

APPROVED
MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF APRIL 14, 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, Jeremy Murdock, and Tom Walker. Commissioner John Moore arrived later in the meeting. 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 April 14, 2015. Upon the motion of Commissioner Brooks, seconded by Commissioner McReynolds, the Commission voted unanimously to approve the written agenda.

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. RZ 15-01 Anthony and Kracker Property: Request to rezone parcel #117C-00-038.00, north of the intersection of Old West Point Rd. and Garrard Rd. (Ward 5), from what is currently C-1 and R-1 to B-1., Applicant/Owner: Providence Hill, LLC**

City Planner Havelin introduced RZ 15-01, a Public Hearing noticed by the City of Starkville, requested by Providence Hill, LLC, to rezone their property from C-1/R-1 to B-1. The applicant is seeking to rezone a +/- 1.43 acre parcel that is currently vacant. The parcel is located on the west side of Old West Point Road on the southeast corner of Old West Point Road and Rose

Perkins Evans. The earliest zoning map (1960s–70s map) available to Staff illustrates the subject property as being zoned R-2. The 1982, 2000, and 2013 zoning maps show the property as C-1 Neighborhood Commercial and R-1 Single Family. The applicants recently purchased the property and have plans to develop it in the near future. The type of development the applicant is intending is presently unknown to City Staff. The current split zoning of the parcel at this time would present a challenge to any development. Traffic on Garrard Road has increased with Garrard Road Extension, and a new stop sign has been placed at that location as a result. There have been seven rezonings within one mile since 2005. Sixteen 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 Tuesday, March 26, 2015, and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call against this request, one email against this request, and one phone call for more information about this request.

RECOMMENDED CONDITIONS:

1. If the property were to be rezoned B-1 Buffer District and used as commercial or higher density residential than the existing surrounding R-1 Single Family residential, a Buffer Yard between the property and residential property would be required per Landscape Ordinance Section 8.
2. If the property were to be developed as commercial, only one curb cut will be allowed on Old West Point Road and no curb cuts on Rose Perkins Evans.
3. If the property were to be developed as residential of any density, no curb cuts would be allowed on Old West Point Road and only one curb cut on Rose Perkins Evans.
4. No mobile homes shall be placed on the site.
5. No multi-family development shall be placed on the site.

Before Chair Murdock opened the floor to discussion, he invited City Attorney Latimer to remind the Commission of the state's criteria for rezoning. Mr. Latimer stated that the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. **Error in original zoning map that needs correcting.**

2A. Change or changing conditions in the neighborhood sufficient enough to justify a change in zoning.

2B. Public Need.

The applicant bears the burden of proof by clear and convincing evidence, which is a higher standard than preponderance of evidence.

After opening the floor for discussion, Chair Murdock asked for a representative for the Applicant to speak. Mr. John Moore came forward to present the case and stated that the current plan for development would be residential in nature, with no mobile homes, and no more than six residential lots. The proposed rezoning from a split zone of R-1 and C-1 to a consistent B-1 zone would allow an increased number of land uses, which would be compatible as buffering with the existing R-1 and C-1 zoning and other existing land uses in the vicinity. He also stated that Starkville has a public need for houses in this price range, and that houses would provide a nice buffer between the commercial and residential areas. He also added that the project would benefit the City of Starkville through increased tax revenue.

After Mr. Moore's presentation, Chair Murdock opened the Public Hearing. With none coming forward to speak, he closed the Public Hearing and opened discussion among the Commissioners. During the discussion regarding the reasons and remedies for having one lot being zoned R-1 and C-1, Attorney Latimer noted that, technically, one could pursue a change in zoning due to mapping error. Chair Murdock stated that changes were made without consideration of the zoning map. Commissioner Walker moved to approve the rezoning based on Public Need and Change in Neighborhood, which was seconded by Commissioner Brooks, and the Commission voted unanimously to approve RZ 15-01 with the conditions recommended by Staff.

B. CU 15-03: Request for Conditional Use approval for a mobile home in an R-5 zoning district on a +/- 0.42 acre site, Parcel #1180-00-027.00

City Planner Havelin introduced CU 15-03, a Public Hearing noticed by the City of Starkville, requested by Margaret Collier Barlow for placement of a mobile home on her currently vacant property on the west side of Long Street, approximately 230 feet south of Zuber Street. According to the City of Starkville's Permitted and Conditional Use Chart, mobile homes are

listed as a Conditional Use in an R-5 zoning district. The Planning Office has received one phone call regarding the location of the property.

The applicant has not selected a particular mobile home as of this date. She has been considering a three-bedroom model, which would be considered a double-wide mobile home. The average width of a double wide is approximately 28 feet and can vary in length from 40- to 70-plus feet. No off-site improvements are required, and no amenities are being proposed by the applicant for the site; there are no known site issues regarding its intended use.

The City's Code of Ordinances provides five specific criteria for Conditional Use review and approval:

1. Land use compatibility.

The other properties along Long Street are currently developed for single family. One mobile home now exists at the adjacent parcel to the north. The surrounding properties are similar in size and intensity of uses.

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

The site is adequately sized to accommodate the proposed mobile home.

