, including:

a. On- or off-site facilities required to service the proposed use such as utilities, public facilities, roadway or signalization improvements, or other similar improvements, including proposed accessory structures or facilities; and

*All required utilities and access are in place.*

b. Other unique facilities/structures proposed as part of site improvements.

*N/A-Existing building*

3. On-site amenities proposed to enhance the site and planned improvements. Amenities may include mitigative techniques such as open space, setbacks from adjacent properties, screening and bufferyards, and other acceptable techniques to mitigate against adverse impacts to adjacent sites.

*Compliance with Ordinance Number 2013-04, Landscape Ordinance, is required.*

4. The planning and zoning commission may be authorized to place a time for an annual or bi-annual follow-up review in specific cases recommended by the city planner where the intended use may require periodic review and evaluation.

*Annual review is not recommended.*

B. Criteria for conditional use review and approval. In addition to site plan procedures and performance criteria, applications for a conditional use shall clearly demonstrate the following:

1. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts, are compatible and harmonious with adjacent land use, and will not adversely impact land use activities in the immediate vicinity.

*There will be no adverse impact on the immediate vicinity due to residential use being small scale.*

2. Sufficient site size and adequate site specifications to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, bufferyards, landscaping, open space, off-street parking, efficient internal traffic circulation, and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

*Site is of sufficient size.*

*Proposed project is required to go before the Development Review Committee before building permits are issued.*

3. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design shall appropriately address offsite impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

*N/A – Existing building.*

4. Hazardous waste. The proposed use shall not generate hazardous waste or required use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the public health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan policies and land development regulations, and does not adversely impact wellfields,

aquifer recharge areas, water bodies or other natural resources.

*Not Applicable*

5. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval.

*Existing building.*

**STAFF RECOMMENDATION:**

If the Planning and Zoning Commission decides to approve the Applicant's request for a Conditional Use, Staff recommends the following condition:

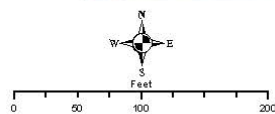
- 1.) If Applicant is to install outdoor lighting, outdoor lighting should be shielded away from residential areas to the south.

## Attachment 1

# CITY OF STARKVILLE PLANNING AND ZONING COMMISSION CASE LOCATOR MAP

Case # CU 14-01

Ward # 5

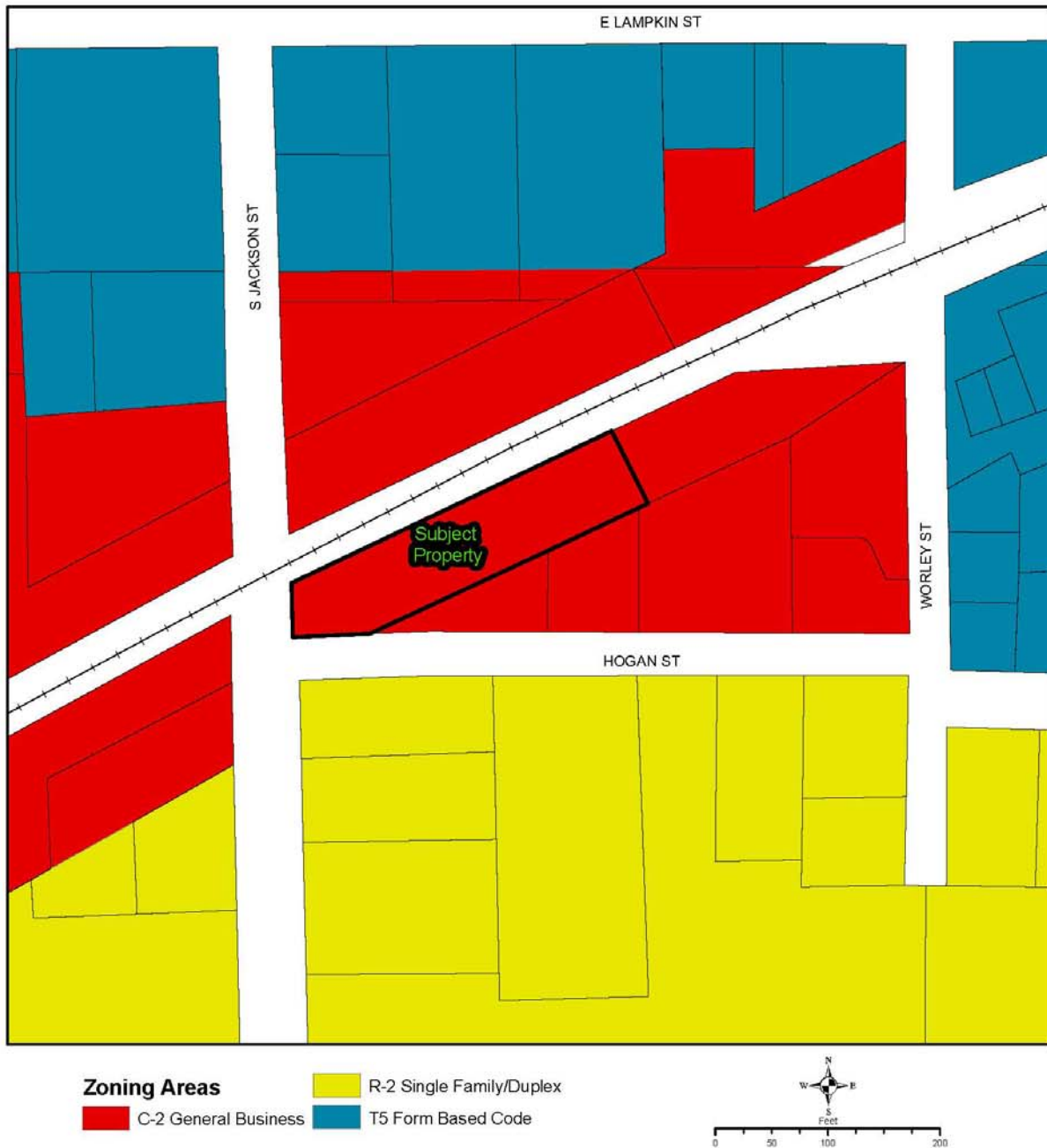


## Attachment 2

# CITY OF STARKVILLE PLANNING AND ZONING COMMISSION CASE LOCATOR MAP

Case # CU 14-01

Ward # 5



### Attachment 3





## Attachment 4





  
**THE CITY OF STARKVILLE**  
*COMMUNITY DEVELOPMENT DEPT*  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders (662-323-2525 ext. 119)  
**SUBJECT:** RZ 14-03: Rezoning request for 711 Vine Street from R-3 Multi Family to B-1 Buffer District.  
**DATE:** May 9, 2014

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**BACKGROUND/AREA:**

The applicant is seeking to Rezone a vacant lot located at 711 Vine Street, 0.18 acre, from R-3 Multi Family to B-1 Buffer District to allow for expansion of the Sonic Restaurant located at 302 Highway 12 East. The subject lot has been vacant since 2002 when a structure was removed.

