



OFFICIAL AGENDA

PLANNING & ZONING COMMISSION

CITY OF STARKVILLE, MISSISSIPPI

MEETING OF TUESDAY, June 10, 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. A. CONSIDERATION FOR APPROVAL OF THE MARCH 11, 2014 MINUTES
B. DISCUSSION REGARDING THE MAY 13, 2014 MINUTES
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PP 14-03: Preliminary and Final Plat request by James and Teresia Spinks for a 1 lot FP 14-01: subdivision of 1 acre; located on Butler Road.
 - B. PP 14-05: Preliminary and Final Plat request by Panda Restaurant Group, Inc. for a FP 14-03: 0.776 acre subdivision; located at 1010 Highway 12 West.
 - C. FP 14-04: Final Plat request by Frank Jones Construction for the 5 lot Country Club Estates Phase 3 A Subdivision; located on Royal Toon Road.
- 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.

- 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. 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 from North Nash Street 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.

Jerry Emison, Chair

Buddy Sanders, City Planner

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

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Buddy Sanders City Planner (662-323-2525 ext. 119)
CASE: PP 14-03 & FP 14-01 James and Teresia Spinks Subdivision
DATE: June 6, 2014

BACKGROUND INFORMATION:

Per the Planning and Zoning Commission's request, a Final Plat drawing was submitted by the Applicant for the Commission to consider. Please see Attachment 4.

James and Teresia Spinks purchased one acre from Luther and Allie Hunter on June 4, 2013. Please see Attachment 5. Unknown to both the Grantor and Grantee, a subdivided lot of under 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 proposed lot is located on Butler Road within 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 criteria 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 one 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 one 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 criteria will be required.

Findings and Comments

The Development Review Committee reviewed the James and Teresia Spinks Application on April 17th, 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.

