



OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, March 10, 2015
CITY HALL - COURT ROOM,
101 E. LAMPKIN STREET, 5:30 PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL OF MINUTES
 - A. Consideration of the unapproved January 13, 2015 minutes
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. CU 15-02: Request for Conditional Use to allow a "Funeral Home" in a B-1 zone on West Garrard Road, Parcel #118.27.020.12
 - B. PP 15-03: Request for Preliminary Plat approval for a lot subdivision on South Montgomery, Parcel #106.14.019.00
 - C. FP 15-02: Request for Final Plat approval for a lot subdivision on South Montgomery, Parcel #106.14.019.00
- IX. PLANNER REPORT
- X. 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 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, 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.

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. Marreta Henderson, whose mother owns a business next to the property, spoke of her concerns regarding the City’s having rules that are not enforced. 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 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

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: Daniel Havelin, City Planner (662-323-2525 ext. 136)
CC: West Brothers Construction, Applicant
SUBJECT: CU 15-02 Vernon West- Funeral Home, Conditional Use, West Garrard Road, Parcel #118.27.020.12, Zoned B-1, Ward 7, Requesting a Conditional Use to build a funeral home on currently undeveloped land. Applicant: West Brothers Construction Owner Vernon West
DATE: March 10, 2015

The purpose of this report is to provide information regarding the request by West Brothers Construction for a Conditional Use to allow a “Funeral Home” in a B-1 zone on the north side of West Garrard Road approximately +/-0.20 miles west of the intersection of HWY 389 and Garrard Road. Please see attachments 1-15.

BACKGROUND INFORMATION

The applicant is requesting a Conditional Use to construct a “Funeral Home” on an undeveloped parcel on West Garrard Road. Due to the type of business the applicants are wanting to construct, a Conditional Use is required per the City of Starkville’s Permitted and Conditional Use Chart. To this date, the applicants have attended one Pre Application meeting with the City’s Development Review Committee and received general comments. An official application for the Development Review Committee has not been received. A Conditional Use for a Funeral Home on this parcel was previously granted by the Planning and Zoning Board on November 9, 2010 and the Board of Aldermen on December 7, 2010. Since construction did not begin within 6 months, a Conditional Use permit will be required to proceed with the project.

Scale and intensity of use.

The size of the proposed building is +/-9,018 sqft. The proposed building would be occupied by two businesses. One being a funeral home and the other an insurance office.

On- or off-site improvement needs.

There are no off-site improvements being proposed. The on-site improvements would need to be presented to and approved by the Development Review Committee.

On-site amenities proposed to enhance the site.

No amenities are being proposed by the applicant for the site.

Site issues.

There are no known site issues regarding the intended use of the site.

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	C2, R4	Vacant Land and Residential
East	C1, B1	Office and Residential
South	RE	Residential
West	B1	Church

29 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on February 15, 2015 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone call against this request.

ANALYSIS

Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

Land use compatibility.

The proposed use as a Funeral Home would be considered a compatible use with adjacent properties.

Sufficient site size and adequate site specifications to accommodate the proposed use.

The site is adequately sized to accommodate the proposed use. Minimum parking requirements 40 spaces for Funeral Home and 4 spaces for Office. 62 parking spaces shown on preliminary site plan with 4 spaces being designated as ADA spaces.

Proper use of mitigative techniques.

None proposed

Hazardous waste.

A funeral home, and more particularly, a mortuary establishment, uses many chemicals which require specialized facilities for storage and use. These chemicals and the preparation of human remains for burial also require specialized plumbing, ventilation and mechanical systems which the architect will be required to provide in the construction plans when submitted for a building permit.

Compliance with applicable laws and ordinances.

The Mississippi State Board of Funeral Service is responsible for implementing the provisions of the State's Funeral Service Law for the protection of life and health and regulating the care and disposition of human remains. The proposed building will be required to comply with all State regulations as well as all building and fire codes currently adopted the City. All inspections, licenses and certifications will be required prior to the commencement of any funeral-related business activities at the site.

Recommended Conditions

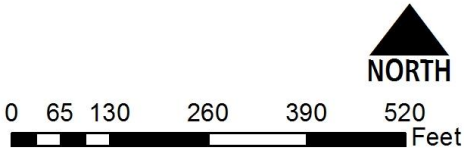
1. A detailed site plan review shall be conducted by the City's Development Review Committee upon approval by the Mayor and Board of Aldermen.
2. Building permits shall be secured and construction activities shall commence at the site within six (6) months of the approval by the Mayor and Board of Aldermen.
3. The proposed building shall comply with all relevant City ordinances, adopted building and fire codes. The proposed building shall also comply with any State requirements for use as a funeral home and mortuary establishment.
4. All applicable inspections, licenses and certifications from the City and State shall be obtained prior to the commencement of any funeral-related business activities at the site.
5. All hazardous wastes shall be disposed of properly in compliance with all State laws and City regulations.
6. If the use of the subject property changes, a conditional use review shall be required.
7. If it is necessary to remove more than 50% of the trees 6-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50% shall be replaced with two trees of 4-inch caliper.
8. No on-street parking shall be allowed on West Garrard Road.
9. An eight foot privacy fence shall be placed along property lines where corpse or casket loading/unloading area are visible from adjacent properties.
10. Evergreen shrubs shall be used in required buffer yard areas.
11. Ingress and Egress onto subject property shall only take place from West Garrard Road.
12. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Attachment 1
CU 15-02 Aerial