Please see Attachments 1, 2, and 3.

The Applicant has stated (please see Attachment 4) that the current Sonic Restaurant located at 302 Highway 12 East was constructed in 1973. The Applicant has also stated that RLM Sonic Properties, LLC, has a need to build a new Sonic to be competitive with other restaurants. It is the plan of RLM Sonic Properties, LLC to replace the existing Sonic Restaurant with a new building on the current property located at 302 Highway 12 East, but the property located at 711 Vine Street, behind existing Sonic, would be used for a menu board and drive lanes.

A restaurant is listed as a Permitted Use in the Starkville Permitted and Conditional Use Chart.

There have been other Rezoning requests for 711 Vine Street in 2010:

RZ 10-06: Rezoning request from R-3 to C-2 was withdrawn by applicant at the September 14, 2010 Planning and Zoning Hearing.

RZ 10-07: Rezoning request from R-3 to B-1 was given a recommendation of approval by the Planning and Zoning Commission on December 14, 2010. The Board of Aldermen denied the Rezoning request on January 4, 2011.

**Zoning Change Subject Properties:**

| Property        | 1960s-1970s Map | 1982 Map | 2000 Map | Current Map |
|-----------------|-----------------|----------|----------|-------------|
| 711 Vine Street | R-3             | R-3      | R-3      | R-3         |

### Zoning Change Adjacent Properties:

| Properties | 1960s-1970s Map | 1982 Map | 2000 Map | Current Map |
|------------|-----------------|----------|----------|-------------|
| North      | C-2             | C-2      | C-2      | C-2         |
| East       | C-2             | C-2      | C-2      | C-2         |
| South      | R-3             | R-3      | R-3      | R-3         |
| West       | C-2             | C-2      | C-2      | C-2         |

### Adjacent Land Uses:

| Direction | Use             |
|-----------|-----------------|
| North     | Restaurant      |
| East      | Vacant Property |
| South     | Residential     |
| West      | Residential     |

### NOTIFICATION:

Notification by mail to adjacent property owners within 300 feet of the subject parcels took place on April 25, 2014. On April 24, 2014, a notification sign was also placed at 711 Vine Street. An ad was placed and published in the April 21, 2014, *Starkville Daily News*.

### REZONING REQUEST:

The subject rezoning requests are from R-3 Multi-Family to B-1 Buffer District. Differences between R-3 and B-1 zones are:

**R-3 Multi-Family:** These [R-3 residential] districts are intended to be composed mainly of multi-family residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for, and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 districts:]

- 1) See chart for permitted uses.
- 2) See chart for uses which may be permitted as a special exception.
- 3) Required lot area and width, yards, building areas, and height for residences:
  - (a) Minimum lot area, one-family dwelling: 5,000 square feet.
  - (b) Minimum lot area, duplex dwelling: 7,000 square feet.
  - (c) Minimum lot area, triplex dwelling: 9,000 square feet.
  - (d) Minimum lot area, fourplex dwelling: 11,000 square feet.

- (e) Minimum lot width at the building line: one-family dwelling, 50 feet; duplex, triplex or fourplex, 70 feet.
- (f) Minimum depth of front yard: 25 feet.
- (g) Minimum depth of rear yard: 20 feet.
- (h) Minimum width of each side yard: five feet.
- (i) Maximum height of structure: 45 feet.
- 4) Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

**B-1 Buffer District:** These [B-1 buffer] districts are intended to be composed mainly of compatible mixed commercial and residential uses. Although usually located between residential and commercial areas, these districts may in some instances be freestanding in residential areas. Limited commercial uses are permitted that can in this district be compatible with nearby residential uses. The character of the district is protected by requiring that certain yard and area requirements be met. [The following regulations apply to B-1 districts:]

- 1) See chart for uses permitted.
- 2) See chart for uses that may be permitted as an exception.
- 3) Minimum lot size: Residence uses shall meet the minimum standards that are least restrictive for the type residential use proposed in the residential districts listing. There is no minimum lot size for commercial uses except that other yard and parking requirements of the ordinance be met.
- 4) Required lot area and width, yards, building areas and heights for buffer districts:
  - (a) Minimum depth of front yard: 25 feet.
  - (b) Minimum width of side yard: Five feet.
  - (c) Minimum depth of rear yard: 20 feet.
  - (d) Maximum height of structure: 45 feet.
- 5) Off-street parking requirements: Off-street parking is as required in article VIII of this ordinance.

#### STATE REZONING CRITERIA:

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

- 1. Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:

There are no errors in need of correction with either the ordinance or zoning map.

- 2. Change in conditions.** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a

change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

**Consistency with Comprehensive Plan:**

The Starkville Comprehensive Plan supports preservation of residential areas, while the possible rezoning to a B-1 Buffer District would be for a commercial purpose; the re-development of the property would make the area more attractive by increased landscaping and residents would also have a new sidewalk.

Additionally the back of the Sonic Restaurant is currently open to view to the residential areas along Vine Street. Should the Commission decide to Rezone the property and place a condition on the approval to construct a masonry wall, the proposed wall would create visual barrier and a noise barrier from the Sonic Restaurant that currently does not exist.

**Land Use Compatibility:** The Sonic Restaurant has operated north of the property since 1973, and the Captain D's Restaurant is adjacent to the Sonic and subject property. The subject property has been vacant since 2002 and has been a buffer area for twelve years.

**Changed Conditions:** The residential structure that was at 711 Vine Street was removed in 2002 and the subject property has been vacant for twelve years.

There has been a significant number of condos constructed at the intersection of Yellow Jacket Drive and South Montgomery Street; the Annabella development had 20 units constructed from March of 2007 to March of 2012. Belle Grove had building permits issued for 42 units from August of 2010 to November 2013.

Zoning changes in the area that have taken place are:

2014: Garden Properties, LLC: R-1 to R-3A

Cottages at Starkville Station, LLC: R-5 to R-4A

2007: Restaurant at the intersection of Yellow Jacket and Eckford Drive: R-3 to C-2

**Adequate Public Facilities:** Water, sewer, and electrical lines are available on the property. There is access to Vine Street and Highway 12.

**Natural Environment:** There are no known environmental issues.

**Economic Effects:** There would be temporary construction jobs created from construction of a new Sonic Restaurant. Property value/tax would be expected to increase by a new structure.

Applicant has stated in their submittal that an increase in sales taxes based upon sales at RLM Sonic Properties second location at

913 Highway 12, which would be close in design as the proposed new restaurant.

Please see Attachment 4.