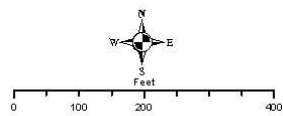
CONCLUSIONS

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

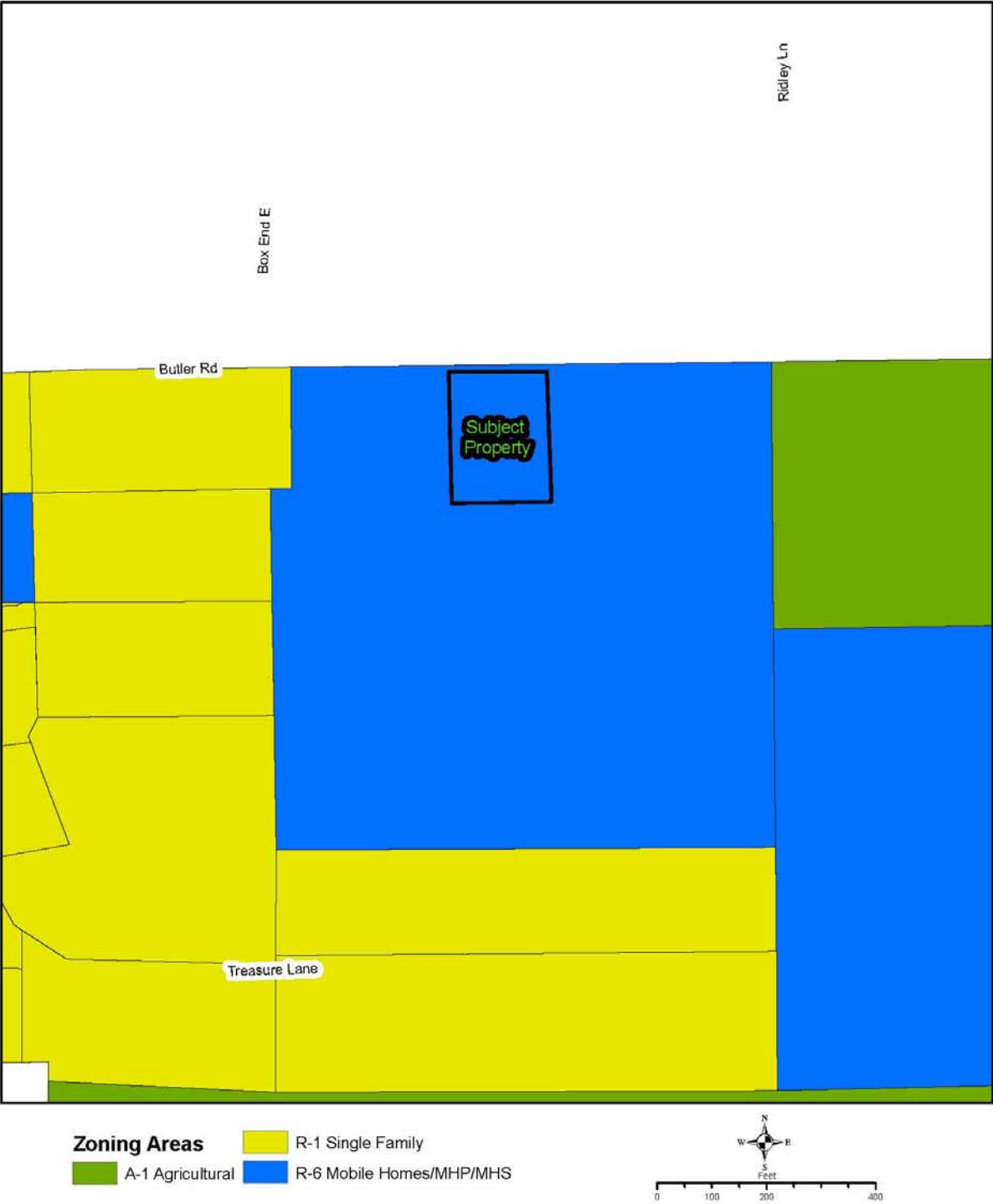
Attachment 1

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
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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.

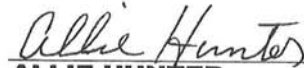
It is agreed and understood that the taxes for the current year have

2013 2919
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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.

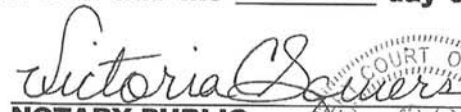

LUTHER HUNTER


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

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Buddy Sanders City Planner (662-323-2525 ext. 119)
CASE: PP 14-05 & FP 14-03 Preliminary and Final Plat Panda Express Subdivision
DATE: June 6, 2014

BACKGROUND INFORMATION:

Panda Restaurant Group, Inc., is proposing to place a new restaurant at 1010 Highway 12 West, or between the two main entrances to Wal-Mart. Please see Attachments 1, 2, 3 & 4.

In order to purchase property and construct the proposed Panda Express Restaurant, the Applicant is seeking to subdivide a 0.776 acre (33,0877sf) parcel from the Wal-Mart Real Estate Business Trust property.

The proposed lot is located along the Highway 12 commercial corridor, and the area is zoned C-2 General Business. An eating and drinking establishment is a Permitted Use in the subject zoning district. Listed below are the requirements of Appendix-A, Article VII, Section L. C-2 Business (General Business) zoning district regulations:

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

- 1. See chart for uses permitted.*
- 2. See chart for uses which may be permitted as an exception.*
- 3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.*

4. *Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
5. *Maximum height of building or structures: 45 feet.*
6. *Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
7. *Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*

PLAT PROPOSAL

General Information

The proposed 0.776 acre (33,807sf) meets the lot requirements above. Please see Attachment 4.

Applicant will need to submit site plan/infrastructure drawings to Community Development for the Development Review Committee (DRC) to review.

Easements and Dedications

The proposed Panda Express Lot has frontage along public right-of-way (Highway 12). Water, sewer, and electrical services are currently available to the proposed lot. There are existing City Utility Easements.

Findings and Comments

Please see Attachment 5 for Development Review Committee (DRC) comments.

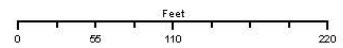
Please note that some of City Staff comments apply to site plan and infrastructure review and not Preliminary and Final Plat approval.