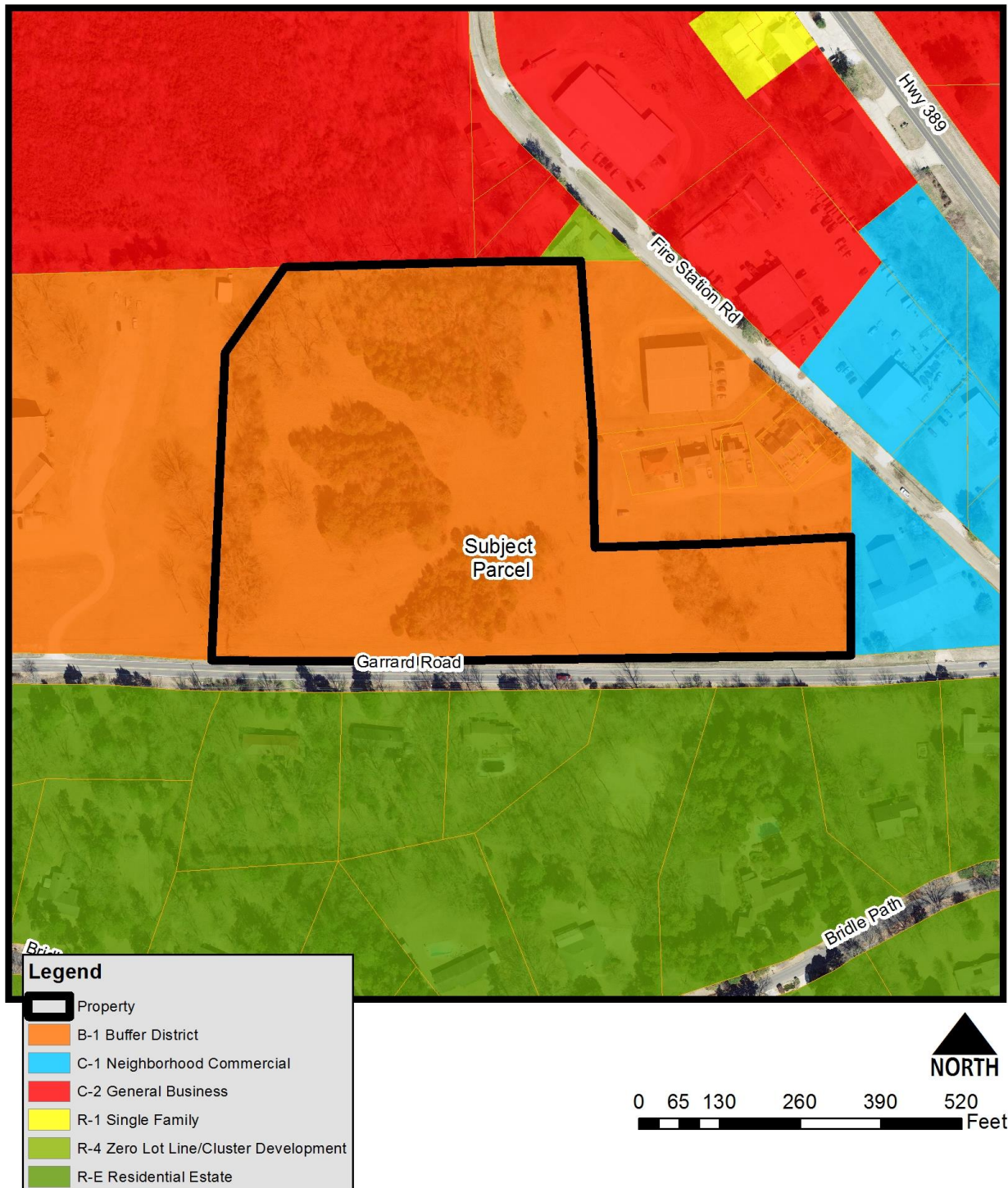


Legend

 Property



Attachment 2
CU 15-02 Zoning



Attachment 3



Birdseye view looking south at subject property

Attachment 4



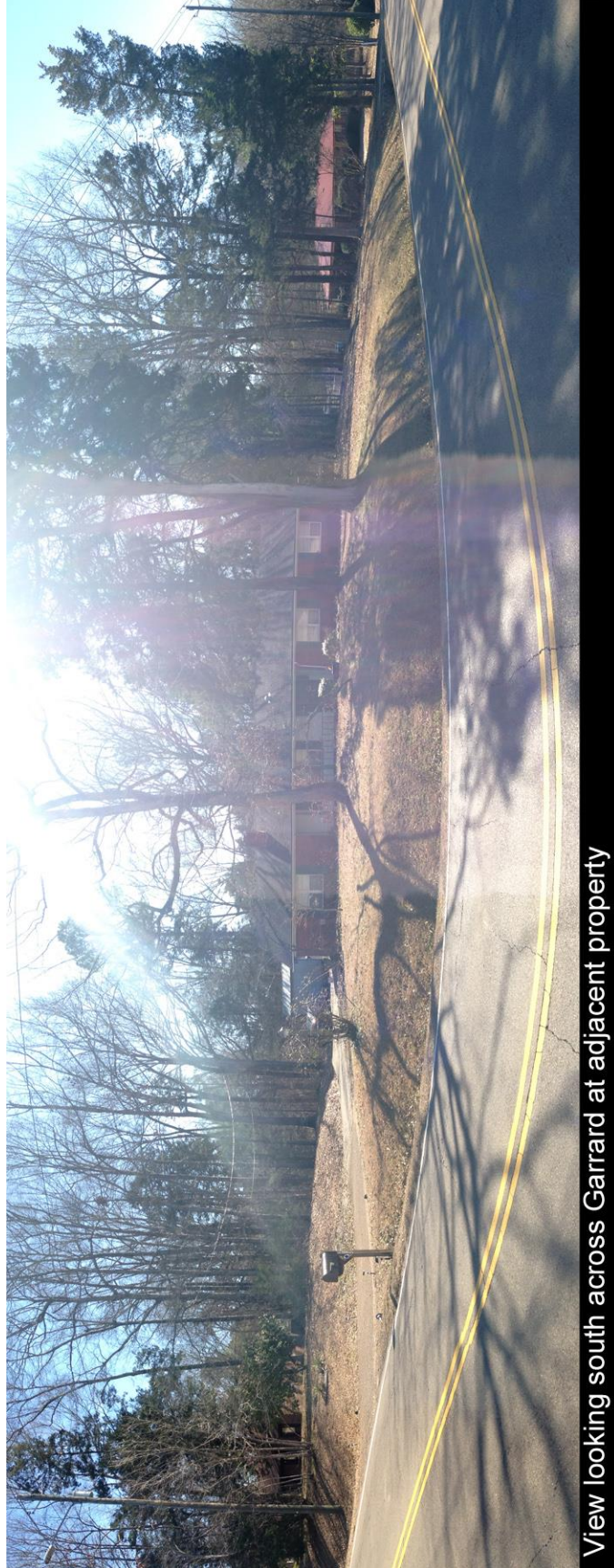
Birdseye view looking north at subject property