**Orderly Development:** Any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities.

**Public Need:** Any new development at both 711 Vine Street and 302 Highway 12 would be required to construct sidewalks; currently there are none along Vine Street. Also, the proposed new development would be required to meet the Starkville's Landscape Ordinance increasing the number of trees in the area.

The re-development of the subject properties would make the site viable for the Sonic Restaurant and possibly keep the building from becoming vacant.

**STAFF RECOMMENDATION:**

If the Planning and Zoning Commission decides to approve the Applicant's Rezoning request from R-3 Multi-Family to B-1 Buffer District, Staff recommends the following conditions:

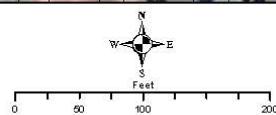
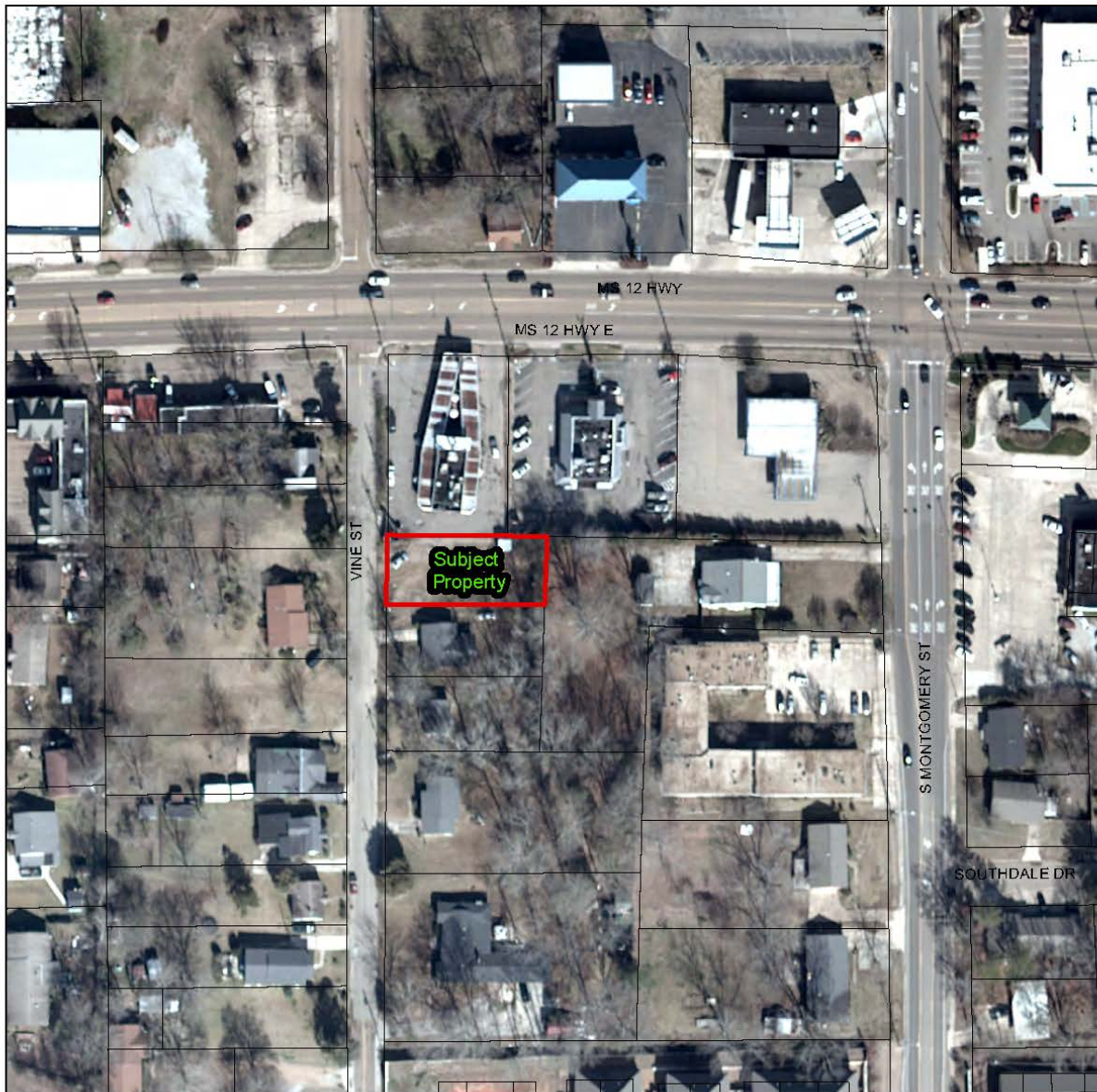
- 1) A seven-foot masonry fence along the south and east property lines of 711 Vine Street.
- 2) All outdoor lighting should be shielded away from residential areas.

## Attachment 1

# CITY OF STARKVILLE PLANNING AND ZONING COMMISSION CASE LOCATOR MAP

Case # RZ 14-03

Ward # 5



## Attachment 2



## Attachment 3



North View



East View



South View



West View



Street View - North

## Attachment 4

**MOORE LAW OFFICE**

**JOHN STUART MOORE  
ATTORNEY AT LAW**

**108 S. LAFAYETTE  
POST OFFICE BOX 924  
STARKVILLE, MS 39760-0924**

**(662) 323-3784  
(662) 323-7740  
FAX (662) 324-2262**

April 16, 2014

Buddy Sanders  
City Planner  
City of Starkville  
101 East Lampkin Street  
Starkville, MS 39759

RE: RLM Sonic Properties, LLC and Ernest Jacobsen / Mark Welch  
Rezoning - 711 Vine Street, Starkville, MS 39759

Dear Mr. Sanders:

**Background:**

Sonic Restaurant was built in 1973 at 302 Highway 12 East, in Starkville. The restaurant has undergone only cosmetic changes since 1973. Sonic is now in need of demolition and reconstruction to address concerns with the building's functionality and to update the look and design of the current restaurant. This change is necessary to bring it up to par with the new image and design the Sonic brand is moving toward to keep itself viable in the restaurant industry.

Ernest Jacobsen purchased the property located at 711 Vine Street, Starkville, MS in 2002 (subject area). This property is located directly behind the current Sonic restaurant and was purchased with the intent of using the subject area as part of the planned redesign of the existing Sonic restaurant.

**Area:**

The subject area is a 0.18 acre lot that is now an empty lot after the existing structure was torn down in 2002, and is currently zoned as R-3 Multi-Family. To the north, east and west, properties are zoned as C-2 General Business, with the property to the east currently being a vacant lot. Those properties to the north and

west are commercial in use. Property to the south is zoned R-3 Multi-Family and is multi-family/ residential in use.