Attachment 1

Panda Express Aerial

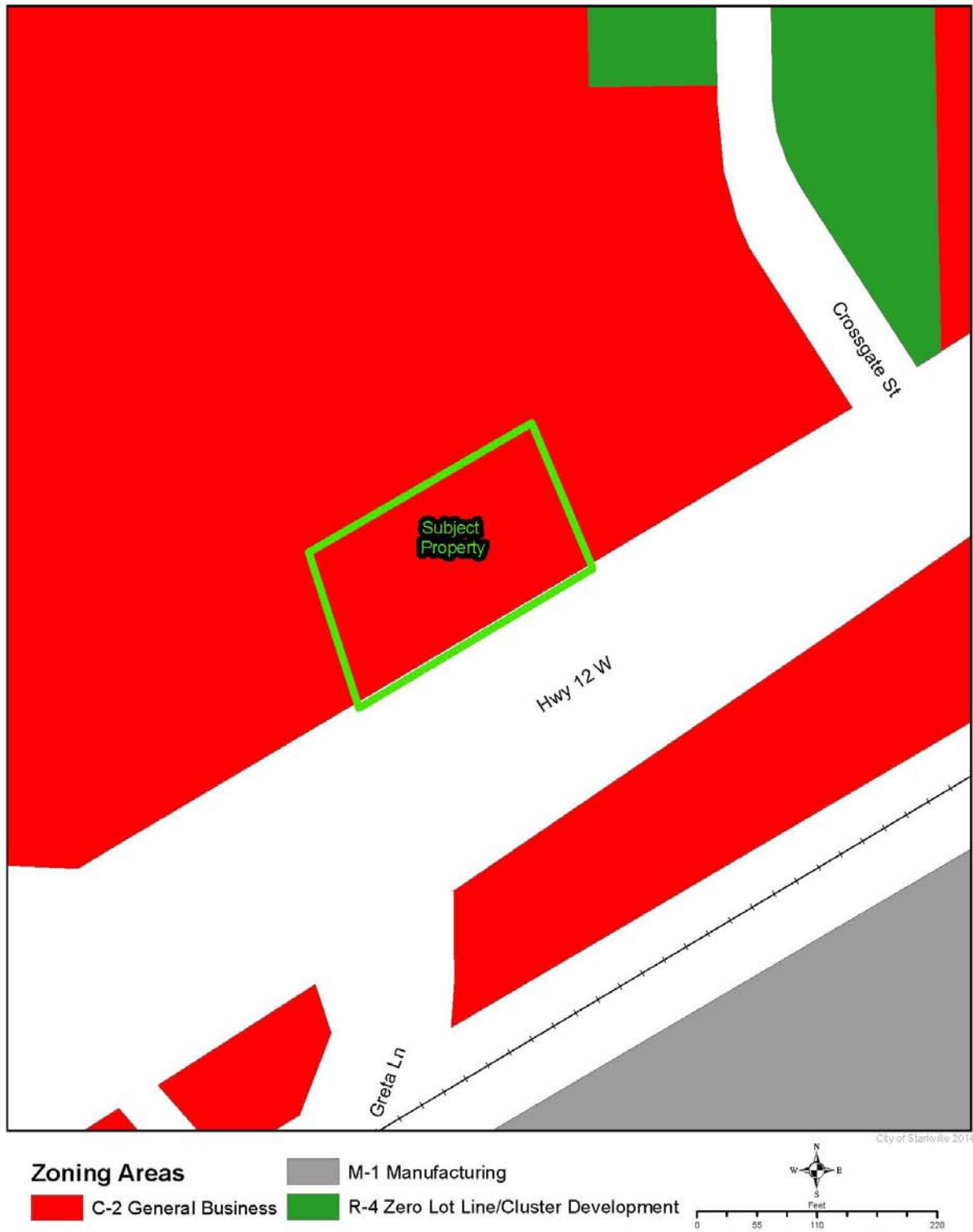


City of Starkville 2014



Attachment 2

Panda Express Area Zoning



Attachment 3



North



East



South

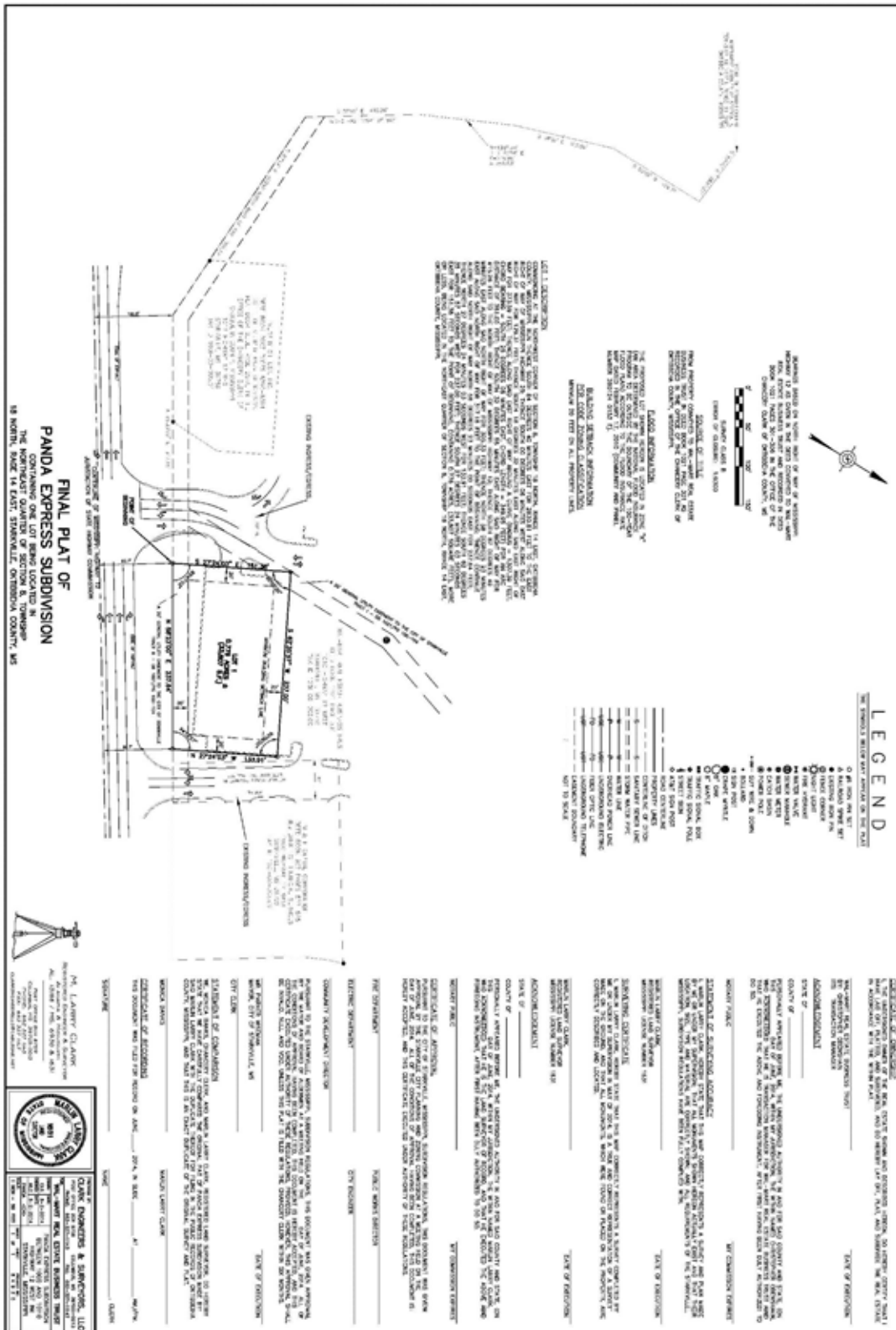


West

Attachment 4

[illegible]

FINAL PLAT



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

TO: Panda Restaurant Group, Inc.

FROM: Bill Green, Planning Section

SUBJECT: PP 14-05: "PANDA EXPRESS SUBDIVISION" PRELIMINARY PLAT SUBDIVISION REVIEW;
1010 HIGHWAY 12 WEST (WAL-MART); C-2; WARD 1.

FP 14-03: "PANDA EXPRESS SUBDIVISION" FINAL PLAT SUBDIVISION REVIEW; 1010
HIGHWAY 12 WEST (WAL-MART); C-2; WARD 1.

DATE: JUNE 1, 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. 131 b.sanders@cityofstarkville.org

Please be aware that even after Final Plat approval, an infrastructure DRC application will be required. Please also note that a landscape plan is required to be submitted with infrastructure drawings.

Atmos Energy: Wade Shultice, Project Specialist
662-323-2742 wade.shultice@atmosenergy.com

AT&T: Karon Scott, Manager OSP Planning & Engineering Design
662-327-8319 662-327-8320 ks4849@att.com

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

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

1. Is there an ingress/egress easement/agreement? If so, this would be helpful information to include/ show on the plat since there is no direct access to Hwy 12.
2. Upon preparing the final plat, use the checklist provided for all declarations, etc.

Fire Department: Mark McMurdy, Fire Marshall
662-323-2962 mmccurdy@cityofstarkville.org

MetroCast: Mitch Douglas, Plant Manager
662-323-1615, ext. 17 mdouglas@metrocast.com

Police Department: John Outlaw, Chief
662-323-2700 policechief@cityofstarkville.org

Public Services Department: Charles Box
662-323-2525 c.box@cityofstarkville.org

Sanitation & Environmental Services Department: Emma Gandy
662-323-2652 sanitation@cityofstarkville.org