3. Proper use of mitigative techniques.

None proposed

4. Hazardous waste.

No hazardous wastes or materials would be generated, used, or stored at the site.

5. Compliance with applicable laws and ordinances.

Placement of mobile home will require building permits and inspections

Staff recommends the following conditions:

1. There shall be no more than one mobile home located on the site.
2. All required permits shall be acquired prior to installation.
3. All setback requirements for Zoning District R-5 shall be met (25-foot front, 5-foot side, and 20-foot rear setbacks).

4. One parking space per bedroom shall be provided on-site.
5. The mobile home shall be required to run east to west, with the short side facing Long Street.
6. All of the above conditions shall be fully and faithfully executed, or the Conditional Use shall become null and void.

After Mr. Havelin's presentation, Chair Murdock asked City Attorney Latimer to state the criteria for approving Conditional Use. Mr. Latimer stated that approval should be based on whether the proposed use meets the five factors listed in the Staff Report, mainly the Land Use Compatibility factor, and that Starkville's Ordinance further gives a subtest: will the proposed use be compatible and harmonious with adjacent land use, and will it not adversely impact land uses in immediate vicinity; the standard for approval should be based on a preponderance of evidence.

Chair Murdock opened the Public Hearing and invited the Applicant Margaret Collier Barlow to speak, who stated that after having been away for a while, she is coming back home and wishes to put a home that she will soon purchase on the property. Commissioner Loveless mentioned a former case similar to this one regarding a Conditional Use in which Code Enforcement required the trailer to be placed lengthwise, which as a result required the applicant to purchase the adjacent lot. The Commission discussed the circumstances and how to prevent a reoccurrence.

Chair Murdock closed the Public Hearing and opened up discussion among the Commissioners. Commissioner Walker moved to approve CU 15-03 based on criteria for Conditional Use, with the amendment of removing Item 5 in the Staff Report, which was seconded by Commissioner Loveless, and the motion passed by a vote of five to one, with Commissioner Brooks voting in opposition.

C. FP 15-03: Final Plat approval, The Cottages at Starkville Station, Zoned R-4A, for a 22-lot subdivision on 100–117 RV Way and 201–209 Station Lane

City Planner Havelin introduced FP 15-03, a request by Beacon Development, LLC, for approval of a Final Plat subdivision of 22 lots for a +/- 4.1 acre site. The proposed plat will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting.

The applicant is seeking to plat 22 lots along an extension of existing RV Way and newly created Station Lane. Table 32 of the City's Comprehensive Plan allows a maximum gross density of 15 dwelling units per acre for the R-4 zoning district, which is categorized as High-Density Residential. The density calculation for the proposed final plat is approximately 5.37 dwelling units per acre. Staff has reviewed the proposed covenants, and they include sections for common area and storm water facilities maintenance, as well as the City's standard hold-harmless indemnification clause required by the City Attorney.

All easements and dedications are provided on the final plat. The roadways will be dedicated to the City. The electrical service will be placed underground. Potable water and sanitary sewer utility services will be provided by the City, while the electrical service will be provided by Starkville Electric. Street numbers have been assigned for construction permitting and utility assignments.

The final plat is a Class C survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and 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. The proposed subdivision meets all R-4 zoning dimensions and City roadway requirements. Easements have been placed at the front of the lots along the roadways for easy access, while drainage and utility easements have been located around the perimeters of the 8 lots.

The Planning & Zoning Commission's following conditions will need to be met for the Cottages at Starkville Station final subdivision plat located at 100–117 RV Way and 201–209 Station Lane. These conditions are based on the final plat dated March 18, 2015, the findings of fact and conclusions of this staff report dated April 14, 2015.

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4 zoning dimensions.
3. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
4. All bond requirements are to be met prior to City Department Heads' signatures.

5. Any required items must be in place at Final Inspection before Department Heads will sign Final Plat.
6. All Common Area landscaping, structures, and walking trails shall be completed prior to Certificate of Occupancy being issued for any new home.

After Mr. Havelin's presentation, Chair Murdock asked if there were any who wished to speak, and Mr. Brad Clurr, the representative for Beacon Development, LLC, came forward, stating that the development would benefit the City of Starkville through increased tax revenue and public need. Chair Murdock then opened the discussion among the Commission, after which Commissioner Herring made a motion to approve FP 15-03 with the six conditions recommended by Staff. Commissioner Walker seconded the motion, and the Commission voted unanimously to approve FP 15-03.

D. PP 15-04 and FP 15-05: 305 Louisville Subdivide, Preliminary and Final Plat, 305 Louisville Street, Zoned R-2, Ward 7, Preliminary and Final Plat request for subdividing one lot into two

City Planner Havelin introduced PP 15-04, a Public Hearing noticed by the City of Starkville, requested by CMC Investments for approval of a Preliminary Plat and Final Plat for subdivision of one existing lot (Property Number 120B-00-045.00) into two separate lots. The proposed lots are labeled Parcel 1 and Parcel 2 on the proposed plat. The subject property is zoned R-2. The properties on all sides are currently zoned R-2. Below is information pertaining to R-2 Single Family/Duplex Zoning District. These [R-2 residential] districts are intended to be composed of higher density single family residential properties and, under special conditions, duplexes, along with appropriate neighborhood support facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-2 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: 7,500 square feet.
 - b. Minimum lot width at the building line: 60 feet.