**Rezoning Request:**

RLM Sonic Properties, LLC and Ernest Jacobsen / Mark Welch are requesting to rezone the subject property from R-3 Multi-Family to a B-1 Buffer District to allow for the redesigned Sonic restaurant to utilize a small strip of the land as a drive-thru lane, parking and a concealed trash receptacle. Under the City of Starkville's Permitted and Conditional Use Chart, an eating and drinking establishment is a permitted use of a B-1 zoning district. There is no minimum lot size for commercial uses in a B-1 zone except that parking and yard requirements of the Starkville Ordinances be met.

The differences between R-3 and B-1 zones, according to the City of Starkville's Code of Ordinances, Appendix A, Article VII, Sections E and J, are:

R-3: Sec. E. R-3 residential zoning regulations. These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 districts:]

1. See chart for permitted uses.
2. See chart for uses which may be permitted as a special exception.
3. Required lot area and width, yards, building areas and height for residences:
  - (a) Minimum lot area, one-family dwelling: 5,000 square feet.
  - (b) Minimum lot area, duplex dwelling: 7,000 square feet.
  - (c) Minimum lot area, triplex dwelling: 9,000 square feet.
  - (d) Minimum lot area, fourplex dwelling: 11,000 square feet.
  - (e) Minimum lot width at the building line:

One-family dwelling: 50 feet.

Duplex, triplex or fourplex: 70 feet.

- (f) Minimum depth of front yard: 25 feet.
  - (g) Minimum depth of rear yard: 20 feet.
  - (h) Minimum width of each side yard: Five feet.
  - (I) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

B-1: **Sec. J. B-1 buffer district regulations.** These [B-1 buffer] districts are intended to be composed mainly of compatible mixed commercial and residential uses. Although usually located between residential and commercial areas, these districts may in some instances be freestanding in residential areas. Limited commercial uses are permitted that can in this district be compatible with nearby residential uses. The character of the district is protected by requiring that certain yard and area requirements be met. [The following regulations apply to B-1 districts:]

- 1. See chart for uses permitted.
- 2. See chart for uses that may be permitted as an exception.
- 3. Minimum lot size: Residence uses shall meet the minimum standards that are least restrictive for the type residential use proposed in the residential districts listing. There is no minimum lot size for commercial uses except that other yard and parking requirements of the ordinance be met.
- 4. Required lot area and width, yards, building areas and heights for buffer districts:
  - (a) Minimum depth of front yard: 25 feet.
  - (b) Minimum width of side yard: Five

feet.

(c) Minimum depth of rear yard: 20 feet.

(d) Maximum height of structure: 45 feet.

5. Off-street parking requirements: Off-street parking is as required in article VIII of this ordinance.

According to the City of Starkville's Code of Ordinances, a buffer zone is, "An area so planted and/or fenced which acts as a buffer or separation area between two or more uses or structures not compatible due to zoning, function, operation or design." The proposed drawing of the redesigned Sonic restaurant complies with the requirements of a B-1 zone as specified above. The drawing also includes a six foot high masonry wall surrounded by landscape to help shield the view of the restaurant from the existing resident occupying the lot to the south.

**Rezoning Criteria:**

The Official Zoning Map of Starkville may be amended either when there is manifest error in the ordinance and/or if there has been a change in the conditions of an existing area according to Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A of the City of Starkville's Code of Ordinances. As there has been no error in either the ordinance or zoning map, RLM Sonic Properties, LLC and Ernest Jacobsen / Mark Welch are requesting the rezoning of the subject area based on changed or changing conditions in an existing area, or in the planning area generally, and the increasing need for commercial sites that make the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth, as well as the specific evidence as outlined below.

**Zoning changes:**

Recent zoning changes in the surrounding area include:

Garden Properties: was changed from R-1 to R-3A in 2014;

Cottages at Starkville Station: changed from R-5 to R-4A in 2014;

La Terraza Mexican Restaurant at Yellow Jacket and Eckford Drive: changed from R-3 to C-2 in 2007; and

Jacket Mini-storage units on Yellow Jacket: changed from R-3 to B-1 between 2000-2012.

**Changed Conditions:**

Significant changes have occurred to the area along and surrounding Highway 12 since the Sonic Restaurant was originally built in 1973 that would support a rezoning of the subject area. Sonic was one of the first fast food restaurants established on Highway 12 and has only undergone minor cosmetic renovations in the last 41 years. Research performed by Sonic has shown a need to move away from the traditional drive-in restaurant to a mixed drive-in and drive-thru restaurant to keep up with changing demand and preference from its customer base. Other businesses in the immediate area surrounding Sonic have already addressed these same type of demands to update their footprint based on changing customer needs. For example, McDonald's was torn down, rebuilt across Highway 12, and later renovated; Wendy's built a new building next to their existing one and relocated to it after construction; Bojangles' built the building it now occupies on the site of the original McDonald's location to meet its franchise requirements; Barnhill's Buffet renovated the building it occupied before it opened (this building was torn down after Barnhill's closed its doors); Ruby Tuesday renovated its restaurant; and Casa Bravo renovated its current building before opening.

Similarly, other businesses along Highway 12 that have renovated or changed their property to meet current needs include: the motel behind Buffalo Wild Wings was renovated and converted into University Club Condos; part of the old Holiday Inn was torn down to build CVS Pharmacy; Franklin Court Apartments replaced the building previously located on the property; Giggleswick converted its current building from restaurant to retail use; the gas station at the corner of Spring Street and Highway 12 was renovated to include Strange Brew Coffeehouse and Cold Stone Creamery; the old Wendy's building was converted into Cash Loans on Car Titles; Citizens Bank now occupies the property where Shoney's used to be; and the old M&F Bank at the corner of Highway 12 and South Montgomery was torn down for a future development.

New commercial businesses along Highway 12 in the area surrounding Sonic and the subject property include Chick-fil-a, Buffalo Wild Wings, The University Crossing Complex, Juva Juice, The Rubba Boot, Newks, Larry's Catfish and More, Abner's, Arby's, Chili's, Express Oil Change, Pail of Paint, Pro Graphics, Hampton Inn, Holiday Inn Express, R & M Tires, Days Inn, and Starbucks,

which is still under construction.

Furthermore, new apartment and condominium complexes are being built on South Montgomery street, namely being Annabella, Belle Grove, and Haven, bringing more of a need for commercial use to Highway 12. Similarly, the Cotton Mill Marketplace development will combine residential, retail and hotel uses bringing more potential customers to the area surrounding Sonic, reinforcing the need for Sonic to make these renovations to keep itself relevant in the Starkville restaurant market.

All of the previously stated examples of change along Highway 12 clearly demonstrate the changing conditions in the existing area and the increasing need for commercial sites along Highway 12 that make the change in the ordinance necessary and desirable. The proposed rezoning of the subject area to a B-1 Buffer Zone is an attempt to ease the transition in accord with the public need for orderly and harmonious growth. The proposed site plan and use of the subject area have taken into account the residences still located along Vine Street. Sonic has even proposed building a masonry wall instead of constructing a wooden fence as part of the buffer zone at a greater cost to themselves in order to appease the local residents.

