



**OFFICIAL AGENDA**  
**PLANNING & ZONING COMMISSION**  
**CITY OF STARKVILLE, MISSISSIPPI**  
**MEETING OF TUESDAY, May 12, 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 April 14, 2015 minutes
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
  - A. PP 15-04 Request for Preliminary Plat approval for a lot subdivision at 305 Louisville Street, Parcel #102B-00-045.00
  - B. FP 15-05 Request for Final Plat approval for a lot subdivision at 305 Louisville Street, Parcel #102B-00-045.00
- VIII. NEW BUSINESS
  - A. CU 15-04 Request for Conditional Use to allow a "Car Title Loan, Payday Advance or Loan Business" in a C-2 zone at 1085 Stark Road Suite 202
  - B. RZ 15-02 Request for rezoning of part of one parcel located at 712 South Montgomery from R-1 to R-3 Parcel #102I-00-003.00
  - C. EX 15-01 Use by Exception request for nonconforming signage for the The Mill development located on Russell Street.
  - D. EX 15-02 Use by Exception request for nonconforming signage for the Oktibbeha County Heritage Museum located at the intersection of Fellowship Street and Russell Street.
- 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 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.**

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

3. **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 17123 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.

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Jeremy Murdock, Commission Chair

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Daniel Havelin, City Planner





THE CITY OF STARKVILLE  
COMMUNITY DEVELOPMENT DEPT  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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## STAFF REPORT

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Daniel Havelin, City Planner (662-323-2525 ext. 136)  
**CC:** Jason Pepper-Applicant, CMC Investments  
**SUBJECT:** 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 for subdividing one lot into two. , Applicant: Jason Pepper, Owner: CMC Investments  
**DATE:** May 12, 2015

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### BACKGROUND INFORMATION:

The purpose of this report is to provide information regarding the request by CMC Investments for approval of a Preliminary Plat and Final Plat for subdivision of 1 existing lot (Property Number 120B-00-045.00) into 2 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. Please see attachments 1-7.

Below is information pertaining to R-2 Single Family/Duplex Zoning District

#### ***Sec. D. - R-2 residential zoning regulations.***

*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.

## **PLAT PROPOSAL**

### **General Information**

The existing parcel is +/-0.54 acres. The owners of the subject parcel are requesting to subdivide the parcel in two equally sized parcel 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 sqft).

At the request of the Planning and Zoning Commission a search was done to determine if the subject parcel is or has ever been a part of a platted subdivision. The 1951 Official Map of the City of Starkville does not identify the subject lot as being part of a subdivision.

At the request of the Planning and Zoning Commission a search was done to determine if the subject parcel is located within the Historic District boundaries. The subject parcel is not within the boundary of any current historic district.

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'.

*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.

### **Easements and Dedications**

No easements or dedications shown

### **Findings and Comments**

### **CONCLUSIONS**

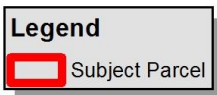
If the Planning and Zoning Commission decides to approve the Applicant's request for Preliminary Plat and Final Plat for CMC Investments, the following conditions would be required:

- 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.
- This property was notice by mail to property owners within 300 feet and by ad in the Starkville Daily News.

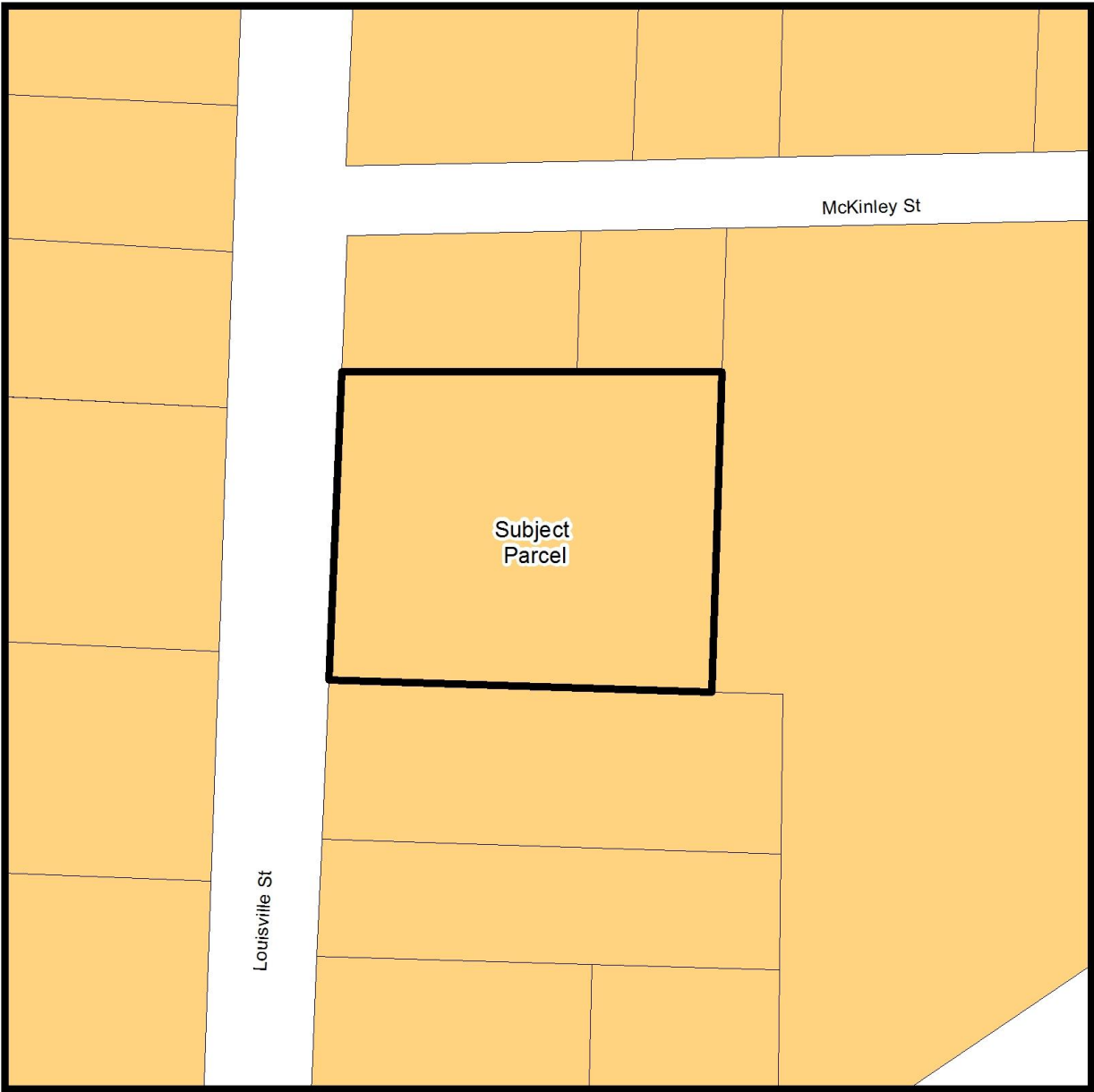
Attachment 1  
PP 15-04 and FP 15-05 Aerial