- c. Minimum depth of front yard: 25 feet.
 - d. Minimum depth of rear yard: 35 feet.
 - e. Minimum width of each side yard: 7½ feet.
 - f. Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

The existing parcel is +/-0.54 acres. The owners of the subject parcel are requesting to subdivide the parcel in two equally sized parcels for the purpose of building houses. The proposed lots are labeled on the plat as Parcel 1 and Parcel 2. They both have a proposed size of 0.27 acres (11,761 sq. ft.). Per Appendix A – Zoning, Article VII – District Regulations, Sec. D, R-2 residential zoning regulations, Zoning District Regulations of the Starkville, Mississippi-Code of Ordinances states:

Minimum lot area: 7,500 square feet.

Both proposed lots will exceed the minimum requirement for an R-2 zoned lot.

Minimum lot width at the building line: 60 feet.

Each lot has a width greater than 70 feet.

Minimum depth of front yard: 25 feet, Minimum depth of rear yard: 35 feet, Minimum width of each side yard: 7 1/2 feet.

Setback dimension are verified by the Building Department at the time building permits are issued, per Appendix A- Zoning, Article III- Enforcement, Sec. C. Approval of plans and issuance of building permit. No easements or dedications shown.

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

Per comments at Development Review Meeting on March 26, 2015, the existing sidewalk will need to be replaced with a sidewalk that is compliant with the current ordinance.

Since the applicant wasn't present to speak, Chair Murdock asked for questions from the Commissioners. City Attorney Latimer asked if the property in question is an alteration or modification of an already existing plat; if so, Statute 17-1-23 requires that in addition to giving notice, there must be written agreement by the nearby affected property owners for the modification to be approved. After discussion regarding whether the lot is platted or labeled a lot of record, Commissioner Herring, voicing her concerns regarding whether the lot in question is within the Greensboro Historic District, made a motion to table the Preliminary Plat approval until the next meeting when information can be obtained regarding whether the lot has been platted, as well as its Historic District status. Commissioner Moore seconded the motion to table, and the Commission voted unanimously to table PP 15-04.

E. FP 15-06: Huntington Park Subdivision, Phase 8, Part 8; Final Plat 100, 102, 104, and 106 Kingwood Drive, Zoned R-4, Ward 3, Final Plat Approval for 4 new lots

Before City Planner Havelin introduced Final Plat 15-06, a request by Jackson Construction, Inc., for the final subdivision plat of 4 lots for an approximate 1.27 acre site, Commissioner Walker recused himself and left the meeting.

Mr. Havelin stated that the proposed plat will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting. The applicant is seeking to plat four lots on the east side of Kingwood Drive.

Table 32 of the City's Comprehensive Plan allows a maximum gross density of 15 dwelling units per acre for the R-4 zoning district, which is categorized as High Density Residential. The density calculation for the proposed final plat is approximately 3.14 dwelling units per acre. Staff has reviewed the proposed covenants and they include sections for common area and storm water facilities maintenance, as well as the City's standard hold-harmless indemnification clause required by the City Attorney. All easements and dedications are provided on the final plat. The roadways will be dedicated to the City. The electrical service will be placed underground. Potable water and sanitary sewer utility services will be provided by the City, while the electrical service will be provided by 4-County EPA. Street numbers have been assigned for construction permitting and utility assignments.

The final plat is a Class C survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and 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. The proposed subdivision meets all R-4 zoning dimensions and City roadway requirements. Easements have been placed at the front of the lots along the roadways for easy access, while drainage and utility easements have been located around the perimeters of the eight lots.

The Planning & Zoning Commission's following conditions will need to be met for "Huntington Subdivision Phase 8 Part 8 Final Plat" final subdivision plat located at 100,102,104, and 106 Kingwood Drive. These conditions are based on the final plat dated March 19, 2015, the findings of fact, and conclusions of this Staff Report dated April 14, 2015.

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4 zoning dimensions.
3. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
4. Any required items must be in place at Final Inspection before Department Heads will sign Final Plat.

After Mr. Havelin's presentation, Chair Murdock called for questions. With no further discussion, Commissioner Brooks moved to approve FP 15-06 with the Staff's four conditions, which was seconded by Commissioner McReynolds, and the Commission voted unanimously (with one recusal) to approve FP 15-06.

PLANNER'S REPORT

After Commissioner Walker rejoined the meeting, Community Development Director Sanders and City Planner Havelin stated that there was nothing to report at this time. Commissioner Herring initiated a discussion regarding the status of expiration of terms of the Planning & Zoning Commissioners and how to ensure continuity when terms expire. She requested that the Aldermen appoint Commissioners to have staggered terms. Community Development Director Sanders responded that he would ask the Board of Aldermen.

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 6:47 PM. The next regularly scheduled meeting will be Tuesday, May 12, 2015, at 5:30 PM, in the City Hall Courtroom.



Jeremy Murdock, Commission Chair



Daniel Havelin, City Planner