**Roadway Access:**

Access to the renovated Sonic Restaurant will primarily be from Highway 12, with a secondary access drive off Vine Street. There is currently an access point to Sonic off Vine Street, and the new plan simply allows for the location of that access point to be moved. The Vine Street access point should not increase the traffic on Vine Street since access to the drive-in stalls and drive-thru lanes will be through the Highway 12 entrance. Proper access to these two means of dining cannot be gained from Vine Street per the proposed plan.

This Vine Street entrance is in no way the primary access point to the restaurant. The Vine Street drive is necessary to allow the waste trucks proper access to the new location of the trash receptacle. This access drive is absolutely necessary to allow the garbage bin to be moved from the street to an enclosed area within the Sonic parking lot.

Additionally, an argument cannot be made that the renovated Sonic restaurant will bring more traffic to the area. According to the most recent Average Daily Traffic counts, the average number for Highway 12 has remained the same at 23,000 from 2010 to 2012. Traffic counts for Yellow Jacket drive have also remained the same at 2600 for 2010 to 2012. The previous neighborhood concerns of

increased traffic along Vine Street are not a result of the Sonic restaurant, but are a result of the construction of Yellow Jacket Drive and vehicles using Vine Street as a cut-thru from Highway 12 to Yellow Jacket Drive.

**Effect on Neighborhood:**

In an effort to further appease the subject area's residential neighbors, the new proposed Sonic design will only feature 10 drive-in stalls as opposed to the 23 stalls that are in place now. Residents of Vine Street have previously complained that noise coming from the Sonic restaurant is a problem, and the reduction in stalls will help alleviate that problem. With the option of drive-thru lanes, less customers will park and eat their food on Sonic property.

Additionally, by moving the trash bin onto the interior of the property, Sonic is attempting to address concerns of Vine Street residents. The residents have previously stated that the location of the garbage receptacle causes trash to litter the street on a regular basis. Additionally, concerns have been raised that when the garbage truck leaves the site, it often leaves the gate surrounding the bin open, which creates a dangerous situation on the street. The new location of the trash receptacle will alleviate these problems for the residents.

**Economic Effects:**

The projected cost for the demolition of the existing Sonic restaurant and reconstruction of the new building is approximately \$800,000.00. A majority of the cost for construction will go to Starkville businesses and sub-contractors, helping the local economy.

Similarly, the new Sonic Restaurant located at 913 Highway 12 West brings in local sales tax collections that are approximately 15 percent higher than the restaurant located at 302 Highway 12 East. Once the latter restaurant is rebuilt to reflect a similar store model to the Sonic at 913 Highway 12 West, Sonic anticipates that the sales tax revenue will be equal to, if not greater than, that restaurant based on the more central location. This would result in an approximate \$20,000.00 yearly increase in sales tax revenue for the City.

Furthermore, the current property taxes for the subject property total \$975.46. Taxes for the current Sonic restaurant located at 302 Highway 12 East total \$7,508.04. The values for these properties are \$48,000.00 and \$369,450.00, respectively. If the subject property is rezoned, allowing Sonic to update its

restaurant, the value to both of the properties will increase, resulting in higher property taxes paid to the City. For example, the Sonic restaurant located at 913 Highway 12 West is valued at \$500,340.00 and pays property taxes totaling \$10,167.91. Once the newly designed Sonic is built, it will not only increase the value of its own properties, but it will help increase the values of the surrounding properties as well.

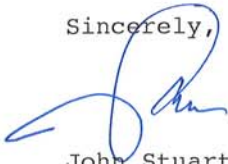
**Closing:**

RLM Sonic Properties, LLC and Ernest Jacobsen / Mark Welch are requesting that the property located at 711 Vine Street be rezoned from R-3 Multi-Family to a B-1 Buffer District. Based on the above information, I feel that a change has occurred in the conditions of the existing area. There is a need for commercial sites surrounding the subject area that make the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Approval to rezone the property located at 711 Vine Street will allow not only for community problems to be addressed, but will also increase the value of the residences surrounding the Sonic Restaurant. The proposed masonry wall and landscaping will add a much needed facelift to the area while shielding a majority of the daily operations of the restaurant from the surrounding neighborhood.

Based on the information included in this letter, along with further information to be presented at the public hearing, I am respectfully requesting, on behalf of my clients, that the property located at 711 Vine Street be rezoned from R-3 Multi-Family to a B-1 Buffer District.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Stuart Moore", with a stylized flourish at the end.

John Stuart Moore

**HISTORIC**  
**STARKVILLE**  
**MISSISSIPPI'S COLLEGE TOWN**  
**THE CITY OF STARKVILLE**  
**COMMUNITY DEVELOPMENT DEPT**  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Buddy Sanders (662-323-2525 ext. 119)  
**SUBJECT:** RZ 14-04: Rezoning request to Rezone all of the Thad Cochran Research, Technology and Economic Development Park, with the exception of tax parcel 117K-oo-032.05/Technology Mills, LLC, property.  
**DATE:** May 9, 2014

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**BACKGROUND/AREA:**

The Thad Cochran Research, Technology and Economic Development Park consists of 272 acres with Phase II to add an additional 45 acres to bring the total acreage to 317 acres. There are currently 16 tenants in the park, all with a business, research, or government use.

The purpose and reason for the creation of the Thad Cochran Research, Technology and Economic Development Park is to be an economic development tool to attract high-tech businesses and research facilities to better the quality of life for the citizens of Starkville and the State of Mississippi.

Please see Attachments 1 and 2.

**Zoning Change of Properties within Research Park:**

| <b>Property</b>      | <b>1960s-1970s Map</b> | <b>1982 Map</b> | <b>2000 Map</b> | <b>Current Map</b>                                          |
|----------------------|------------------------|-----------------|-----------------|-------------------------------------------------------------|
| <b>Research Park</b> | N/A                    | N/A             | R-1             | R-1 Majority of Park<br>B-1 C Spire Fiber<br>B-1 Tech Mills |

**Zoning Change of Areas Adjacent to Research Park:**

| <b>Properties</b> | <b>1960s-1970s Map</b> | <b>1982 Map</b> | <b>2000 Map</b> | <b>Current Map</b> |
|-------------------|------------------------|-----------------|-----------------|--------------------|
| <b>North</b>      | R-1                    | R-1             | R-1             | B-1, R-1 & C-2     |
| <b>East</b>       | N/A                    | N/A             | N/A             | N/A                |
| <b>South</b>      | N/A                    | N/A             | N/A             | N/A                |
| <b>West</b>       | N/A                    | Unknown         | R-1             | R-1                |

Adjacent Land Uses to Research Park:

| Direction | Use                         |
|-----------|-----------------------------|
| North     | Rail Road & Vacant Property |
| East      | Agricultural Research       |
| South     | US 182 & University         |
| West      | MS 12 & Utility             |

NOTIFICATION:

A courtesy letter went out to all property owners in the Thad Cochran Research, Technology and Economic Development Park on March 3, 2014, stating that the City would be correcting the zoning map by a Rezoning.