0 15 30 60 90 120  
Feet

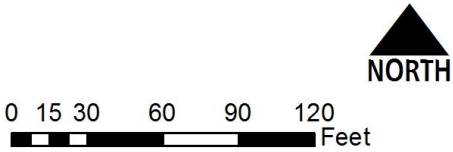


Attachment 2  
PP 15-04 and FP 15-05 Zoning

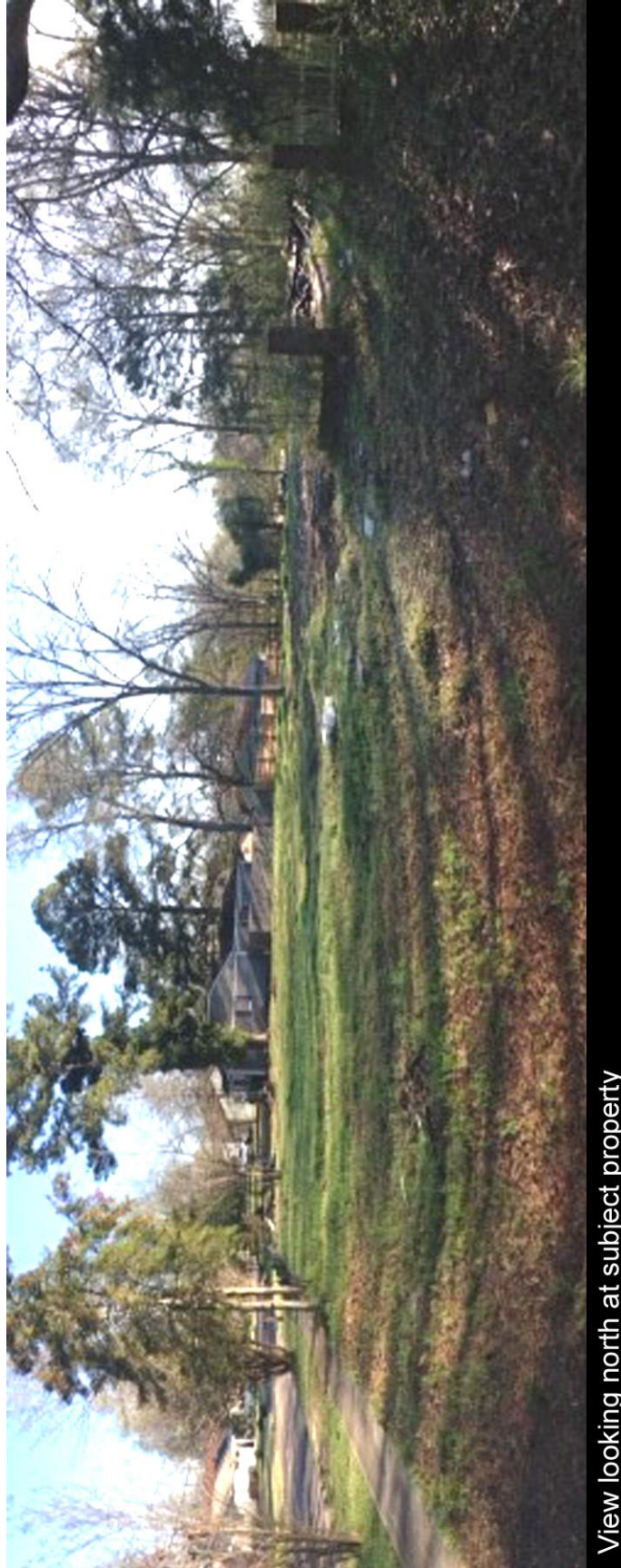


**Legend**

-  Subject Parcel
-  R-2 Single Family/Duplex

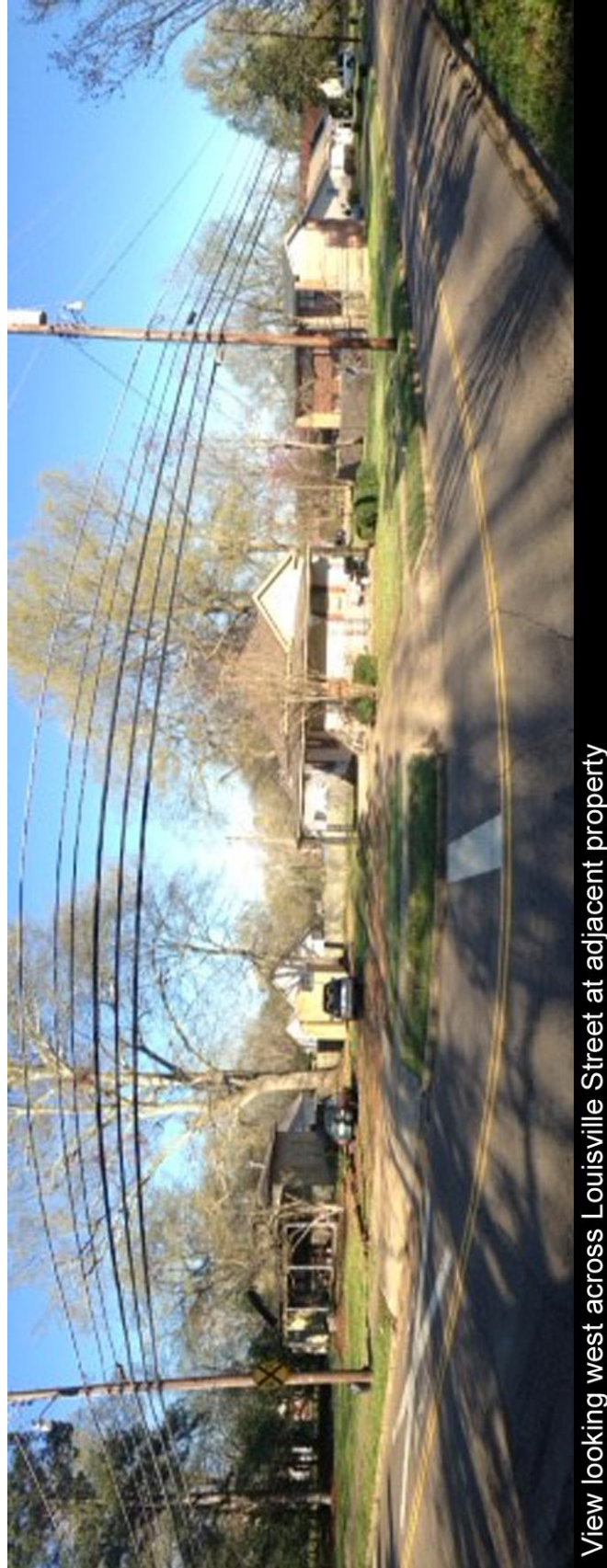


Attachment 3



View looking north at subject property

Attachment 4



View looking west across Louisville Street at adjacent property

Attachment 5



View of adjacent property to the north

Attachment 6



View of adjacent property to the south

## Attachment 7



**CMC INVESTMENTS, LLC**

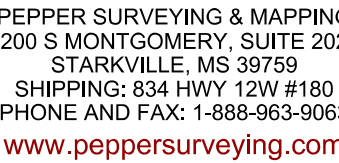
STARKVILLE, MISSISSIPPI

1. No underground utilities were located as part of this survey and this plat should not be utilized to determine the existence or non-existence of utilities.
2. Distances and bearings shown in parenthesis are as per deed/plat only where they vary.
3. Record deeds are on file in the Office of the Chancery Clerk, Oktibbeha County, Mississippi.

Deed Book 2013 Page 5567  
Deed Book 2013 Page 5412

Deed Book 2013 Page 1649  
City of Starkville 1973 Map
4. Right of Way widths shown are as per scaled from the tax maps of Oktibbeha County.
5. Iron pins set at property corners were driven eleven (11) inches into the ground by Pepper Surveying and Mapping, LLC. Before anyone drives the property corners deeper than eleven (11) inches Mississippi 811 must be contacted at 800-227-6477, 811 or [www.ms1call.org](http://www.ms1call.org).

## Notary Public



  
**THE CITY OF STARKVILLE**  
*COMMUNITY DEVELOPMENT DEPT*  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Daniel Havelin, City Planner (662-323-2525 ext. 136)  
**CC:** World Finance Corporation, Applicant  
**SUBJECT:** CU 15-04: Request for Conditional Use to allow a “Car Title Loan, Payday Advance or Loan Business” in a C-2 zone at 1085 Stark Road Suite 202  
**DATE:** May 12, 2015

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The purpose of this report is to provide information regarding the request by World Finance Corporation for a Conditional Use to allow a “Car Title Loan, Payday Advance or Loan Business” in a C-2 zone at 1085 Stark Road Suite 202. Please see attachments 1-4.

**BACKGROUND INFORMATION**

The applicant is requesting a Conditional Use to operate a “Car Title Loan, Payday Advance or Loan Business” in an existing building located at 1085 Stark Road Suite 202. The applicant has already entered into a lease agreement with the property owner BCR Investment LLC. Due to the type of business the applicants are wanting to operate, a Conditional Use is required per the City of Starkville Permitted and Conditional use Chart.