Cannot identify container enclosed. Enclosure must be built according to City specification, hold harmless is required.

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

- 1) "Electric Box" at northwest corner of Hwy 12 & WalMart/Greta intersection should be labeled "Traffic Light Controller". Controller shall be protected during utility installation of this project.
- 2) Is 20' utility easement along north side of right of way to be utilized to provide power to the site or will additional easements be granted by MDOT or WalMart Real Estate Business Trust?

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

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Buddy Sanders City Planner (662-323-2525 ext. 119)
CASE: FP 14-04: Final Plat for Country Club Estates Phase Three A
DATE: June 6, 2014

BACKGROUND INFORMATION:

Frank Jones Construction received Preliminary Plat approval from the Board of Aldermen for an 85 lot subdivision on May 20, 2014.

The applicant is now requesting Final Plat approval of five 0.49 to 0.50 (total of 2.48 acres) acre lots which would be called County Club Estates Phase 3 "A". All proposed lots front Royal Troon Road, and water, sewer, and electricity services are available.

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

Below is information from Appendix A, Article VII, Sec. F. R-4 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.

PLAT PROPOSAL

General Information

Total Acreage: 2.48 Acres
Number of Lots: 5
Open Space: None
Gross Density: 2.48 Lots per acre
Net Density: 2.02 Lots per acre

Easements and Dedications

Existing utilities and public right-of-awy are in place.

Findings and Comments

The Final Plat for Country Club Estates Phase 3 “A” was reviewed by the Development Review Committee and their comments can be found in Attachment 6.

Please note that some of Staff comments do not apply to Final Plat approval, but are require as a separate site plan/infrastructure review.