Required notification by mail to adjacent property owners within 300 feet of the subject parcels took place on April 25, 2014. On April 24, 2014, a notification sign was also placed at the entrance to the Thad Cochran Research, Technology, and Economic Development Park. An ad was placed and published in the April 21, 2014, *Starkville Daily News*.

REZONING REQUEST:

The subject rezoning request is to Rezone from R-1 Single-Family to P-O Planed Office District. Differences between R-1 and P-O zones are:

**R-1 Single Family**

*These [R-1 residential] districts are intended to be composed mainly of single-family residential properties along with appropriate neighborhood facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-1 districts:]*

1. *See chart for permitted uses.*
2. *See chart for uses which may be permitted as a special exception.*
3. *Required lot area and width, yards, building areas and height for residences:*
  - (a) *Minimum lot area: 10,000 square feet.*
  - (b) *Minimum lot width at the building line: 75 feet.*
  - (c) *Minimum depth of front yard: 30 feet.*
  - (d) *Minimum depth of rear yard: 35 feet.*
  - (e) *Minimum width of each side yard: Ten feet.*
  - (f) *Maximum height of structure: 45 feet.*

4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

#### **P-O Planned Office District**

A. *Purpose. The purpose of the planned office (P-O) district is to permit offices and low impact/intensity industry including research companies and associated administrative, executive, professional, and limited commercial retail and personal service uses in a high quality, campus-like setting, according to a unified plan, rather than on a lot-by-lot basis. The uses and standard in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of office/research parks in the community, and assure the compatibility of the office park with adjacent land uses.*

B. *Permitted uses. A planned office/light industrial park, occupied by any combination of the following uses:*

*Offices, but not single use developments which can be located in other zoning classifications.*

*Light industry including research companies.*

*Hotels/conference centers.*

*Public buildings.*

*Radio or TV studios, including communication towers, subject to FCC regulations.*

*Utility structures providing services within the park, including telephone switching centers, electric transmission lines, gas piping, water pumping stations, and other necessary structures.*

*Any of the following accessory uses within building in a planned office park, and primarily intended to serve employees and visitors of the park:*

*Cafeterias or commercial retail establishments, not exceeding 5,000 square feet.*

*Banks or similar financial institutions.*

*Day care centers, subject to the following additional standards:*

*The property is located on a collector street, major road, minor street or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersecting major street.*

*Screening of the play and parking areas from adjacent properties may be required.*

*The maximum number of children to be accommodated on a site shall be specified.*

*The following minimum areas shall be provided per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; 30 square feet of indoor rest area; and 50 square feet of usable outdoor play area.*

*State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.*

*Living quarters for custodian, caretaker or watchman.*

*Personal service establishments, including health and fitness centers, primarily intended to serve occupants or business and research uses allowed in the P-O district.*

*Restaurants, but not drive-in restaurants.*

*Flex space developments.*

- C. *Development standards. All development proposed within the planned office district shall comply with the following specific standards:*

*Minimum yard requirements. Except for allowable accessory uses no building or structure shall be located within the following minimum yards:*

*Minimum front yard abutting driveway right-of-way: 40 feet.*

*Minimum front yard abutting driveway or internal street: 25 feet.*

*Minimum side and rear yard abutting property zoned or used for residential purpose: 100 feet.*

*Minimum side and rear yard abutting property zoned or used for nonresidential purpose: 25 feet.*

*Minimum frontage on public right-of-way for P-O district: 200 feet.*

*Height: Except as provided in subsection B. of this section: 45 feet.*

*The maximum height limitations in this subsection shall not apply to heating and ventilation equipment, communication towers or utility structures, except that no structure exceeding 45 feet shall be located within 200 feet of any property zoned or used for residential purposes.*

*Maximum floor area ratio (FAR): The total FAR of all buildings within a P-O district shall not exceed: 0.50 [FAR is calculated by dividing the total floor space square footage by the total lot square footage. For example: a two story structure with 2,000 square feet of floor space on each floor located on a 10,000 square foot lot would have a FAR of 0.40 (4,000/10,000)].*

*Common open space requirements: A minimum of 20 percent of the gross land area within a P-O district shall be set aside as common open space to provide for the recreational needs of employees and visitors of the office park.*

*"Gross land area" shall not include parking areas, driveways, or other impervious surfaces that are not usable for the activities described in subsection C.*

*Required open space shall be usable for active recreational activities, such as walking, jogging, golf or tennis, or passive recreation uses, such as sitting, scenic viewing or lunch breaks. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts or other recreational or landscaping amenities.*

*Ownership and maintenance of common elements:*

- a. Common elements, such as undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers, shall be either:
  - i. Maintained by the owners of the planned business park, pursuant to a maintenance agreement approved by the city attorney;*
  - ii. Conveyed to and maintained by a common owner or property owners association, pursuant to covenants or a maintenance agreement approved by the city attorney; or*
  - iii. Conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures or improvements located within it.**
- b. If common elements are to be maintained by a property owners association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to the city to demonstrate compliance with these district regulations, but will not be reviewed as to form, legality or methods of enforcement. Those covenants must, at a minimum:
  - i. Create a property owners association;*
  - ii. Provide for the maintenance of individual sites, common open spaces and private streets;*
  - iii. Provide for minimum development and operational standards for each site which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer.**
- c. Location of parking areas. Off-street parking areas shall be conveniently accessible to users within a P-O district. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets.*
- P- O district, provided that such storage is completely screened from adjoining uses within and outside the district as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all or part of the screening. Access through the screening for vehicles is permitted, but is limited to one 30-foot wide location per street frontage. No outside storage areas shall be permitted within any required setback or yard. In no event may the amount of land devoted to outside storage exceed ten percent of an individual lot area.*
- d. Outdoor storage areas may be permitted as an accessory use on an individual lot with a*
- e. Screening requirements: Refuse containers, dumpsters, rooftop and outdoor HVAC equipment shall be screened with vegetation, fencing or berms so they are not visible from*

*any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping, as provided in the design ordinance.*

*f. Landscaping requirements:*

*Street trees. Street trees shall be planted along all public and private streets within and adjoining any P-O district.*

*Perimeter landscaping. Planting strips shall be provided along lot lines abutting any property zoned or used for single family residential purposes.*

*Parking lot landscaping shall be in accordance with the landscaping standards ordinance.*

*g. Lighting requirements shall be in accordance with design standards ordinance.*

*Burial of utility lines: All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the district. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.*