**Scale and intensity of use.**

The size of the existing building is +/-1,400 sqft. The applicant will only be occupying one of six suites in the building. Tenant to the south is currently operating “Car Title Loan, Payday Advance or Loan Business”.

**On- or off-site improvement needs.**

There are no off-site improvements being proposed

**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     | Commercial Property- Multi Tenant Space |
| East      | C1     | Vacant                                  |
| South     | C2     | Commercial Property- Multi Tenant Space |
| West      | R5     | Apartment Complex                       |

8 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 April 24<sup>th</sup> 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 property has previously been used as commercial.

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

The site is adequately sized to accommodate the proposed use.

### **Proper use of mitigative techniques.**

None proposed

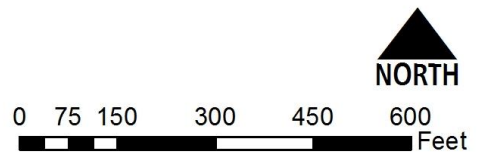
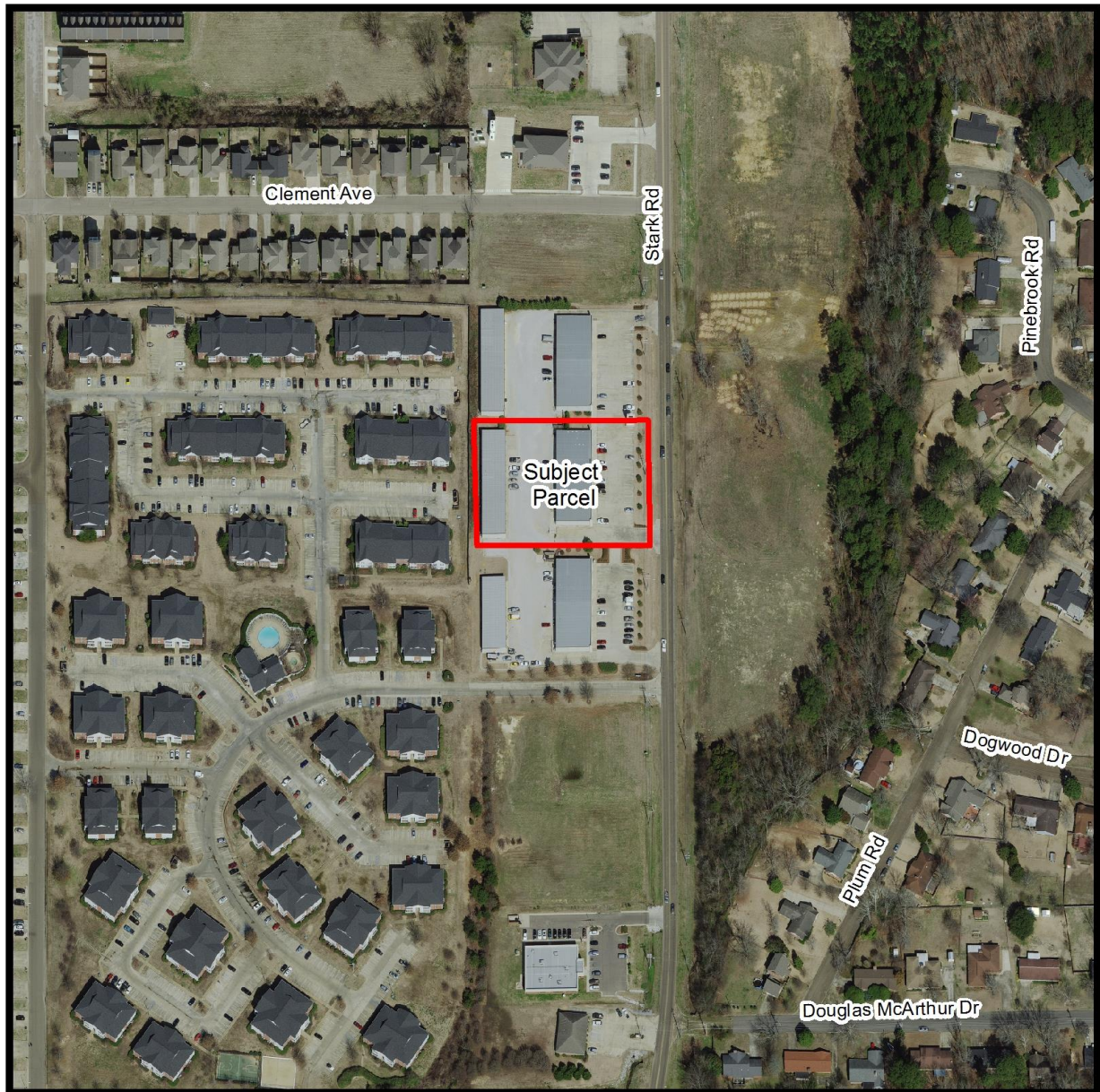
### **Hazardous waste.**