Conditions placed on the County Club Estates Final Phase Preliminary Plat were:

1. *“R-4A” should be replaced with “R-4” on Preliminary Plat.*
2. *Correct Description of fifty feet of Country Club Road.*
3. *Covenants restricting the placement of any fence within drainage Easements.*
4. *Drainage swales/linear basins to be designed to the satisfaction of the City Engineer and approval of the Board of Aldermen.*
5. *Document outlining ownership and maintenance responsibilities of storm drainage system to the satisfaction of the City Attorney, City Engineer and Community Development Director.*

Please see Attachments 4 and 5.

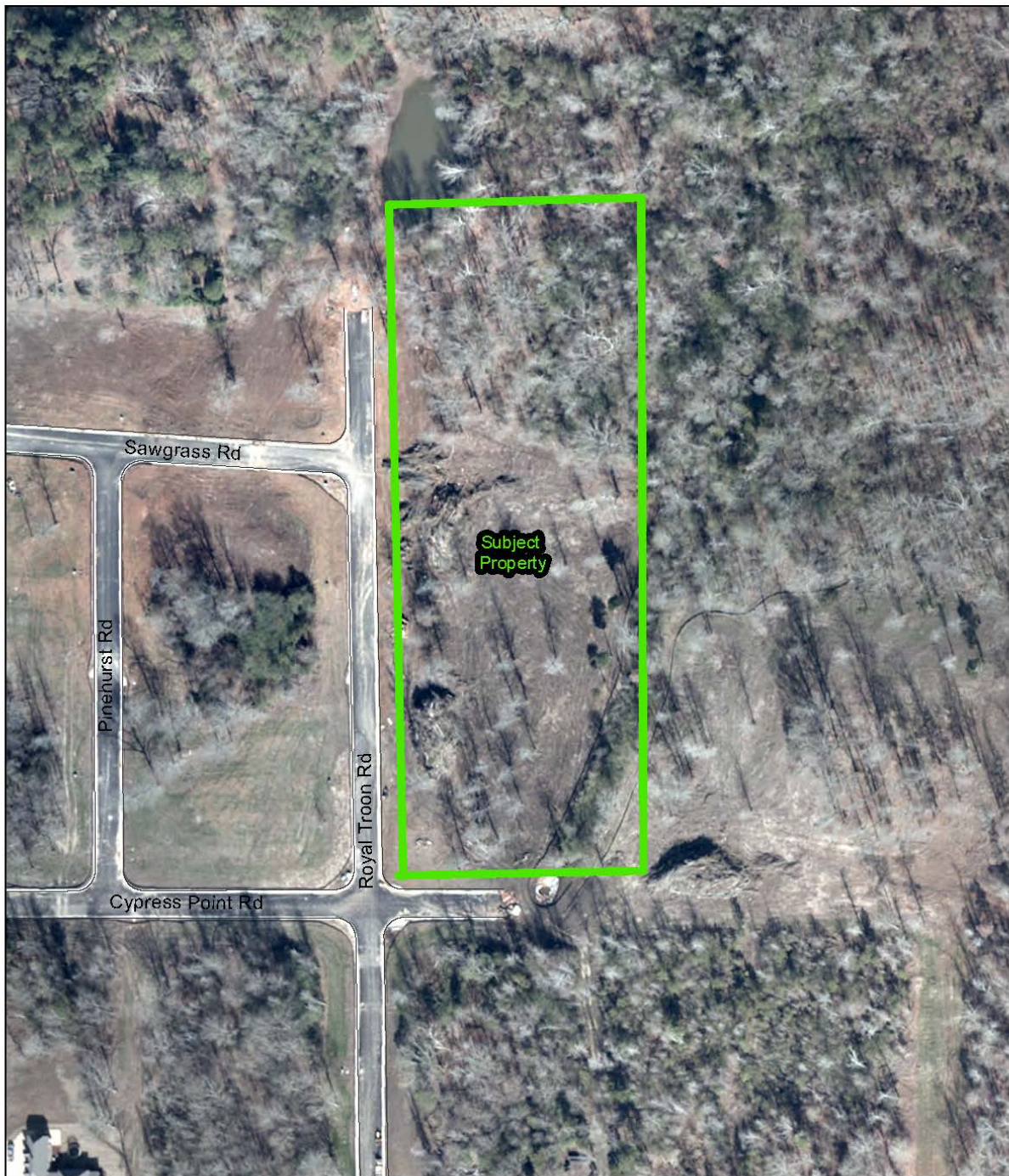
Recommendations

If the Planning and Zoning Commission decides to approve the Applicant’s request, Staff recommends the following conditions:

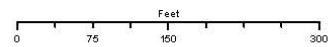
1. Drainage swales/linear basins are to be constructed to the satisfaction of the City Engineer and Community Development Director before any building permit are issued for structures on Country Club Estates Phase 3 “A” Lots, 262, 263, 264, 265, and 266.

