

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION

MEETING OF MARCH 10, 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 (who arrived later), 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 March 10, 2015. Upon the motion of Commissioner Brooks, seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES
OF THE MEETING OF JANUARY 13, 2015**

Chair Murdock called for consideration of approval of the January 13, 2015, minutes. After a discussion of revisions to the minutes, Commissioner Herring moved to approve the minutes as amended, which was seconded by Commissioner Brooks, and the commission voted unanimously to approve the minutes of January 13, 2015, as amended.

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 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**

City Planner Havelin introduced CU 15-02, a Public Hearing noticed by the City of Starkville, requested by West Brothers Construction for a Conditional Use to construct a Funeral Home on an undeveloped parcel 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. Due to the type of business the Applicant wants to construct, a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. To this date, the Applicant has 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 six months, a Conditional Use permit will be required in order to proceed with the project. 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.

Twenty-nine 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 calls against this request.

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 percent of the trees six-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50 percent shall be replaced with two trees of four-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 areas 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.

After discussion among the Commissioners about the tree requirements, privacy fence, and the parking lot size, Mr. Eddie Doyle and Mr. Vernon West, representing West Brothers Construction, came forward to speak. Mr. West offered a response to the privacy fence questions, stating that any transference of deceased loved ones would be done respectfully in an enclosed private area, negating the need for a privacy fence.

After Mr. Doyle's presentation, Chair Murdock opened the floor for others to speak. With none coming forward to speak, he closed the Public Hearing and opened discussion among the Commissioners. Chair Murdock recommended that since Mr. West explained that a privacy fence would not be necessary due to the procedure of transferring loved ones within an enclosed and private area, condition number 9 should be reworded to include an "either/or" phrase, so that if there isn't an enclosed area, a fence should be built. Mr. Latimer provided the wording so that it would now read "An eight foot privacy fence shall be placed along property lines where corpse or casket loading/unloading areas are visible from adjacent properties or the corpse or casket loading/ unloading areas shall be completely enclosed."

Commissioner Loveless was concerned that condition number 7 would be a burden over and above what is necessary in this case, so in order to make the condition less onerous, Mr. Havelin suggested striking “two trees of four-inch caliper” and replacing it with “two canopy trees” so that condition number 7 now reads, “If it is necessary to remove more than 50 percent of the trees six-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50 percent shall be replaced with two canopy trees.”

After Attorney Latimer explained the burden of proof and five criteria for approving a conditional use, Commissioner Walker proposed making an additional change to condition number 7 by adding “within 200 feet of Garrard Road” to the end of the sentence so that it now reads, “If it is necessary to remove more than 50 percent of the trees six-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50 percent shall be replaced with two canopy trees within 200 feet of Garrard Road.” Commissioner Walker then moved to approve CU15-02 with all twelve conditions and with the stated revisions of numbers 7 and 9, which was seconded by Commissioner Brooks, and the Commission voted unanimously to approve CU 15-02 with the amended conditions.

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

City Planner Havelin introduced PP 15-03 and FP 15-02, a request by Nicole Oswalt for approval of a Preliminary Plat and Final Plat for subdivision of one existing lot (Property Number 106-14-019.00) into two 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 are zoned R-4.

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 now desires 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 acres (135,045 square feet). Lot 2 has a proposed size of 0.73 acres (31,809 square feet).

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

After Mr. Havelin's presentation, Mr. Latimer asked for clarification that the subdivision request is not an alteration of an already existing plat; it is merely a subdivision of a single lot, making a brand new subdivision and not altering an already existing subdivision. No notice was required, and under State Code, further subdivision would require notice, as well as written approval from adjacent landowners. In summary, any previously platted subdivision requires notification; however since there is no subdivision on record that is being altered, notice is not required.

Chair Murdock opened the floor for the Applicant's representative, Holland Cox, to speak. After discussion among the Commissioners, Commissioner Walker moved to approve PP 15-03, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve PP 15-03. Commissioner Brooks moved to approve FP 15-02, which was seconded by Commissioner Walker, and the Commission voted unanimously to approve FP 15-02.

Commissioner Walker proposed making a recommendation to close the loophole of not having to give notification to adjoining property owners when a lot is subdivided and moved to direct City Staff to draft language to mandate notice to adjoining property owners any time a lot is subdivided and to include that language in the revision of the subdivision regulations. Commissioner Loveless seconded the motion, and the Commission voted unanimously to approve the motion.

PLANNER'S REPORT

Community Development Director Sanders and City Planner Havelin reported that the Advisory Panel was continuing work on the Comprehensive Plan and a rewrite of the Zoning Code and Subdivision Ordinance, and they plan to present their report before the Board within the next two months for consideration of hiring a firm. Commissioner Murdock asked if there was anything in the landscape ordinance regarding saving trees and expressed his concern, as well as the concern of several citizens who have contacted him to complain about the issue, for protection of the

trees in the City, and Commissioner Walker suggested including protection in the rewrite of the ordinance.

ADJOURNMENT

With no further business to discuss, Commissioner Herring moved that the meeting be adjourned, which was seconded by Commissioner Moore, and the Commission voted unanimously to adjourn at 6:31 PM. The next regularly scheduled meeting will be Tuesday, April 13, 2015, at 5:30 PM, in the City Hall Courtroom.



Jeremy Murdock, Commission Chair



Daniel Havelin, City Planner