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

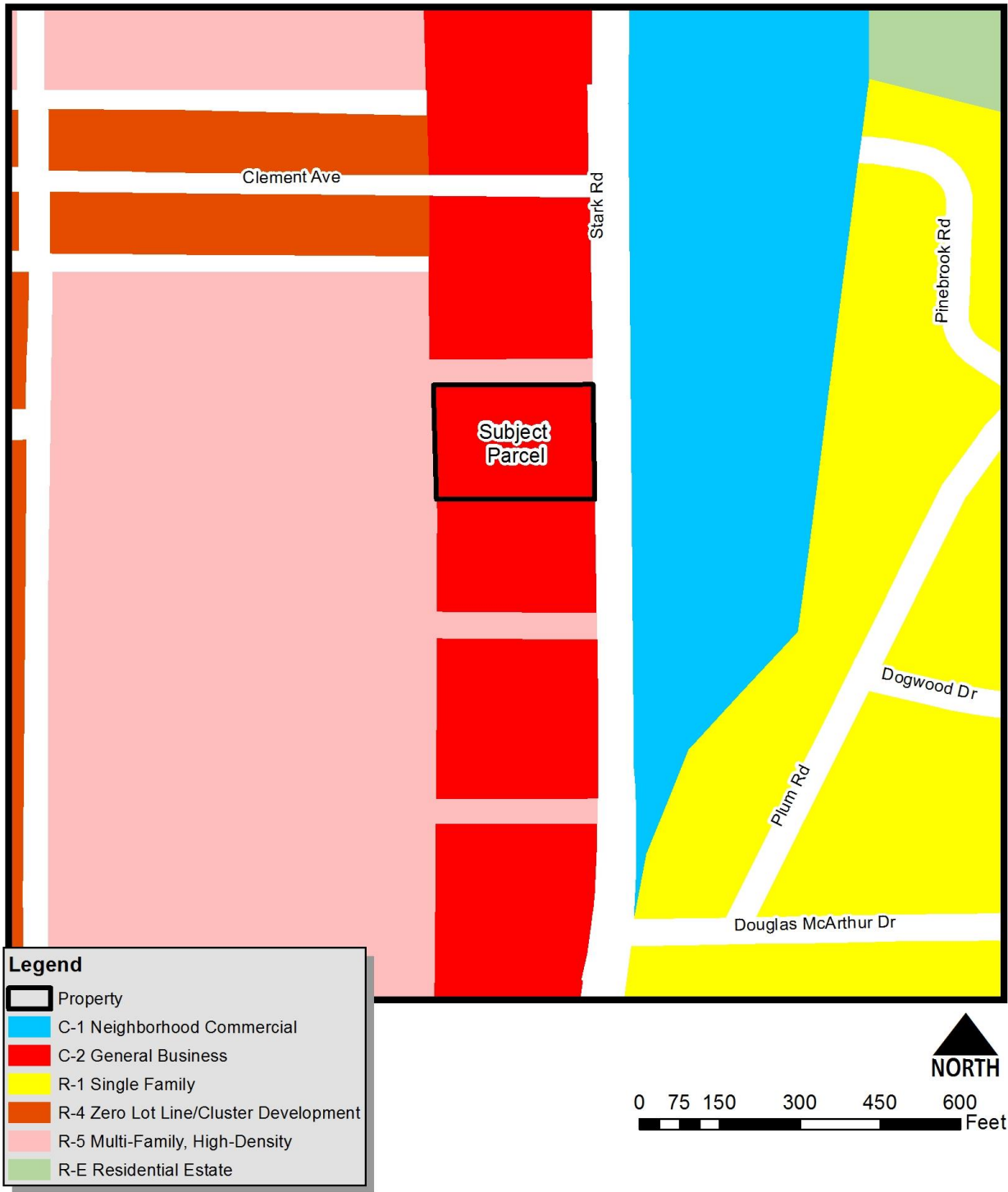
### **Compliance with applicable laws and ordinances.**

The applicant has already occupied the space, but has not received a business license. There are no know violations or current laws or ordinances at this time.

Attachment 1  
CU 15-04 Aerial



Attachment 2  
CU 15-04 Zoning



### Attachment 3



View looking west at proposed location for World Finance

Attachment 4



Birdseye View looking west at proposed location for World Finance

**HISTORIC**  
**STARKVILLE**  
**MISSISSIPPI'S COLLEGE TOWN**  
**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:** Jeremy Tabor, Applicant  
**SUBJECT:** RZ 15-02 Request for rezoning of part of one parcel located at 712 South Montgomery from R-1 to R-3 Parcel #1021-00-003.00  
**DATE:** MAY 12, 2015

The purpose of this report is to provide information regarding the request of Jeremy Tabor to rezone a portion of a parcel from R-1 to R-3. The applicant is seeking to rezone +/-2 acres on the west half of a +/-4 acre parcel that is currently vacant. The parcel is located on the northwest corner of Lynn Lane and South Montgomery with parcel # 1021-00-003.00. Please see attachments 1-8.

**BACKGROUND INFORMATION**

The earliest zoning map (1960's-1970's Map) that staff has available illustrates the subject property as being zoned R-1. The 1982, 2000, and 2013 zoning maps shows the property as R-1 Single Family.

The applicants is in the process of purchasing the western half of the parcel from the current owners CHT, LLC. The applicant is wanting to develop his part of the parcel as condominium or garden homes. The current owner would like to keep the eastern portion of the parcel R-1 for their future needs.

| Zoning Change Subject Properties  |                 |               |          |             |
|-----------------------------------|-----------------|---------------|----------|-------------|
| Properties                        | 1960s-1970s Map | 1982-1991 Map | 2000 Map | Current Map |
| 1021-00-003.00                    | R-1             | R-1           | R-1      | R-1         |
| Zoning Change Adjacent Properties |                 |               |          |             |
| Properties                        | 1960s-1970s Map | 1982-1991 Map | 2000 Map | Current Map |
| North                             | R-1             | R-1           | R-1      | R-1         |
| East                              | R-1             | R-1           | R-1      | R-1         |
| South                             | R-1             | R-1           | R-1      | R-3         |
| West                              | C-2             | C-2           | C-2      | C-2         |

Zoning and land uses adjacent to the subject property

| Direction | Zoning | Current Use             |
|-----------|--------|-------------------------|
| North     | R-1    | Single Family Residence |
| East      | R-1    | Single Family Residence |
| South     | R-3    | Single Family Residence |
| West      | C-2    | Vacant                  |

## NOTIFICATION

15 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 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received three letters for this request and one phone call for more information about this request.