Attachment 5



View looking north at the subject property

Attachment 6



View looking south across Garrard at adjacent property

Attachment 7



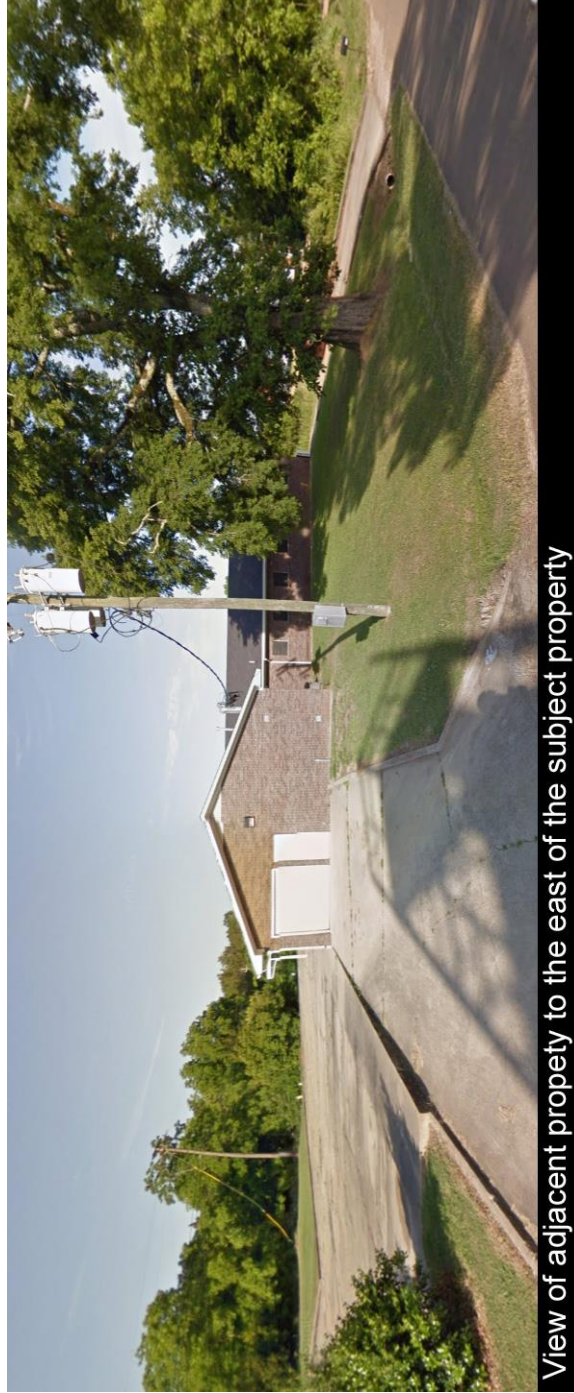
View from adjacent property looking northwest at subject property

Attachment 8



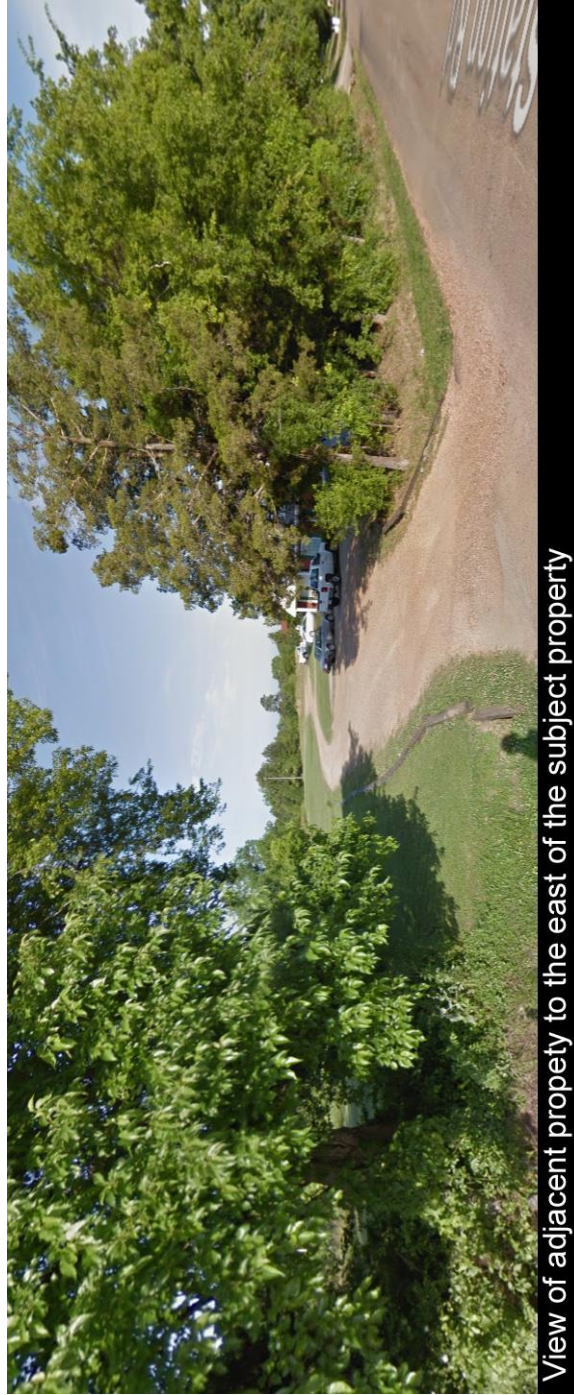
View of adjacent house to the west of the subject property

