

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF MAY 13, 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, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated May 13, 2014. Upon the motion of Commissioner Hicks, which was seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda as presented.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 11, 2014

Chair Emison called for consideration of approval of the March 11, 2014, minutes. Commissioner Herring requested a change on page six of the minutes, that the clarification of "from the north or the south" be added to the bullet points after the terms "ingress / egress" in order to specify what was passed by the Planning & Zoning Commission. Chair Emison also brought before the Commission the suggestion that instead of a reference to the bullet points in the Staff Recommendation on page 4, to add a clear list of the actual bullet points, with Commissioner Herring's addition of "from the north or the south" instead of "right turn in only" under "1A" to be included in the conditions for approval. Commissioner Moore moved to approve the March 11 minutes as amended, which was seconded by Commissioner Herring, and the resulting vote for accepting the minutes as amended 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. Mashanda Bush of Vine Street came forward to inform the Planning & Zoning Commission of a light pole and brick wall that are blocking visibility from those who are backing out onto Vine Street from 721 Vine Street. She stated that the brick wall is less than the required distance from the corner. Chair Emison responded that the problem is a code enforcement issue and redirected Ms. Bush to City Planner Sanders, who gave her the contact information for the code enforcement office.

Another citizen came forward with a question regarding the establishment of traffic lights, and he was directed to make his request to the Police Department and the City Engineer. City Planner Sanders stated that he would pass along the information to those departments to assist the citizen in his request.

NEW BUSINESS

PP 14-02: Preliminary Plat approval request by Garden Properties, LLC, for a 21 lot subdivision of 4.96 acres; located on Yellow Jacket Drive

Chair Emison asked the City Planner to introduce item PP 14-02, a Preliminary Plat approval request for Garden Properties, LLC, to subdivide 4.96 acres into 21 lots off Yellow Jacket Drive, between Pleasant Acres Subdivision and the athletic fields of Starkville High School. City Planner Sanders stated that 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. He also noted that the Tree Advisory Board is recommending approval to the board of aldermen on Tuesday for a tapered buffer yard waiver, instead of the 20-foot buffer yard required by the ordinance that was passed in June.

Commissioner Murdock asked about the necessity of a 13-foot lane width, when major thoroughfares require only 12-foot-lane width, and noted that changing the ordinance to require a 10-foot lane in subdivisions with such little traffic volume would be a savings of \$66,000, which would solve the sidewalk affordability dilemma. CAO Taylor Adams responded that although he agrees, the issue is with the fire department's requirement of 13-foot lanes to accommodate the trucks currently in use by the fire department. City Planner Sanders noted that after October 1, the Community Development Department plans to review the current code.

Commissioner Hicks pointed out a discrepancy on the notes on the plat which states "net density" as 4.23 lots per and noted that it differs from the Report which states "gross density". The City Planner affirmed that the Plat appears to be in error and "gross density" should be the term used instead of "net density". The City Planner also noted the City Code reference regarding "allowed density" is based on the Comprehensive Plan, which is based on gross density, and that any decision regarding density should be based on gross density and not net density. Commissioner Hicks also mentioned that although this Plat is labeled as a preliminary one, the surveyor's certificate contains language stating that the plat is final, and that the locator map needs to be more legible. Additionally, the boundary description contains a typographical error, that from the point of commencement is 892939, whereas the description states 89272.

Commissioner Hicks made a motion to approve the preliminary plat with the suggested corrections, which was seconded by Commissioner Moore, and the motion carried by a vote of five to one.

PP 14-03 and FP 14-01: Preliminary Plat request by James and Teresia Spinks for a One-Lot Subdivision of One Acre, Located on Butler Road.

City Planner Sanders presented for the City of Starkville the request by James and Teresia Spinks, who purchased one acre from Luther and Allie Hunter on June 4, 2013. Unknown to both the Grantor and Grantee, a subdivided lot of less than five 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 one-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 only comments from the Development Review Committee were that sewer lines along the road are not available, and that an approval from the Department of Health for a septic system would be required, as well as power from 4-County Electric. The Applicant would also need to submit a site plan to Community Development illustrating that a proposed mobile home meets setback and parking requirements.