*h. Access and traffic considerations. P-O districts shall be accessible from the existing or proposed street network in the vicinity. At least one distinctive main gateway entrance to the district shall be provided. Access to the district shall be designed to discourage outside through traffic.*

*i. Curb cuts providing access to major streets shall be spaced a minimum of 400 feet from any other curb cut.*

*j. Traffic generated by occupants and users from the district shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required.*

*k. Circulation system requirements: Separate circulation systems shall be provided for pedestrians, automobiles and delivery trucks.*

*Pedestrian circulation. Sidewalks shall be provided along any roadways that are served by bus or vanpool service, and between buildings or to parking areas or transit stops. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. Except where topography makes it impracticable, sidewalks shall be appropriately designed, graded, constructed and surfaced to be readily usable by individuals in wheelchairs.*

*Automobile circulation. The street circulation system shall be internally oriented.*

*Delivery truck circulation. Truck traffic and its related circulation system shall be separated, whenever feasible from automobile and pedestrian circulation system. Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.*

*Emergency vehicles. The street circulation system shall be designed to ensure easy access for and maneuvering of emergency vehicles.*

*l. Sign regulations. The general sign regulations of the sign ordinance shall apply in P-O districts, in addition to the following special standards:*

*All signs within the P-O district shall be either wall signs or ground signs, not exceeding six feet in height and landscaped with at least two evergreen shrubs for each sign face.*

*Maximum number: One ground sign at each entrance to the district, one wall sign or ground sign for individual uses within the district, and any number of signs needed to provide directions, identity parking areas or aid in the safe and efficient traffic circulation within the district.*

*Maximum gross surface area of entrance sign: 48 square feet. Individual 2×4.*

*The following sign types shall be prohibited within a P-O district: Permanent off-premise signs, pole signs, portable signs, roof signs, flashing signs, banners, streamers and other attention-getting devices.*

*A uniform sign plan shall be submitted and approved for each P-O district. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings which the signs serve.*

*m. Architectural design guidelines. Buildings within a P-O district should conform to a uniform architectural style.*

*Metal "shed" type warehouse buildings are prohibited. Exteriors of natural materials, such as concrete, brick, granite, or wood, are more compatible with the purposes and character of the P-O district.*

*The entrance or entrances to a district should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.*

*D. Off-street parking requirements: See article VIII for off-street parking and loading requirements for residential and other uses allowed in P-O districts.*

*E. Sign requirements. See sign regulations ordinance for requirements for the P-O district.*

*F. Wireless telecommunications tower requirements. See wireless telecommunications towers ordinance for requirements for the P-O district.*

*G. Design and landscape standards. See design standards ordinance and landscape standards ordinance for requirements for the P-O district.*

*H. Subdivision regulations. See City of Starkville Subdivision Regulations for requirements for subdividing land in the P-O district.*

*I. General provisions. See article VI, general provisions, for regulations regarding corner visibility in residential and business districts, location of accessory structures on residential lots, future street rights-of-way, exceptions to height regulations, regulations applying to all districts, requirements for public and semi-public buildings and structures; requirements for manufactured homes, conditional uses, variances, flood plain development, home occupations, and planned building groups in the P-O district.*

*J. The P-O district shall be established only upon application, after public hearing as specified in the amendatory procedures of article IV, section B., and shall require an approved development plan according to the procedures of article IX.*

#### STATE REZONING CRITERIA:

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

**1. Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:

Yes, there is an error with the zoning map. The creation and purpose of the Thad Cochran Research, Technology and Economic Development Park was to be an economic development tool to offer a place for research and buildings, not single family homes.

It is Staff's understanding from previous Planning and Zoning Commission hearings, that the P-O Planned Office District was written when the Research Park was being established.

**2. Change in conditions.** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

#### **Consistency with Comprehensive Plan:**

The Starkville Comprehensive Plan stresses the importance of Mississippi State University to Starkville. As a major research institution and employer, it is important that the

Thad Cochran Research, Technology and Economic Development Park be promoted to offer business and research firms a proper environment to operate in.

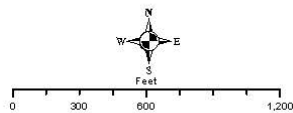
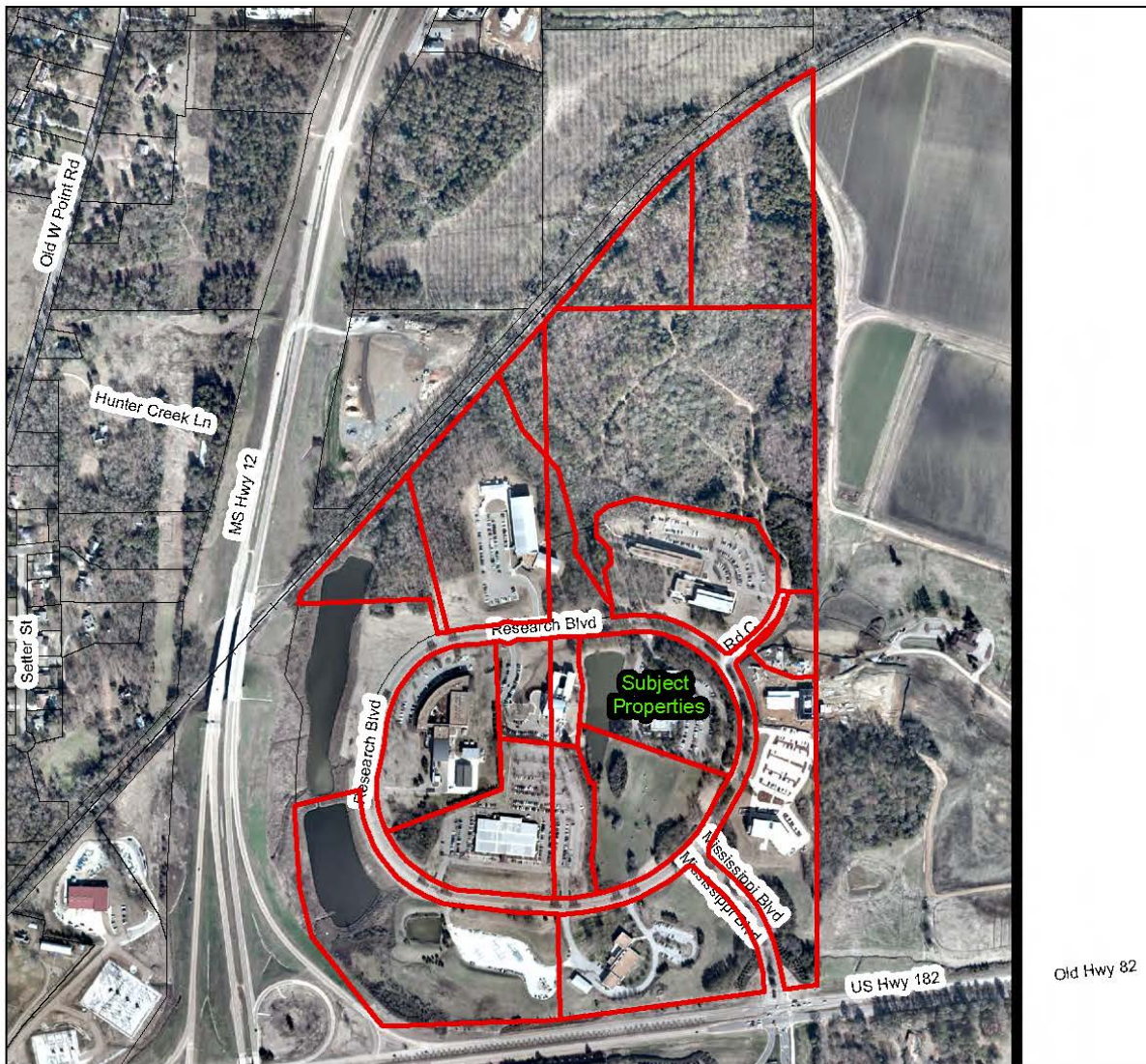
- Land Use Compatibility:** The Thad Cochran Research, Technology and Economic Development Park has developed well and mixes in well with Mississippi State University's mission as a research institution and is separated by a railroad to the north and highways to the west and east.
- Changed Conditions:** There have been two Rezoning in the Thad Cochran Research, Technology, and Economic Development Park:
- 2013: RZ 13-07: Rezoning of property where 300 Traditions/Technology Mills plans to construct condos; Rezoned R-1 to B-1
- 2013: RZ 13-12: Rezoning of property where the C-Spire Data Center will be located from R-1 to B-1
- Adequate Public Facilities:** Water, sewer, and electrical lines are available at the Thad Cochran Research, Technology and Economic Development Park
- Natural Environment:** There are no known environmental issues.
- Economic Effects:** The rezoning to P-O Planned Office District would protect the Thad Cochran Research, Technology and Economic Development Park from non-combatable uses so that the Research Park can continue to attract business and research firms to the area.
- Orderly Development:** Any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities.
- Public Need:** As with any research and development park, the intent of the Thad Cochran Research, Technology and Economic Development Park is provided a place for business and research firms to locate and better the lives of people of Starkville and the State of Mississippi.