Attachment 9



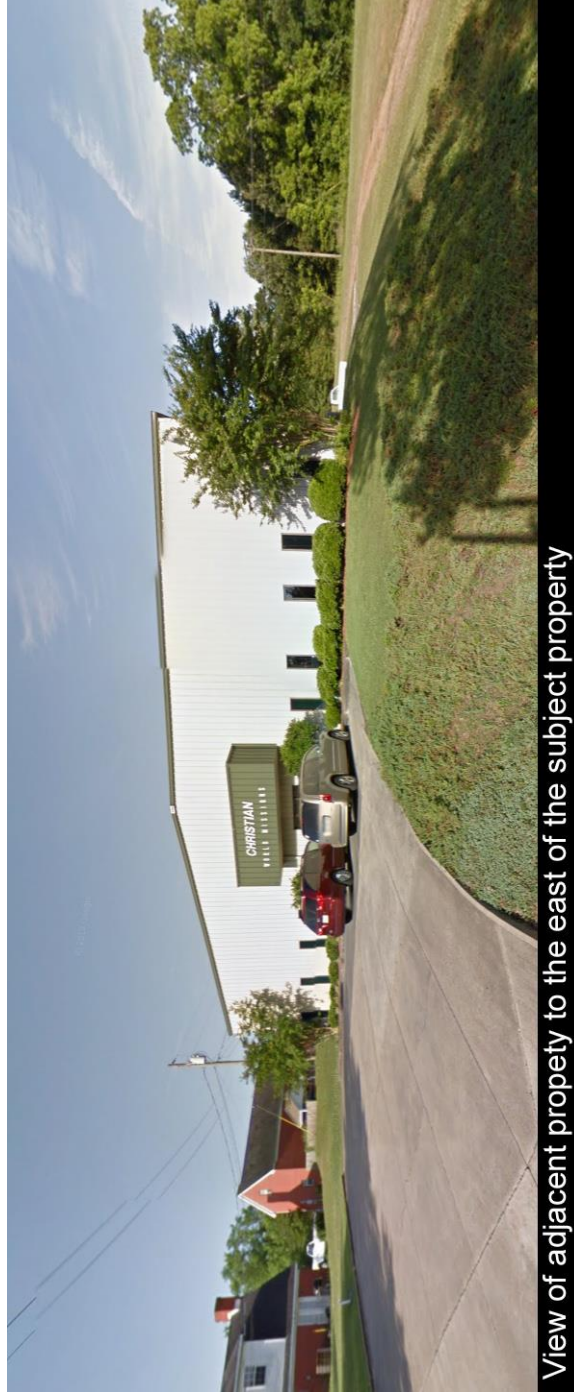
View of adjacent property to the east of the subject property

Attachment 10



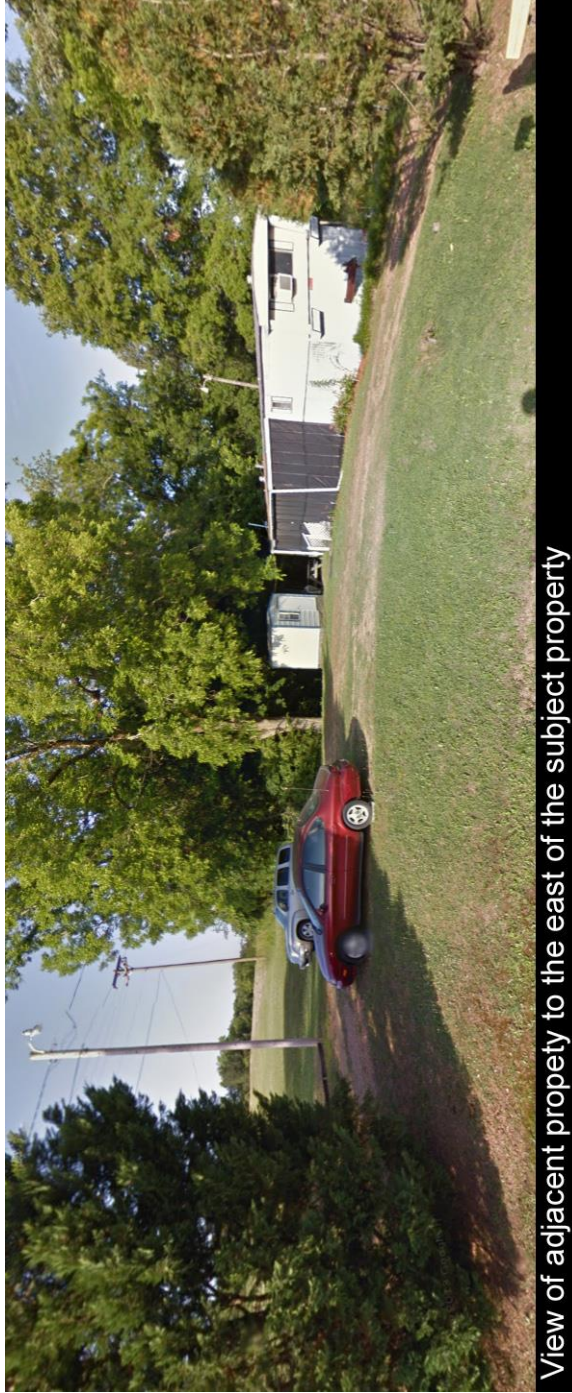
View of adjacent property to the east of the subject property