Attachment 1

CC Estates Aerial



City of Starkville 2014



Attachment 2

CC Estates Area Zoning



Zoning Areas

- R-4 Zero Lot Line/Cluster Development
- R-E Residential Estate



Attachment 3



North



East



South



West

Attachment 4



RECORD PROJ. # 4072-50-121-14 FILE # 400-S&B PLAT PHASE 3A DRAWN BY: JW-SJP CHECKED BY: CLP	SHEET # 1 DATE: 06/24/74 REVISION: 0 SCALE: 1" = 50'	PROJECT FINAL PLAT COUNTRY CLUB ESTATES PHASE 3-A STARKVILLE, MS	CLIENT FRANK JONES CONSTRUCTION STARKVILLE, MS	TO FRANK JONES CONSTRUCTION STARKVILLE, MS	SUBMITTED BY FRANK JONES CONSTRUCTION STARKVILLE, MS	Pritchard ENGINEERING P.O. BOX 1928 STARKVILLE, MS 39760-0188 662-284-8305

Attachment 5

STATE OF MISSISSIPPI:
COUNTY OF OKTIBBEHA:

**RESTRICTIVE COVENANTS
FOR
COUNTRY CLUB ESTATES - PHASE 3A**

KNOW ALL MEN BY THESE PRESENTS that Frank Jones Development, LLC being the Owner of the following described tract of land situated in the City of Starkville, Oktibbeha County, Mississippi, hereby imposes the following Restrictive Covenants on the following described tract of land which has been platted as Country Club Estates - Phase 3A:

Lots 262, 263, 264, 265 and 266 in Country Club Estates Subdivision - Phase 3 of the City of Starkville, Mississippi as shown on the subdivision plat filed June ____, 2014 and recorded on Slide ____ in the office of the Chancery Clerk of Oktibbeha County, Mississippi.

1. LAND USE AND BUILDING TYPE:

No building or other structure shall be erected, placed or altered on any individual lot herein described except for one (1) single family residence not to exceed two stories in height together with one small one story accessory building which may include a detached private garage. No accessory building shall be

constructed prior to the construction of the main dwelling. No lot within this subdivision shall be used for any purpose other than as a single family residence.

2. DWELLING QUALITY AND SIZE:

No single story dwelling shall be permitted on any lot having a ground floor heated and air conditioned area, exclusive of porches, garages, terraces, decks and the like of less than 2,000 square feet with not less than 1,600 square feet on the ground floor of any two story dwelling with no structure exceeding the height of 45.0 feet. All dwellings shall be constructed with either an attached or detached two car enclosed garage.

No trailer, barn, manufactured structure, shack or other similar outbuilding or structure shall be placed on any lot at any time either temporarily or permanently. For the purposes of this restriction the term "manufactured home" or "manufactured structure" shall include any home or structure manufactured offsite or is assigned a unit identification number or serial number on any certificate of origin.

3. PLAN APPROVAL:

No construction shall be commenced on any lot covered by these restrictive covenants until the plans, specifications and exterior elevation and finish have been submitted to and approved in writing by the developer or at the discretion of the developer its designated architectural control committee.

As part of the submission and approval of construction plans and specifications, Developer shall also have the authority to designate or approve the site location of each dwelling as to any particular lot.

4. CONSTRUCTION SCHEDULE:

The purchasers of the lots shall be required under these covenants to construct a residence on any lot purchased from the owner of said subdivision within three years from the date of such purchase, and that failure to do so shall confer upon the owner of said subdivision an option to repurchase said lot at the price for which it was sold to said purchaser. It is also agreed that the exterior of any residence or other structures on said lot must be completed within one year after the construction of the same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergencies or natural calamities.

5. ROADWAY GRADE:

It is understood and agreed that the City of Starkville may at any time change the grade of any such street or other public way and any part thereof from the natural grade to a permanent grade without payment or compensation or damages to the abutting property owners.

6. NUISANCES:

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to the neighborhood. There shall not be maintained any plants or animals or devices or things of any sort that normal activities or existence of which is in any way noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of other property in the neighborhood by the owners thereof.

7. COMMERCIAL SIGNS:

No commercial signs, including "for rent", "for sale" and other similar signs shall be erected or maintained on said lot except with written permission of the Developer or except as may be required by legal proceedings, it being understood that permission will not be granted for said signs unless their erection is reasonably necessary to avert serious hardships to the property owner. Property identification and like signs exceeding a combined total of more than three square feet shall not be erected on any lot without the prior written permission of the Developer.

8. AUTOMOBILE PARKING:

All lot owners shall provide space for parking automobiles off the street prior to the occupancy of any dwelling constructed on said lot.

9. GARBAGE DISPOSAL:

Each lot owner shall provide receptacles for garbage in a secluded area not generally visible from the road, or provide underground garbage receptacles or similar facilities.