## Attachment 1

# CITY OF STARKVILLE PLANNING AND ZONING COMMISSION CASE LOCATOR MAP

Case # RZ 14-04

Ward # 5

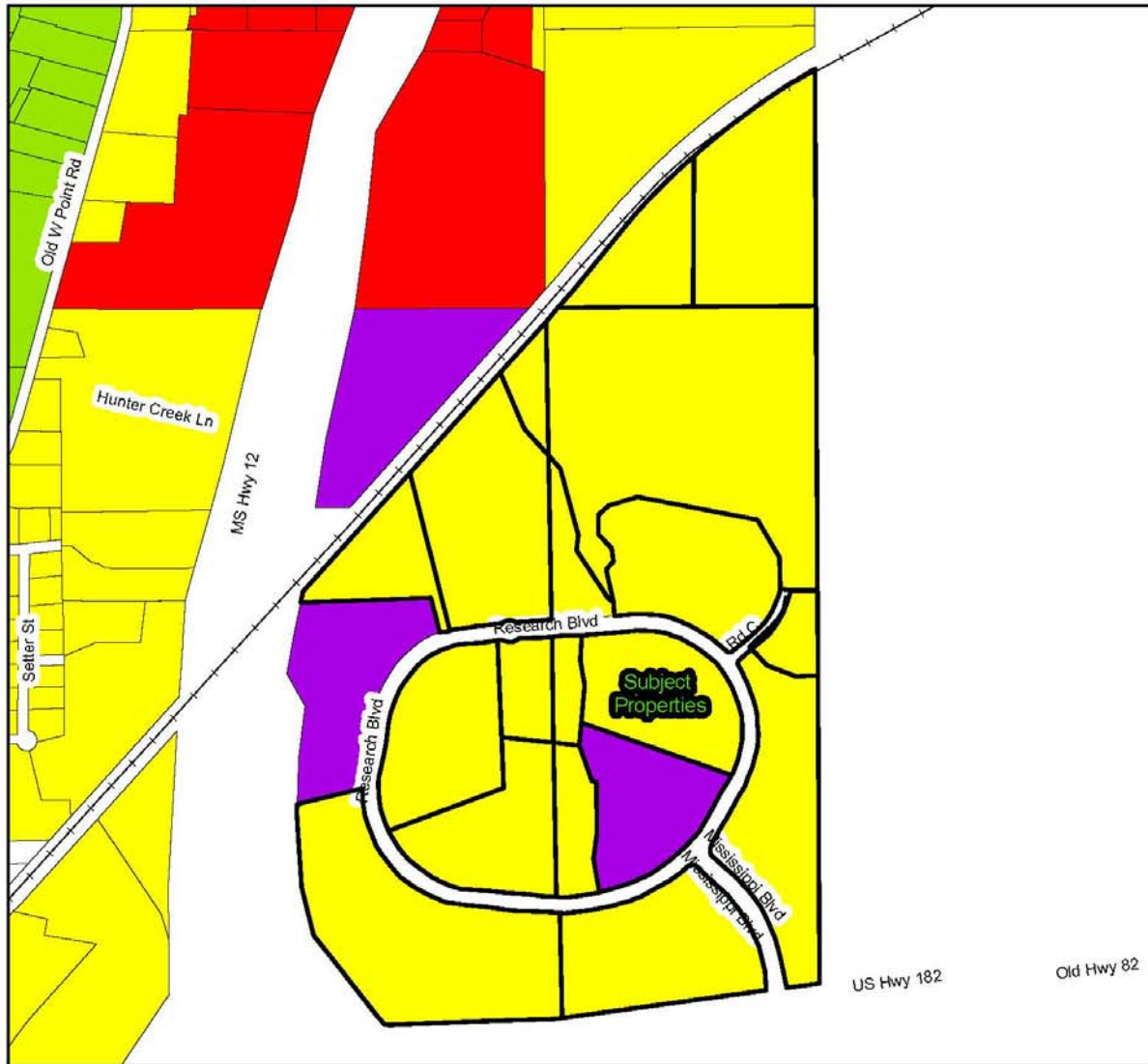


## Attachment 2

# CITY OF STARKVILLE PLANNING AND ZONING COMMISSION CASE LOCATOR MAP

Case # RZ 14-04

Ward # 5



**Zoning Areas**

|                                                                                     |                        |
|-------------------------------------------------------------------------------------|------------------------|
|  | R-1 Single Family      |
|  | B-1 Buffer District    |
|  | C-2 General Business   |
|  | R-E Residential Estate |