Attachment 11



View of adjacent property to the east of the subject property

Attachment 12



View of adjacent property to the east of the subject property



5716 HIGHWAY 182 EAST
COLUMBUS, MS 39702
PHONE (662) 328-2438
FAX (662) 328-2746

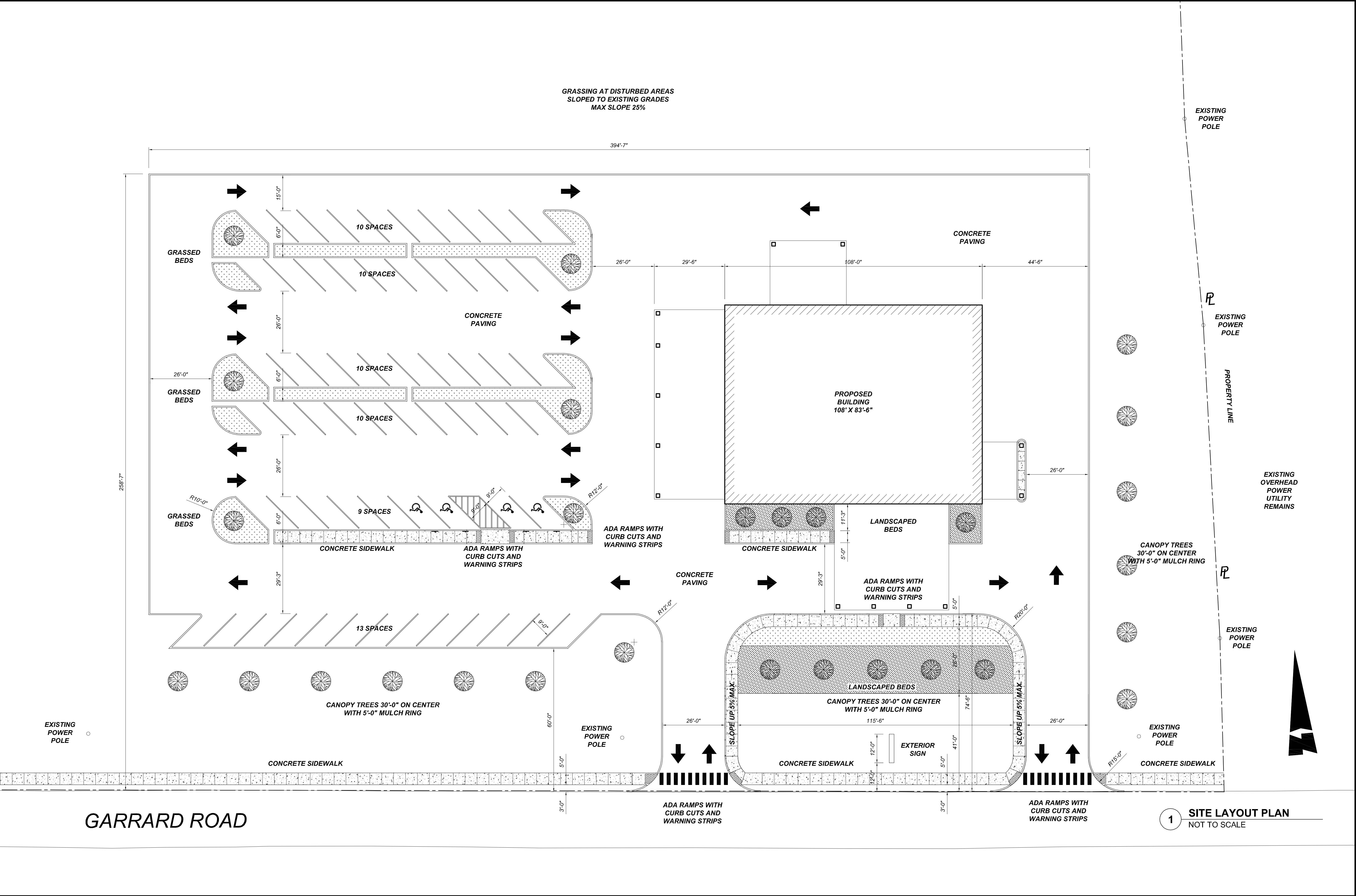
West Brothers
CONSTRUCTION

DATE: 03 MAR 2015
REVISED: -
DRAWN BY: E. DOYLE

THESE DRAWINGS ARE FOR
DISCUSSION ONLY AND ARE NOT
FOR CONSTRUCTION. ANY
REPRODUCTION OF OR MODIFICATIONS
TO THESE DRAWINGS WITHOUT THE
CONSENT OF THE OWNER
IS PROHIBITED.

WEST MEMORIAL FUNERAL HOME
STARKVILLE, MISSISSIPPI

SHEET
200
OVERALL
SITE PLAN



300

SHEET

SITE LAYOUT PLAN

03 MAR 2015

DATE:

-

REVISED:

E. DOYLE

DRAWN BY:

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WEST MEMORIAL FUNERAL HOME

STARKVILLE, MISSISSIPPI

5716 HIGHWAY 182 EAST
COLUMBUS, MS 39702
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FAX (662) 328-2746

West Brothers

CONSTRUCTION

Attachment 15



THE CITY OF STARKVILLE
PLANNING & ZONING COMMISSION
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: West Group Corporation, Applicant
SUBJECT: CU 10-06: Conditional Use request for property located at 120 West Garrard Road
Parcel Number 118-27-020.12
DATE: November 9, 2010

The purpose of this report is to provide information regarding the request of West Group Corporation to approve a Conditional Use to allow a funeral home in a B-1 (Buffer District) zoning district on a 9.99 acre site. The request will require review and approval by the Mayor and Board of Aldermen, possibly as early as their meeting of December 7, 2010.

BACKGROUND INFORMATION

The applicant currently operates West Funeral Home at 103 Jefferson Street, in a small building that he has clearly outgrown. He is proposing to purchase the subject property to construct a new building and relocate the funeral home. A conceptual site plan has been provided by the applicant's engineer and was reviewed by the City's Development Committee (DRC) on Wednesday, October 27, 2010. The DRC found no major issues with the proposed conceptual site plan and provided approximately three pages of comments for the applicant and his engineer to take into consideration when submitting a full and complete site plan for review, if the conditional use request is approved by the Mayor and Board of Aldermen. A copy of the conceptual site plan has been provided with this staff report, along with the application letter from Mr. Vernon West.

Zoning District Information for B-1 (Buffer District)

These districts are intended to be composed mainly of compatible mixed commercial and residential uses. Although usually located between residential and commercial areas, these districts may in some instances be free-standing in residential areas. Limited commercial uses are permitted that can in this district be compatible with nearby residential uses. The character of the district is protected by requiring that certain yard and area requirements be met.

