APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JUNE 10, 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, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Also attending were City Attorney Chris Latimer, Community Development Director 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 June 10, 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 MARCH 11, 2014

Chair Emison called for consideration of approval of the March 11, 2014, minutes. Commissioner Herring requested a change in the first paragraph, in the sentence beginning with "Attending", to change from "Attending the Commissioners" to "Also attending". Commissioner Loveless moved to approve the March 11 minutes as amended, which was seconded by Commissioner Moore, 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. No citizens came forward.

NEW BUSINESS

A. PP 14-03; FP 14-01: Preliminary and Final Plat request by James and Teresia Spinks for a one-lot subdivision of 1 acre; located on Butler Road.

Chair Emison asked Mr. Buddy Sanders to introduce the request for the Preliminary Plat and Final Plat by James and Teresia Spinks. Per the Planning and Zoning Commission's request, a

Final Plat drawing was submitted by the Applicant for the Commission to consider. James and Teresia Spinks 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 into compliance the one acre lot they purchased last year by asking for Preliminary and Final Plat approval so they can move a mobile home as their residence onto the property.

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:]
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> 1. See chart for permitted uses.
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> 2. See chart for uses which may be permitted as an exception.
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> 3. Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots:
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> (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.
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> **(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. 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.

Easements and Dedications

The City is not requiring any Easements at this time. However, Easements from 4-County Electric and Rock Hill Water Association will/may be required. Both 4-County Electric 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: 1). electricity would need to come from 4-County Electric; and 2). 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.

Chair Emison opened the discussion to the Commission. Commissioner Loveless asked about if this decision would be setting a precedent for future similar cases that didn't follow correct procedure. Mr. Latimer stated that since the Grantor refuses to subdivide the plat in order to bring into compliance, there is no other option and that the Chancery Clerk has been alerted not to record any similar such deed without going through proper procedure. CAO Taylor Adams stated that, going forward, the position of the City of Starkville is to remedy the problem within the realm of the City's power to do so.

Commissioner Hicks asked about a discrepancy between the legal description and the bearings on the Plat and requested a condition be placed correcting the error.

Commissioner Herring moved to approve the Preliminary Plat with conditions regarding septic tanks (in the Staff Recommendation) and correcting the discrepancy between the legal description and the Plat. Commissioner Brooks seconded the motion, and the Commission voted unanimously to approve the Preliminary Plat with conditions. Commissioner Herring moved to approve the Final Plat with the same conditions, which was seconded by Commissioner Loveless, and the Commission voted unanimously to approve the Final Plat with conditions.

B. PP 14-05 and FP 14-03: Preliminary and Final Plat request by Panda Restaurant Group, Inc., for a 0.776 acre subdivision, located at 1010 Highway 12 West.

Chair Emison asked Mr. Sanders to introduce items PP 14-05 and FP 14-03, a Preliminary and Final Plat request by Panda Restaurant Group, Inc., for a 0.776 acre subdivision. 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. 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.

PLAT PROPOSAL

General Information

The proposed 0.776 acre (33,807sf) meets the lot requirements. 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.

STAFF FINDINGS AND COMMENTS

Development Review Committee (DRC) comments are included in the City Planner's Report. Please note that some of City Staff comments apply to site plan and infrastructure review and not Preliminary and Final Plat approval. Commissioner Hicks suggested that the term "hold harmless" be added to the wording on the Final Plat. Commissioner Hicks moved to recommend approval of the Preliminary Plat, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve Preliminary Plat 14-05.

Commissioner Hicks moved to recommend approval of the Final Plat, with a friendly recommendation to include the "hold harmless" language on the Plat. Commissioner Brooks seconded the motion, and the Commission voted unanimously to approve Final Plat 14-03.

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 Troon Road.

Chair Emison asked the Mr. Sanders to introduce item FP 14-04, a Final Plat approval request by Frank Jones Construction.

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-acre lots (total of 2.48 acres) 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.

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-way 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 the City Planner's Report, Attachment 6. Please note that some of Staff comments do not apply to Final Plat approval, but are required 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.

STAFF RECOMMENDATION

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

1. Drainage swales/linear basins are to be constructed to the satisfaction of the City Engineer and Community Development Director before any building permits are issued for structures on Country Club Estates Phase 3 "A" Lots, 262, 263, 264, 265, and 266.
2. Add: *, and approved by the City of Starkville.* at the end of Paragraph 13 of Restrictive Covenants.
3. The developer shall comply with all requirements of Sec. 54-164(2)(c) & (d) of the Starkville Code of Ordinances.
4. Pursuant to Sec. 54-164 (2) (c), the following language shall appear on the final plat:

   Maintenance of facilities: All improvements, including landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. In the case of shared stormwater management facilities, the improvements shall be owned and/or maintained by the property owner's association of the development. The property owner's association shall be formed by the developer in perpetuity for the maintenance of the improvements. Membership shall be mandatory for all property owners. Articles of agreement of the property owner's association must be approved by the Board of Aldermen of the City of Starkville before recording. When problems arise due to inadequate maintenance, the city engineer or his designated agent of the City of Starkville may inspect the improvements and compel the correction of the problem by written notice and issue a written notice of violation to the owner of the property. If abatement of the violation and/or restoration of affected property is required, the notice shall set forth a deadline of 90 days within which such remediation or restoration must be completed. In accordance with the authority of the municipality *granted by MCA 1972 § 21-17-5, said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.*

5. Add: *In addition, the City of Starkville reserves and maintains all rights and remedies available under its Stormwater Management Ordinance, as amended, for the enforcement of maintenance to the storm drainage system by the Owner's Association in Country Club Estates - Phase 3A.* to paragraph19 of Restrictive Covenants.

Chair Emison verified with the City Attorney that in covenants between private parties, the Commission has no enforcement power. The City Attorney responded that the conditions placed on the Final Plat (above) will give the City of Starkville enforcement and maintenance power. Commissioner Murdock asked if all the DRC comments had been met, and Mr. Sanders stated that the City Engineer averred that the storm water calculations have met with his approval, and the other issues would be resolved soon; therefore he recommended moving forward. Commissioner Hicks made a motion to recommend approval with the five conditions made in the presentation, which was seconded by Commissioner Herring, and the motion carried unanimously.

PLANNER'S REPORT

Mr. Sanders thanked Commissioners Emison and Hicks for their service to the City of Starkville, as this is their last night to serve on the Commission.

ADJOURNMENT

Commissioner Hicks moved to adjourn the meeting at 6:19 PM, which was seconded by Commissioner Herring, and the Commission voted unanimously to adjourn. The next regularly scheduled meeting will be Tuesday, July 8, 2014, at 5:30 PM, in the City Hall Courtroom.

Jerry Emison, Chair

Buddy Sanders

Buddy Sanders, Community Development Director