Commissioner Herring pointed out that the minimum lot area for a subdivision is five acres, whereas this request is for one acre, and she asked if different wording other than "subdivision" would be necessary. CAO Taylor Adams reminded the Commission that a situation exists in which the Chancery Clerk recorded a series of lots and issued deeds fitting this description before the property had been through the plat-approval process; this request is bringing the lot into compliance after the fact in order to correct the record. The lots were created without the City's knowledge, and now the land record needs to be corrected. Chair Emison consulted with the City Attorney for advice on a remedy of the wording, and Mr. Latimer responded that the wording in Subsection B, which states the minimum lot requirements for single mobile homes, would be sufficient, given the practicality of the situation. Being far removed from the normal process, the plat isn't a typical plat, but it is a subdivision under the law. Since there are other lots that were recorded similarly, this decision will set a precedent for the next three preliminary plat approvals that will soon come before the board. After discussion regarding signatures and other wording normally on typical plat, Chair Emison suggested that the City Staff work with the City Attorney to create a plat submittal that meets as many standards as possible in order to ensure that future lots will have access to sewer, power, and road access. Commissioner Murdock stated his sympathy for the property owners' wanting to put a house on a lot they purchased, but he also stated his concern for approving a process that goes against City Ordinance.

After much discussion, Commissioner Loveless made a motion to instruct City Staff to compare the current material to the standard requirements in the City Ordinance and make whatever changes are necessary to bring the preliminary plat into compliance, as well as prepare a companion Final Plat, and present them both as two separate items at the June meeting.

Commissioner Herring seconded the motion, and the Commission voted unanimously to approve the motion.

PP 14-04: Preliminary Plat for Country Club Estates Final Phase

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.

STAFF RECOMMENDATION:

If the Planning and Zoning Commission decides to approve the Applicant's request for a one-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.

The Commission discussed issues with drainage swales (it was determined that the City would not be responsible for erosion control and would be the HOA's responsibility), traffic safety for two public streets within ten feet without a connection (a suggestion was made by Commissioner Murdock that Turnberry Lane be stubbed for future connection with Westline Road to the east), and the City's inability to enforce private covenants between two parties not mentioned in the plat.

Commissioner Hicks moved to approve the Preliminary Plat, with the following conditions: correcting the errors by adding "preliminary" and R-4A in property description, along with the conditions recommended by Staff, which was seconded by Commissioner Brooks. Commissioner Murdock made a motion to add a friendly amendment, that Turnberry Lane be stubbed for future connection with Westline Road to the east and that Augusta Lane should be connected with Country Club Road and named accordingly, which was not seconded by the Commission. The Commission voted unanimously to approve the original motion by Commissioner Hicks.

CU 14-01: Anthony Depot, LLC; Conditional Use

Chair Emison asked the City Planner to introduce item CU 14-01, a Public Hearing noticed by the City of Starkville for a Conditional Use to allow two apartment units in the old Starkville Depot located at 223 South Jackson Street. City Planner Sanders presented the request by

Anthony Depot, LLC. The property is surrounded by C-2 Zoned property. Land use is 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.

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.

Chair Emison called for other questions and then opened up the Public Hearing for comments. Kitty Robbins Herring came forward to ask if the chem lab and the depot would be torn down, and Mr. Sanders answered that the depot, which is the subject of the public hearing, would not be torn down. She also shared concern for the increased traffic, garbage collection, and parking for the two apartments. The Applicant answered that nothing would change for the existing structure. As there were no further questions from the public, Chair Emison closed the Public Hearing.

Chair Emison referred to the Planner's written presentation for the criteria for Conditional Use:

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. 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.

Commissioner Hicks asked why “No Annual Review” is required, and Mr. Sanders stated that there was no intense effect on the community as it is an existing building, thus eliminating the need. Under the law, if the Conditional Use is abandoned, discontinued, or ceases for more than 6 months, the Conditional Use will be null and void.

Commissioner Murdock moved to recommend approval of CU 14-01 with the Staff Recommendation and based on the finding of fact that the five criteria have been met for Conditional Use. Mr. Moore seconded the motion, and the Commission voted unanimously to carry the motion.