Front Setback: 25' Rear Setback: 20' Side Setback: 5'
Minimum Lot Area: least restrictive for residential; none for commercial
Minimum Width at Building Line: none provided
Maximum Building Height: 45'

The following uses are permitted by right in the B-1 zoning district:

1. Antique store
2. Apothecary
3. Art gallery or museum
4. Bank or similar financial institution
5. Barber shop or beauty shop
6. Bed and breakfast inn
7. Book store
8. Cafeterias or commercial retail establishments not exceeding 5,000 square feet
9. Child care: family home
10. Clinic, dental or medical
11. Club or lodge
12. College or university
13. Congregate housing (elderly housing)
14. Convalescent home
15. Drug store
16. Dwellings: single-family; single-family zero-lot line and cluster development; three- and four- family; townhouse on individually platted lots; two-family; multiple-family
17. Floral shop
18. Garden
19. Gift shop
20. Home health care center
21. Home occupation
22. Interior decorating shop
23. Jewelry store
24. Loan or finance office
25. Medical and surgical supplies sales
26. Mobile home park
27. Mobile home subdivision
28. Music store
29. Name plate, unlighted, not exceeding 1 square foot in area
30. Office
31. Optician
32. Photographic studio and/or processing
33. Picture framing and/or mirror silvering
34. Radio and television broadcasting studio
35. Rooming house and/or boarding house
36. Studio for professional work or teaching fine arts, such as photography, speech and drama
37. Surgical supplies sales, when in close proximity to a hospital
38. YMCA, YWCA and similar institutions

The following uses are **allowed by conditional use** in the B-1 zoning district:

1. Accessory retail service business to primary residential use, not to exceed 5% of gross floor area
2. Ambulance service
3. Amusement, commercial, indoor; gym, billiards, bowling alley, amusement arcade
4. Auditorium
5. Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling or auto salvage yard
6. Automobile, self-service station
7. Automobile storage (commercial)
8. Bakery, retail
9. Bar and/or cocktail lounge
10. Bicycle and/or sales and repair
11. Blueprint and Photostatting
12. Building specialty store
13. Business college
14. Camera and photographic supplies
15. Candy, nut and confectionary store
16. Catering shop
17. Cemetery
18. Child care: group child care center class "A" and "B"
19. Church or place of worship
20. College fraternity or sorority house
21. Convenience store with gas islands
22. Dairy product sales
23. Delicatessen
24. Dormitory
25. Dry cleaning or laundry pick-up station
26. Fix-it shop
27. Fruit store
- 28. Funeral home, mortuary or undertaking establishment**
29. Greenhouse
30. Group home for handicapped
31. Gymnasium, commercial
32. Health club
33. Hobby supply store
34. Hospital
35. Hotel/conference center
36. Laboratory
37. Laboratory, dental or medical
38. Leather or luggage store
39. Life care facility
40. Liquor store, package (for consumption off-premises)
41. Locksmith

42. Mail order house
43. Mobile home on individual lot
44. Parking lot
45. Pet shop
46. Public buildings, does not include airports or correctional facilities
47. Public utilities
48. Research laboratory
49. Recreational facilities
50. Reducing salon
51. Restaurant
52. Schools, private
53. Self-service storage facilities (mini-warehouse)
54. Telephone exchange, but not including shops or garages
55. Tobacco store
56. Toy store

Scale and intensity of use. The applicant is proposing an approximate 10,000 square-foot building with a covered portico at the front entryway and a covered drive-through area at the western end of the proposed building for the hearse and other funeral service vehicles. He is proposing a 250-seat chapel for on-site funeral services. The applicant has stated that he has retained a local architect who is preparing construction plans, but those plans are not yet finalized. The gross square footage is still approximate at this time and was provided to the engineer for the purpose of preparation of the conceptual site plan.

On- or off-site improvement needs. One of the greatest needs for a funeral home is adequate parking and internal traffic circulation. The applicant's engineer has provided a conceptual plan which addresses these issues and there will need to be some decision made regarding the number of required parking spaces for the site. The applicant has provided a total of 87 parking spaces on the conceptual site plan, which includes an "overflow lot" behind the proposed building to the north. The applicant has proposed a divided entry driveway from the roadway and one-way internal traffic circulation pattern for the funeral home site. With no other details currently provided for the funeral home, the parking would need to be based on the seating of the proposed chapel. Several methodologies and formulas will be discussed later in this report to address the on-site parking requirements. A sidewalk has been proposed along the entire frontage of Garrard Road and a sidewalk connection will be required from the right-of-way to the primary entrance of the building. The applicant will be required to comply with all City site design ordinances such as stormwater, sidewalk, signage and landscaping, as well as parking. The proposed use for the site as a funeral home will require connection to the City's sanitary sewer system. On-site sanitary sewer service is considered inadequate by the Public Services Director for a funeral home, but a new sewer line is currently under construction from the Rolling Hills subdivision to the west towards Fire Station Road and MS Highway 389 to the east. Connection to this new sewer line would be required by the Public Services Director.

On-site amenities proposed to enhance the site. The site is currently undeveloped so the applicant is basically working from a “clean slate.” He has proposed a conceptual plan to provide the Planning & Zoning Commission with an idea of how the site is intended to be used by showing the building placement and layout of driveways, parking spaces and drive aisles.

Site issues. There are no known site issues regarding the intended use of the site. Sanitary sewer service will be available by connection to a new sewer line currently under construction along the northern property line. The subject property is not located within a 100-year floodplain.

The following table provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	C-2	Vacant/Undeveloped
East	B-1/C-1	Single- and Multi-Family Residential/Dialysis Center
South	R-E	Single-Family Residential (across Garrard Road)
West	B-1	New Covenant Church

Twenty-eight property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on Friday, October 22, 2010 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received two phone calls and an office visit from adjacent property owners. All expressed concerns with parking, and one expressed concerns with storage of funeral service vehicles and inquired about landscaping and screening requirements. None expressed opposition to the request, they merely expressed their concerns and wanted to know how these issues were going to be addressed.

ANALYSIS

Appendix A, Article VI, Section I of the City’s Code of Ordinances provides five specific criteria for conditional use review and approval:

1. **Land use compatibility.** The subject property contains approximately 9.99 acres and the applicant is currently proposing to use only a portion of it for the funeral home. The proposed use as a funeral home would be compatible with the adjacent land uses, especially the church, dialysis center and undeveloped parcel to the north. There are residential uses to the northeast and across Garrard Road to the south, and being mindful of this, the applicant has placed the building approximately 98 feet from the northeastern property line and 200 feet from the Garrard Road right-of-way. The proposed use of the subject property for a funeral home would be generally compatible with the existing land uses found in the area.