## REZONING REQUEST

The subject rezoning requests are from R-1 Single Family and Multi-Family. Differences between zones are:

### Current Zoning District

#### **Sec. C. - R-1 residence zoning district regulations.**

*These [R-1 residential] districts are intended to be composed mainly of single-family residential properties along with appropriate neighborhood facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-1 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: 10,000 square feet.
  - b. Minimum lot width at the building line: 75 feet.
  - c. Minimum depth of front yard: 30 feet.
  - d. Minimum depth of rear yard: 35 feet.
  - e. Minimum width of each side yard: Ten feet.
  - f. Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

### Proposed Zoning District

#### **Sec. E. - R-3 residential zoning regulations.**

*These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 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, one-family dwelling: 5,000 square feet.

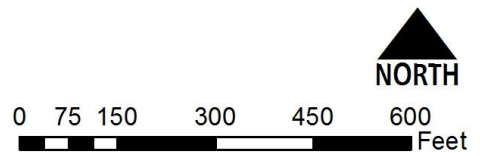
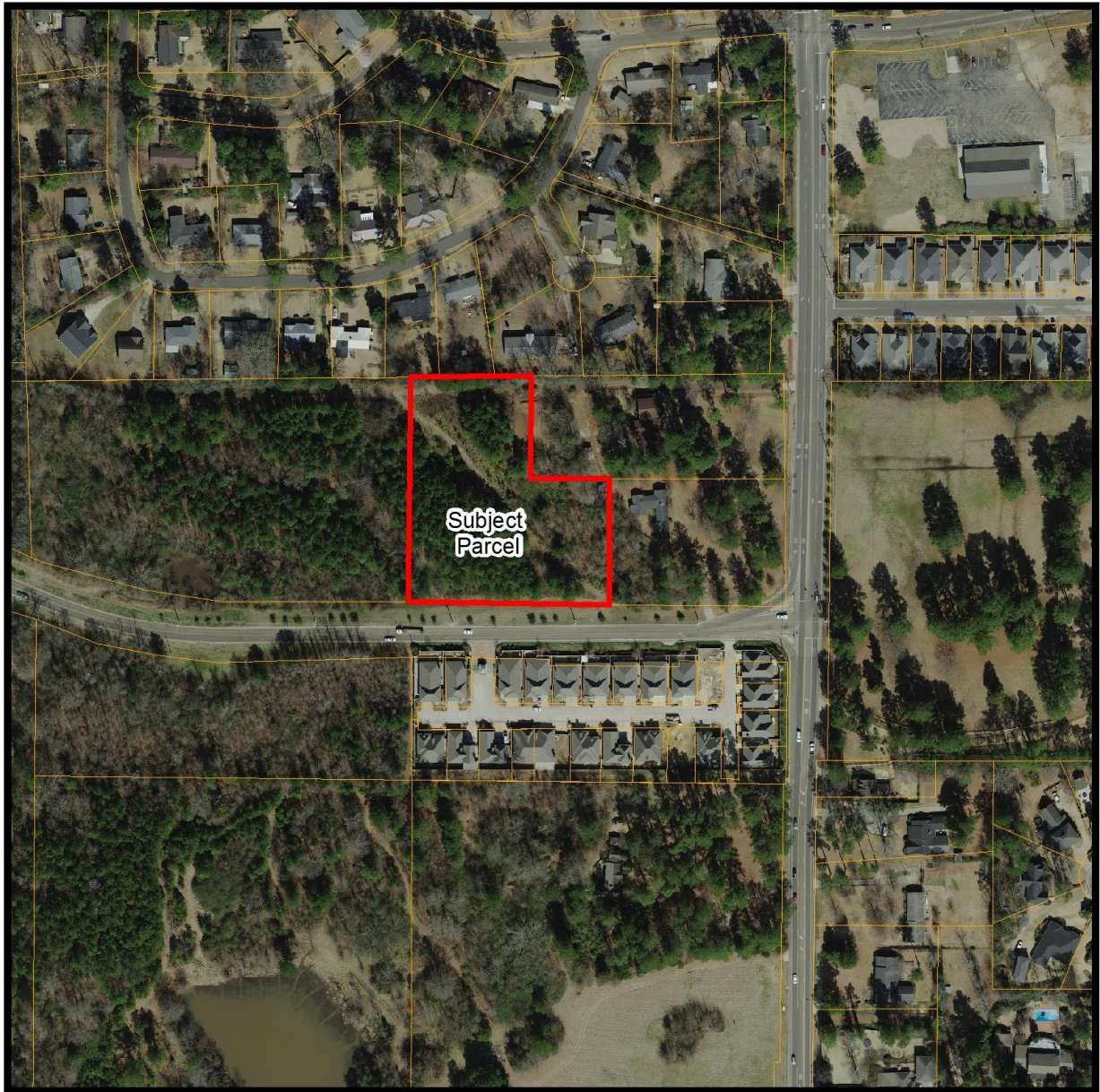
- b. *Minimum lot area, duplex dwelling: 7,000 square feet.*
  - c. *Minimum lot area, triplex dwelling: 9,000 square feet.*
  - d. *Minimum lot area, fourplex dwelling: 11,000 square feet.*
  - e. *Minimum lot width at the building line:*
    - One-family dwelling: 50 feet.*
    - Duplex, triplex or fourplex: 70 feet.*
  - f. *Minimum depth of front yard: 25 feet.*
  - g. *Minimum depth of rear yard: 20 feet.*
  - h. *Minimum width of each side yard: Five feet.*
  - i. *Maximum height of structure: 45 feet.*
4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