10. EASEMENT FOR UTILITIES AND GOLF COURSE ACCESS:

There is hereby specifically reserved for the use and benefit of the Developer and any approved utility provider a permanent and perpetual non-exclusive easement for the installation, use and maintenance of utilities as shown on the subdivision plat for Country Club Estates - Phase 3A on file in the office of the Chancery Clerk of Oktibbeha County, Mississippi.

There is specifically reserved for the use and benefit of all residents within any phase of County Club Estate Subdivision one or more golf course access easements

as set forth and described on one or more of the plats of for Country Club Estates Subdivision on file in the office of the Chancery Clerk of Oktibbeha County, Mississippi.

11. TEMPORARY STRUCTURES:

No structure of a temporary character shall be placed upon said lot at any time, provided however, that the prohibition shall not apply to shelters used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not, at any time be used as a residence or permitted to remain on the lot after completion of construction.

12. LOT SIZE:

No lot shall be subdivided, or its boundary lines changed, except with the prior written consent of the Developer.

13. TERM:

All covenants, restrictions and affirmative obligations set forth in these covenants shall run with the land and shall be binding on all parties and persons claiming under them for a period of twenty-five (25) years from the date hereof, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument agreeing to change the covenants in whole or in part is signed by a majority of the owners of each lot.

14. BUILDING LINES:

Set back requirements shall be twenty-five (25.0) feet from the road right-of-way (ie. the front setback); twenty (20.0) feet from the rear lot line and ten (10.0) feet from each side lot line. For the purpose of calculating compliance with the set back

restrictions, all porches, garages, eaves and outbuildings of every nature and description, shall be considered as a part of the building and subject to set-back and side lot line restrictions as set forth herein.

15. DRIVEWAY & SIDEWALK:

All driveways and sidewalks connecting to each residence shall be constructed of **exposed aggregate** (cement base with rocks showing) or as otherwise approved by the Developer.

Prior to or within thirty (30) days of occupancy, each Owner shall construct and then maintain a 4.0 foot wide sidewalk constructed of **brushed concrete** located along the entire width of each lot and sited 3.0 feet off of the street curb.

16. OWNER'S ASSOCIATION/ ASSESSMENT:

The owner of each individual lot encumbered by these covenants (other than the developer) shall become a member of the Country Club Estates Owner's Association (hereafter "Owner's Association") and shall be assessed and pay over to the Owner's Association the sum of One Hundred Dollars (\$100.00) per year for use by the Developer and/or Owner's Association in the maintenance of the subdivision entranceway and all common areas. The initial annual assessment shall be due at closing of each lot and shall be prorated through the 31st day of December. Thereafter, the annual assessment shall be payable in advance on or before the 15th day of January for the period January 1 through December 31. The annual assessment may be increased or decreased by the Owner's Association in accordance with its established by-laws. Any unpaid assessment shall constitute a lien against the individual lot upon which the assessment is due.

No lot owned by Developer located within any phase of County Club Estates Subdivision shall be subject to the jurisdiction of the Owner's Association until the lot has been sold to a third party with or without improvements.

17. DRAINAGE AREA MAINTENANCE AGREEMENT:

It shall be the responsibility of the Owner's Association to comply with and maintain the interior 20.0 foot drainage easement area located along the East (rear) boundary of Lots 264, 265, 266 and a portion of 263 and an area located adjacent to and West of said lots as set forth and described on the subdivision plat for Country Club Estates - Phase 3A on file in the office of the Chancery Clerk of Oktibbeha County, Mississippi. **No fence or other permanent or semi-permanent structure shall be located within said drainage easement area and no grading, filling, piping or modifying of the linear bases within the drainage easement area shall be permitted.**

It shall also be the responsibility of the Owner's Association to maintain the storm drainage system as set forth on the subdivision plat, it being understood and agreed that all drainage and storm drainage easements as set forth and described in the subdivision plat shall be designated as common area with ownership vested in the Owner's Association with its corresponding responsibility to maintain said drainage and storm drainage system as may be required by the City of Starkville.

All drainage easements set forth and described on the subdivision plat shall be designated as common area with ownership vested in the Owner's Association with the corresponding responsibility to maintain said storm drainage system as may be required by the City of Starkville.

The City of Starkville shall not have any responsibility or liability with respect to the drainage easements and storm drainage system described herein and shown on the subdivision plat, and the Owner's Association shall indemnify, defend, and hold harmless the City of Starkville from any and all claims, suits, judgments, damages, attorney fees, costs and any and all other expenses whatsoever arising out of or relating in any manner to the drainage easements and storm drainage system described herein and shown on the subdivision plat.

18. DEVELOPER:

For the purpose of these restrictive covenants, the Developer shall be Franklin T. Jones as the Member and LLC Manager of Frank Jones Development, LLC.