2. **Sufficient site size and adequate site specifications to accommodate the proposed use.** The subject property is approximately 9.99 acres in size. The applicant has located the building approximately 200 feet from the Garrard Road right-of-way and 98 feet from the northeastern property line. The applicant has plenty of room for future expansion, if necessary.

There are several parking formulas applicable to funeral homes. Some base the required minimum parking on the square footages of chapel/parlor areas, office/work spaces, and storage/display areas. Others are based on the number of seats provided in chapel/parlor areas, combined with the number of staff members and employees. Since the only accurate dimension provided by the applicant has been the 250-seat chapel, Planning staff researched that single aspect and found a range of parking recommendations ranging from 1 space per every 5 seats, all the way down to 1 space per every 2 seats. The requirements range from 50 parking spaces, which is the formula used by the applicant's engineer, all the way up to 125 parking spaces, based on 1 space for every 2 seats. The total number of parking spaces will also determine the number of handicapped accessible parking spaces required for the site, and as the total number of parking spaces increases, so does the number of handicapped accessible spaces. The chart below provides a graphic representation of parking requirements for the proposed 250-seat funeral chapel.

Parking Space per Seats	Formula	Required Parking
1 space per 5 seats	$250 / 5 = 50$	50 spaces / 2 accessible
1 space per 4 seats	$250 / 4 = 62.5$	63 spaces / 3 accessible
1 space per 3 seats	$250 / 3 = 83.3$	84 spaces / 4 accessible
1 space per 2 seats	$250 / 2 = 125$	125 spaces / 5 accessible

The applicant's engineer has provided a total of 87 parking spaces, based on 1 space per 3 seats in the funeral chapel. Approximately 24 of these spaces will be located in an unpaved "overflow lot" located behind the proposed building to the north. This overflow lot would generally be closed but the applicant could make it easily available for larger services to direct parking into a designated area. This would help to prevent any overflow parking on the Garrard Road right-of-way for larger funeral services.

3. **Proper use of mitigative techniques.** The applicant has located the building approximately 200 feet from the Garrard Road right-of-way and 98 feet from the northeastern property line. Landscaping will be required around the perimeter of the site, but no bufferyard is required by the City's landscape ordinance. Stormwater management will be addressed during the full site plan review process. The dumpster will be located at the rear of the building and will be enclosed. The applicant has stated that he would park funeral service vehicles either under the covered area on the western side of the building or in the parking area to the west of the building, screening the vehicles from the residences located to the northeast of the site.

4. **Hazardous waste.** A funeral home, and more particularly, a mortuary establishment, uses many chemicals which require specialized facilities for storage and use. These chemicals and the preparation of human remains for burial also require specialized plumbing, ventilation and mechanical systems which the architect will be required to provide in the construction plans when submitted for a building permit.
5. **Compliance with applicable laws and ordinances.** The Mississippi State Board of Funeral Service is responsible for implementing the provisions of the State's Funeral Service Law for the protection of life and health and regulating the care and disposition of human remains. The proposed building will be required to comply with all State regulations as well as all building and fire codes currently adopted the City. Connection to the City's sanitary sewer line currently under construction along the northern property line will be required by the Public Services Director. All inspections, licenses and certifications will be required prior to the commencement of any funeral-related business activities at the site.

CONCLUSIONS

Upon review of the proposed conditional use application, the Planning & Zoning Commission's recommendation for approval to grant the Conditional Use to allow a funeral home in a B-1 (Buffer District) zoning district located at 120 West Garrard Road, would be based on the findings of fact and conclusions of this staff report dated November 3, 2010, and the following conditions:

1. A detailed site plan review shall be conducted by the City's Development Review Committee upon approval by the Mayor and Board of Aldermen.
2. Building permits shall be secured and construction activities shall commence at the site within six (6) months of the approval by the Mayor and Board of Aldermen.
3. The proposed building shall comply with all relevant City ordinances, adopted building and fire codes. The proposed building shall also comply with any State requirements for use as a funeral home and mortuary establishment.
4. All applicable inspections, licenses and certifications from the City and State shall be obtained prior to the commencement of any funeral-related business activities at the site.
5. All hazardous wastes shall be disposed of properly in compliance with all State laws and City regulations.
6. If the use of the subject property changes, a conditional use review shall be required.

7. If it is necessary to remove more than 50% of the trees 6-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50% shall be replaced with two trees of 4-inch caliper.
8. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

AS REVISED BY P&Z

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: Daniel Havelin, City Planner (662-323-2525 ext. 136)
CC: Nicole Oswald, LLC., Applicant
SUBJECT: PP 15-03 and FP 15-02, Nicole Oswald, Preliminary and Final Plat, South Montgomery, Zoned R-E, Ward 3, Preliminary and Final Plat for subdividing one lot into two. , Applicant/ Owner: Nicole Oswald
DATE: March 10, 2015

BACKGROUND INFORMATION:

The purpose of this report is to provide information regarding the request by Nicole Oswald for approval of a Preliminary Plat and Final Plat for subdivision of 1 existing lot (Property Number 106-14-019.00) into 2 separate lots. The proposed lots are labeled Lot 1 and Lot 2 on the proposed plat. The subject property is zoned R-E. The properties to the north and east are zoned R-E. The properties to the south and west are zoned R-4. Please see attachments 1-6.

Below is information pertaining to R-E Residential Estate Zoning District

Sec. B. - Residential estate zoning district regulations.

These [R-E residential estate] districts are intended to be composed mainly of unsubdivided land and low density single-family residential properties along with appropriate neighborhood supporting facilities, with their open character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-E 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: 17,500 square feet.*
 - b. *Minimum lot width at the building line: 120 feet.*
 - c. *Minimum depth of front yard: 50 feet.*
 - d. *Minimum depth of rear yard: 40 feet.*
 - e. *Maximum height of structure: 45 feet.*
 - f. *Minimum width of each side yard: 20 feet.*
4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

PLAT PROPOSAL

General Information

The existing parcel is +/-3.83 acres. Recently the contractor for the property obtained a permit to move the existing house from the western side of the property to the eastern side of the property. The owner is now wanting to subdivide the lots to create two new lots. One lot would contain the recently moved house. The other lot is currently vacant. The proposed lots are labeled on the plat as Lot 1 and Lot 2. Lot 1 has a proposed size of 3.10 ac (135,045 sqft). Lot 2 has a proposed size of 0.73 ac (31,809 sqft).