RZ 14-03: Rezoning request for 711 Vine Street from R-3 Multi Family to B-1 Buffer District

Chair Emison asked the City Planner to introduce item RZ 14-03, a Public Hearing noticed by the City of Starkville for a rezoning request. 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. The Applicant has stated 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-thru lanes.

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 built along the south and east property lines of 711 Vine Street.
- 2) All outdoor lighting should be shielded away from residential areas.

After the presentation by the City Planner, Chair Emison opened the Public Hearing for discussion, first by the Applicant. Molly Jackson, of Moore Law Office, came forward to speak. She stated that since the present Sonic has been in existence since 1973, a redesign is required in order to keep up with public need and change in condition and also to ameliorate complaints with garbage and traffic.

Commissioner Murdock asked if the footprint will be increased, and the Applicant answered that the actual building will be smaller, but there will be a drive through and room for garbage bins. The thirty-foot buffer will be total buffer. The restaurant signs will be a permitted use under B-1.

Mashanda Bush of Vine Street came forward to question why, if the stalls are being decreased, is there a need for expanding. Regarding the buffer zone, the establishment should have already been brought up to code. Traffic and garbage on Vine Street has been adversely affected. She also noted that there has not been much commercial change and that crime has increased because of the introduction of more people into the restaurant. She is concerned that since rules have not been enforced to date, she can't trust they will be in the future.

Curtis Bush, Jr., of Vine Street came forward to speak of his concern regarding traffic, road conditions, and noise concerns that might increase with granting this rezoning.

The third citizen to come forward addressing concerns was Minion Arnold, who wanted consideration for the elderly people who live on Vine Street to keep the neighborhood safe for them.

To answer the concerns from the public, John Moore responded by saying that in meeting with Mr. Welch, the primary concern was for the neighborhood, and he understands the fear of change in a neighborhood, but the addition of the buffer zone and the seven-foot wall would make the situation better. The best approach to make the Sonic functional and to protect the neighborhood would be the presented solution. Less bays would still require more room because of the drive-thru. Seventy percent of the traffic will by necessity come off Highway 12, so the addition will decrease traffic.

As there were no more citizens coming forth to comment, Chair Emison closed the Public Hearing and asked for comments from the Commissioners. Commissioner Hicks stated that B-1

districts are to be made of compatible mixed commercial and residential, and he was unsure if the designation was appropriate. Mr. Sanders answered that since the Sonic was existing, the designation was appropriate for B-1. Mr. Hicks asked about the landscaping required for the 7-foot fence and where the fence would be built. Mr. Sanders answered that the fence will be on the property line. Mr. Hicks wanted verification on the setbacks regarding which zone's requirements would be met for the building. Mr. Sanders said that the building would have to have to meet C-2 standards because of where the building would be located, but if building took place close to the fence, B-1 standards would be required; however, he doesn't think there is room for building close to the fence.

Commissioner Murdock moved to recommend approval of RZ 14-03 based on change in condition in the area and public need, with four conditions:

1. 7-foot solid brick wall constructed on the south side.
2. 6-foot wood privacy fence on the east side.
3. Outdoor lighting should be shielded away from the residential area and downlit.
4. No commercial structure built on B-1 property.

Commissioner Hicks seconded the motion, and the Commission voted to approve the rezoning by a vote of four in favor, Commissioner Moore against, and Commissioner Loveless abstaining.

RZ 14-04: Request to rezone all the Thad Cochran Research, Technology and Economic Development Park from B-1 or R-1 Single-Family to P-O Planned Office District, with the exception of tax parcel 117K-oo-032.05/Technology Mills, LLC, property.

Chair Emison asked the City Planner to introduce item RZ 14-04, a Public Hearing noticed by the City of Starkville, before recusing himself and leaving the room. 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.

Staff noted that there is a mapping error, and Planned Office is the correct designation for this area.

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*.

Vice Chair Herring opened the Public Hearing for discussion. No citizens came forward to speak, so the Public Hearing was closed. Commissioner Murdock moved to recommend approval of the rezoning to Planned Office, based on mapping error, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve the rezoning request.

ADJOURNMENT

Vice Chair Herring adjourned the meeting at 8:10 PM. The next regularly scheduled meeting will be Tuesday, June 10, 2014, at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chair



Buddy Sanders, City Planner