In order to facilitate development of Country Club Estates Subdivision, the Developer retains the authority to alter or amend the lot lines and/or set back restrictions.

19. ENFORCEMENT:

In the event of a violation or breach of any of the restrictive covenants set forth herein, the Developer or any individual lot owner in said subdivision shall jointly and severally have the right to proceed at law or in equity to compel a compliance with the terms, conditions and obligations set forth herein or to prevent the violation or breach of such covenants.

Should enforcement of these restrictive covenants become necessary, the non-defaulting party in addition to all other remedies shall be entitled to recover from the defaulting party all reasonable and necessary costs of litigation including attorney fees and court costs.

Executed this the 5th day of June, 2014.

FRANK JONES DEVELOPMENT, LLC

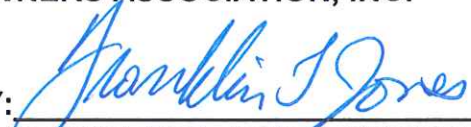
By: 
Franklin T. Jones, Member/Manager

**JOINDER
BY
COUNTRY CLUB ESTATES OWNERS ASSOCIATION, INC.**

Country Club Estates Owners Association, Inc. does hereby join with Frank Jones Development, LLC in the filing of these Restrictive Covenants for Country Club Estates - Phase 3A to insure the Owners Association's agreement to assume the maintenance and ownership obligations of the drainage/storm drainage areas within the platted subdivision area as set forth in Paragraph 17 of the Covenants.

**COUNTRY CLUB ESTATES
OWNERS ASSOCIATION, INC.**

BY:


FRANKLIN T. JONES, PRESIDENT

STATE OF MISSISSIPPI:
COUNTY OF OKTIBBEHA:

Personally appeared before me, the undersigned authority in and for said county and state, on this 5th day of June, 2014 within my jurisdiction, the within named **Franklin T. Jones** who acknowledged that he is **President of Country Club Estates Owners Association, Inc. - a Mississippi Non-Profit Corporation** and as his act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Christie B. Colvin

NOTARY PUBLIC

My Commission Expires:



STATE OF MISSISSIPPI:
COUNTY OF OKTIBBEHA:

Personally appeared before me, the undersigned authority in and for said county and state, on this the 5th day of June, 2014, within my jurisdiction, the within named **Franklin T. Jones** who acknowledged that he is **Member/Manager of Frank Jones Development, LLC and** that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized so to do.

Christie B. Colvin

NOTARY PUBLIC

My Commission Expires:

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Attachment 6

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

COMMITTEE MEMBER COMMENTS

TO: Frank Jones Construction
FROM: Bill Green, Planning Section
SUBJECT: FP 14-04: "COUNTRY CLUB ESTATES PHASE 3-A" FINAL PLAT SUBDIVISION REVIEW; 5 LOT/2.48 ACRES SUBDIVISION; INTERSECTION OF ROYAL TROON ROAD AND SAWGRASS ROAD; R-4 ZONING DISTRICT; WARD 3.
DATE: JUNE 1, 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. 131 b.sanders@cityofstarkville.org

Please be aware that even after Final Plat approval, an infrastructure DRC application will be required. Please also note that a landscape plan is required to be submitted with infrastructure drawings.

Atmos Energy: Wade Shultice, Project Specialist
662-323-2742 wade.shultice@atmosenergy.com

AT&T: Karon Scott, Manager OSP Planning & Engineering Design
662-327-8319 662-327-8320 ks4849@att.com

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

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

- 1) Please provide a 10' easement on the south side of lot 5 for drainage.
- 2) Revise vicinity map to include only phase 3A
- 3) Should note #7 say easement maintenance by HOA not owner?
- 4) We are still reviewing the stormwater comments with John Weaver. WE will need to finalize those prior to execution of final plat
- 5) A full infrastructure plan review has not been performed. If any changes have been made to the plans, please submit a new set so we can commence with that review as quickly as possible for future phases.
- 6) The stormwater detention facilities associated with this phase will need to be completed, including final erosion control stabilization, prior to the execution of the final plat.

7) I will provide comments regarding the covenants via email if I have any.

Fire Department: Mark McMcCurdy, Fire Marshall
662-323-2962 mmccurdy@cityofstarkville.org

MetroCast: Mitch Douglas, Plant Manager
662-323-1615, ext. 17 mdouglas@metrocast.com

Police Department: John Outlaw, Chief
662-323-2700 policechief@cityofstarkville.org

Public Services Department: Doug Devlin
662-323-2525 <mailto:dougdevlin@cityofstarkville.org>

1. Construction of water and sewer infrastructure cannot commence until Devlin is provided with copies of the MDOH permit, MDEQ permit.
2. Devlin needs to approve plans and specs prior to construction as well.

Sanitation & Environmental Services Department: Emma Gandy
662-323-2652 sanitation@cityofstarkville.org

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