Per Appendix A – Zoning, Article VII. – District Regulations, Sec. B. - Residential Estate Zoning District Regulations of the Starkville, Mississippi-Code of Ordinances states:

Minimum lot area: 17,500 square feet.

Both proposed lots will exceed the minimum requirement for a Residential Estate lot.

Minimum lot width at the building line: 120 feet.

The existing house that was recently moved to Lot 2 has more than 120 feet at building line.

Minimum depth of front yard: 50 feet, Minimum depth of rear yard: 40 feet, Minimum width of each side yard: 20 feet.

As illustrated on the plan submitted to the Development Review Committee on February 19, 2015 the existing house meets all required setback

Easements and Dedications

No easements or dedications shown

Findings and Comments

CONCLUSIONS

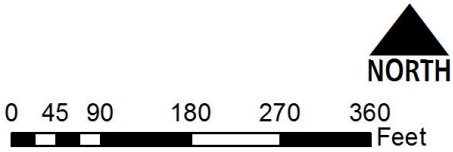
If the Planning and Zoning Commission decides to approve the Applicant's request for Preliminary Plat and Final Plat for Nicole Oswalt, the following conditions would be required:

- No conditions

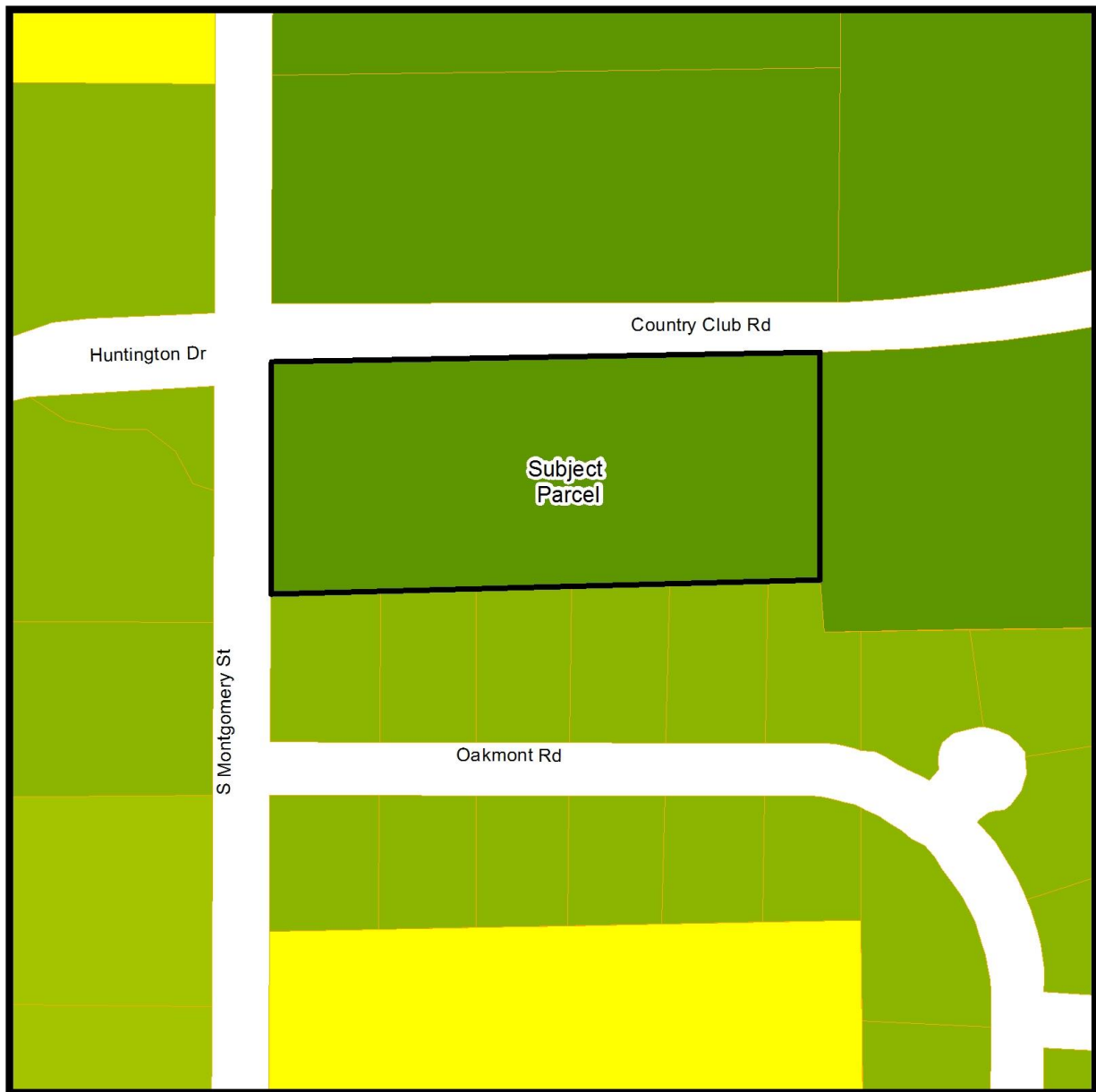
Attachment 1
PP 15-03 and FP 15-02 Aerial



Legend
 Property

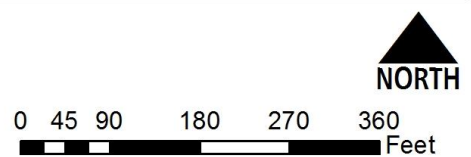


Attachment 2
PP 15-03 and FP 15-02 Zoning



Legend

-  Property
-  A-1 Agricultural
-  R-1 Single Family
-  R-4 Zero Lot Line/Cluster Development
-  R-E Residential Estate



Attachment 3



View looking south at proposed Lot 2

Attachment 4



View looking south at Lot 1

Attachment 5



View looking east at Lot 1

Attachment 6

