APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JANUARY 13, 2015
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 Chair Jeremy Murdock, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Dora Herring, Ira Loveless, Jim McReynolds, John Moore, Jeremy Murdock, and Tom Walker. Also attending were Community Development Director Buddy Sanders, City Planner Daniel Havelin, City Attorney Chris Latimer, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated January 13, 2015. Upon the motion of Commissioner Herring, seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 9, 2014

Chair Murdock called for consideration of approval of the December 9, 2014, minutes. Since the chair and vice chair were absent for that meeting due to an unavoidable matter at work and an illness, respectively, the matter of excusing the absences came before the board. Commissioner Brooks moved to excuse the absences, which was seconded by Commissioner Loveless, and the commission voted unanimously to excuse the absences of the chair and vice chair. Since there were no changes to the minutes, Commissioner Walker moved to approve the minutes, which was seconded by Commissioner Brooks, and the commission voted unanimously, with Commissioner Herring abstaining, to approve the minutes of December 9, 2014.

CITIZEN COMMENTS

Chair Murdock asked if any member of the public cared to address the Commission regarding items not already on the Agenda. No citizens came forward.

NEW BUSINESS

A. CU 14-07: Request for Conditional Use to allow a "Car Title Loan, Payday Advance or Loan Business" in a C-2 zone at 316 Highway 12 West.

City Planner Havelin introduced CU 14-07, a Public Hearing noticed by the City of Starkville, requested by Mitze Cosby with Title Cash of Mississippi for a Conditional Use to allow a "Car Title Loan, Payday Advance or Loan Business" in a C-2 zone at 316 Highway 12 West.

The applicant is requesting a Conditional Use to operate a "Car Title Loan, Payday Advance or Loan Business" in an existing building located at 316 Highway 12 West. The applicant has already entered into a lease agreement with the property owner Curt Crissey and has completed minor renovations required to occupy the space. Due to the type of business the applicants wish to operate, a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. The applicant acquired permits and received inspections by the Building Department. A Certificate of Occupation was issued. A Conditional Permit is still required. Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval, which appeared in the Commissioners' packets.

The Applicant, Title Cash, was represented by Attorney Charles Winfield, who came forward to speak on behalf of the Applicant. After Mr. Winfield's presentation, Chair Murdock opened the floor for others to speak. Marneta Henderson, whose mother owns the adjacent property, spoke in opposition to the request and in concern over Title Cash's opening prior to receiving a conditional use zoning exception. Mr. Winfield responded that as soon as code enforcement asked them to stop, Title Cash stopped doing business, even though workers continued to enter the building.

As no other citizens came forward, Chair Murdock opened up the discussion among the commissioners. After Attorney Latimer explained the burden of proof and five criteria for approving a conditional use, Commissioner Walker moved to approve CU 14-07, which was seconded by Commissioner Brooks, and the Commission voted unanimously to approve CU 14-07.

B. **PP 15-01: Request for Preliminary Plat for a 5-lot subdivision on Owens Street off Dr. Douglas L. Conner Drive, Zoned R-5, Ward 7**

City Planner Havelin introduced the request by Joel Downey and Starkville Habitat for Humanity for approval of a Preliminary Plat for a 5-lot subdivision. This Preliminary Plat request was previously approved by the Planning and Zoning Board on February 12, 2013, and the Board of Aldermen on February 19, 2013, with 9 conditions. Due to unforeseen issues, the Applicant was not able to complete the project to the point of applying for Final Plat approval before the expiration of the Preliminary Plat approval on February 19, 2014. The Applicant has started to install the necessary utilities, but to this date they have not been completed. The subject property is zoned R-5. The property to the north is zoned R-5, and the property to the east is zoned R-5. The property to the south is zoned R-5 and the property to the west is zoned C-2 and R-5.

Table 32 of the City's Comprehensive Plan allows a maximum gross density of 15 dwelling units per acre for the R-5 zoning district, which is categorized as High Density. The gross density calculation for the proposed preliminary plat would be approximately 6.17 dwelling units per acre, based on 5 residential lots divided by 0.81 acres (0.23 acres of the 0.81 acres would be right of way for Owens Drive). The site does not contain additional tracts for a proposed future development. The roadway will be dedicated to the City. The applicant will provide sidewalks in compliance with the City's sidewalk ordinance. There are no common areas and open space proposed for the development. Covenants will be required at time of Final Plat submittal for review by City Staff to ensure inclusion of provisions for the City Attorney's standard hold-harmless indemnification clause.

All easements and dedications are provided on the preliminary plat. An easement is shown along the northern boundary of the right of way, continuing along the eastern boundary of Owens Drive and then turning southeast to the southeast property corner of Lot 4. The roadways will be dedicated to the City and will be required to meet the City's minimum specifications. All utility services, except for gas, will be provided by the City. Street names and address numbers have been proposed by the Applicant and will require review and approval by the Post Office and 9-1-1 Dispatch Office.

The City’s Development Review Committee (DRC) has recommended approval of the Preliminary Plat as proposed. DRC has also reviewed and commented on the Infrastructure Plan Review on March 13, 2013. The proposed subdivision meets R-5 zoning dimensions and minimum City roadway requirements.

If the Planning and Zoning Commission decides to approve the Applicant’s request for preliminary plat of the “Owens Subdivision” based on the revised preliminary plat dated November 20, 2014, the following previously approved conditions would be required:

1. The preliminary plat meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.

2. The preliminary plat shall meet the minimum requirements for R-5 zoning dimensions.

3. Approval of the preliminary plat shall be tentative, pending the submission of the final plat, as specified in Appendix B, Article IV, Section 3 of the City of Starkville’s Code of Ordinances.

4. The applicant shall prepare and submit infrastructure plans in accordance with Appendix B, Article III, Sections 3 & 4 of the City of Starkville’s Code of Ordinances.

5. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate City Staff prior to the commencement of any construction activities at the site.

6. When a final plat is submitted for review by the City’s Development Review Committee, all required improvements must be complete, and the Applicant shall provide “as-built” drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in “AutoCAD” format, as well as a paper copy that is signed and sealed by a licensed professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications, and the City’s ordinances.

7. All public utilities shall be in place and any non-conforming conditions noted during final inspection and shall be corrected prior to placement onto the Planning & Zoning Commission agenda.

8. Approval of the preliminary plat shall be valid for one year, per Appendix B, Article III, Section 2(6)(b) of the City of Starkville's Code of Ordinances.

9. A final plat review and approval shall be required prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.

After the presentation, Chair Murdock opened the floor for the Applicant to speak. Mr. Joel Downey, executive director for Starkville Habitat for Humanity, came forward to say that no one at Habitat realized that once they received approval, there would be a one-year deadline. After discussion among the board members about the standard wording in the conditions, Mr. Sanders responded that City Staff would make the necessary adjustments in the language, and the Commission decided to add the following condition 10 to the existing conditions: "City Staff shall ensure that all review and signatures will be obtained prior to final plat approval." Commissioner Brooks moved to approve PP 15-01, with condition 10 added to the 9 conditions already in place, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve PP 15-01.

C. **PP 15-02 and FP 15-01, Golden Triangle Periodontal Center, 974 Highway 12 East, Zoned C-2, Ward 5, Existing medical office development seeking subdivision of the property into two separate parcels.**

City Planner Havelin introduced the request by John W. Starr, Jr., Golden Triangle Periodontal Center, for approval of a Preliminary Plat and Final Plat for subdivision of one existing lot (Property Number 117F-00-002.06) into two separate lots. The existing lot is labeled as "Lot 3" on the existing plat. The proposed lots are labeled "Lot 2A and Lot 2B" on the proposed plat. The subject property is zoned C-2. The properties to the north, south, east, and west are zoned C-2. The current subject property has two office buildings that share a breezeway, and the applicant is requesting to subdivide the parent property, 0.75 acres, between the two buildings to create two lots:

Lot 2A: 0.47 Acres;

Lot 2B: 0.28 Acres.

There are 29 existing spaces on the parent property. If subdivided, the building on Lot 2A (2336 square feet) will require 11.68 spaces and have 17.5 spaces. The building on Lot 2B (3492 square feet) will require 17.46 spaces and will have 11.5 spaces if the proposed subdivision is approved. A cross-parking agreement allowing both buildings to use all parking areas will be required. A side yard Variance will be required, and the Applicant has submitted a Board of Adjustments and Appeals application to be considered on January 28, 2015.

All easements are provided on the preliminary plat / final plat. A 10-foot easement is shown along the southern, western, and eastern boundary of Lot 2A. A 10-foot easement is shown along the western, northern and eastern boundary of Lot 2B. Both parcels are accessed by a private drive to the east. Lot 2A is also accessed by a private drive to the north. All utility services are currently in place.

The City's Development Review Committee (DRC) is scheduled to review the case on Thursday January 15, 2015. The Board of Adjustments and Appeals is scheduled to hear the case for a side setback Variance on January 28, 2015.

If the Planning & Zoning Commission decides to approve the Applicant's request for Preliminary Plat and Final Plat for Golden Triangle Periodontal Center, LLC, the following conditions would be required:

1. A Variance for the side setback requirements must be approved by the Board of Aldermen prior to the plat being filed.

2. A cross-parking agreement must be in place and recorded in the filed covenants for the parcels. Cross-parking agreement shall also be shown on the recorded plat.

3. All requirements requested by the Development Review Committee shall be met prior to the plat being filed.

After the presentation, Mr. Havelin answered questions from the Commission, who voiced concern regarding the precedent that would be set in approving a Final Plat request when the DRC has yet to meet on the subject. Community Development Director Sanders stated the reason for this unusual exception: the project has already been reviewed by the DRC during construction, and since there will be no new construction, he feels that in this case, approval would be copacetic. Additionally, any such concerns have been addressed by the conditions recommended by the City Planner.

With no further discussion, Commissioner Brooks moved to adopt the request to approve PP 15-02, with the three staff recommendations, which was seconded by Commissioner Herring, and the Commission voted unanimously to approve PP 15-02.

Commissioner Herring moved to approve FP 15-01, with the three staff recommendations, which was seconded by Commissioner Moore, and the Commission voted to approve FP 15-01 by a vote of 5 to 1, with Commissioner Walker voting in opposition.

PLANNER'S REPORT

Community Development Director Sanders and City Planner Havelin had nothing to report.

ADJOURNMENT

With no further business to discuss, Commissioner Moore moved that the meeting be adjourned, which was seconded by Commissioner Brooks, and the Commission voted unanimously to adjourn at 6:11 PM. The next regularly scheduled meeting will be Tuesday, February 10, 2015, at 5:30 PM, in the City Hall Courtroom.

Jeremy Murdock, Commission Chair

Daniel Havelin, City Planner

Jan '15