## **STATE REZONING CRITERIA**

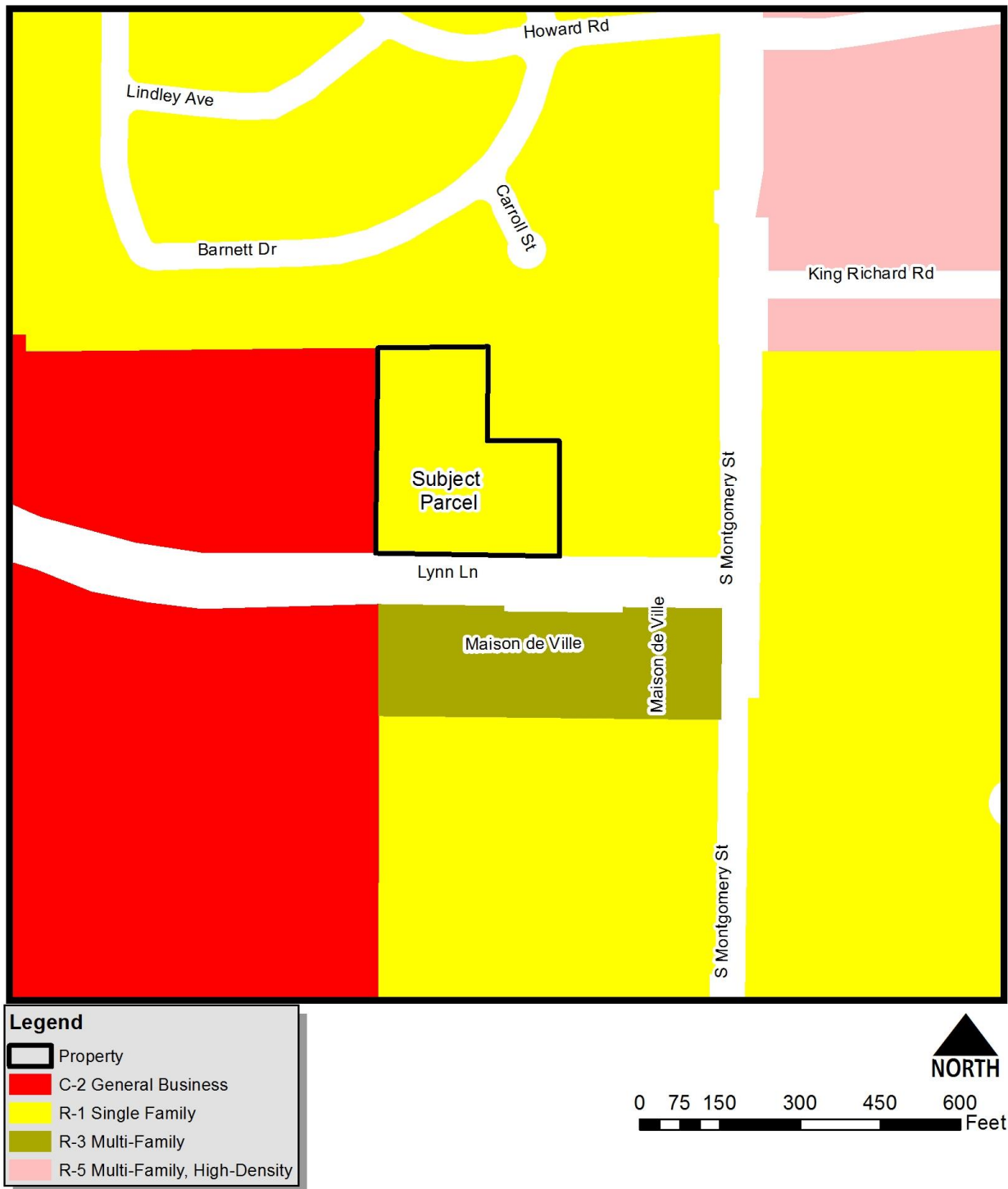
Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. **Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:
2. **Change in conditions:** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.
  - There have been 3 rezonings within one mile of the parcel since 2005.
    1. Bent Brook Ridge Subdivision
    2. Maison de Ville Subdivision
    3. Starkville Station

Attachment 1  
RZ 15-02 Aerial



Attachment 2  
RZ 15-02 Zoning



### Attachment 3



View looking north across Lynn Lane at Subject Property

Attachment 4



View looking south across Lynn Lane at adjacent property

Attachment 5



Birdeye view looking south at Subject Property

CLIENT

TABOR CONSTRUCTION AND DEVELOPMENT

STARKVILLE, MISSISSIPPI

MAP LEGEND:

MAN HOLE

FIRE HYDRANT

WATER VALVE

WATER METER

IRON PIN FOUND

IRON PIN SET

RIGHT-OF-WAY MARKER

EVERGREEN TREE

GRATE INLET

CLEANOUT

UTILITY POLE

ELECTRIC SERVICE

GUY ANCHOR

AREA LIGHT

PEDESTAL

GAS METER

SPOT ELEVATION

EXISTING CONTOUR

GRAVEL

CONCRETE PAVING

ASPHALT PAVING

HARDWOOD TREE

SANITARY SEWER LINE

STORM SEWER LINE

WATER LINE

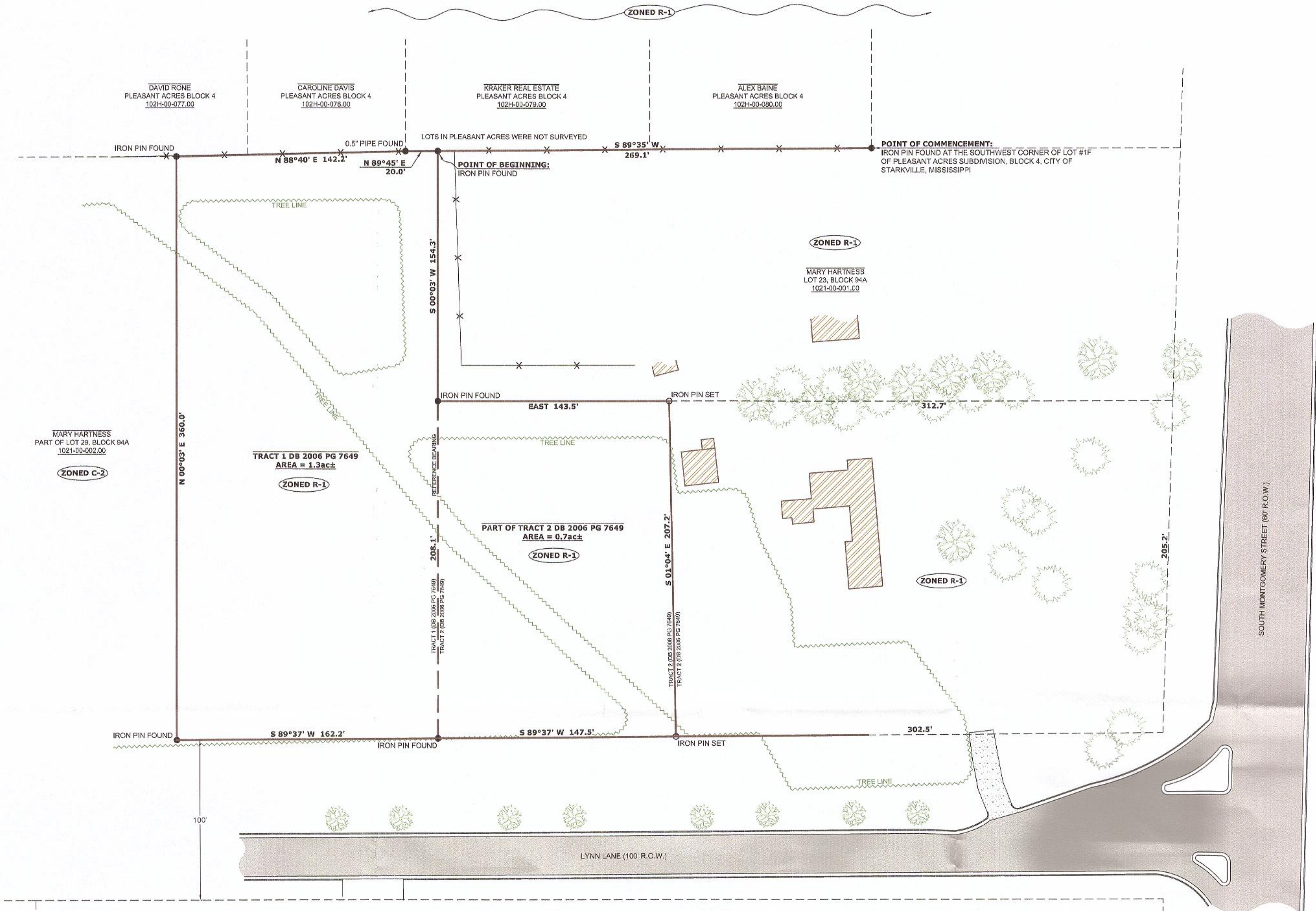
OVERHEAD POWER

UNDERGROUND POWER

GAS LINE

UNDERGROUND TELEPHONE

OVERHEAD POWER & TELEPHONE



Survey Notes:

- No underground utilities were located as part of this survey and this plat should not be utilized to determine the existence or nonexistence of utilities.
- Distances and bearings shown in parenthesis are as per deed/plat only where they vary.
- Record deeds are on file in the Office of the Chancery Clerk, Oktibbeha County, Mississippi. Deed Book 2006 Page 7649
- Right of Way widths shown are as per scaled from the tax maps of Oktibbeha County.
- Iron pins set at property corners were driven eleven (11) inches into the ground by Pepper Surveying and Mapping, LLC. Before anyone drives the property corners deeper than eleven (11) inches Mississippi 811 must be contacted at 800-227-6477, 811 or www.ms1call.org.

Rezoning Notes:

- This property is currently zoned R-1 Single Family.
- Total area proposed for rezoning is 2.0 acres +/-.

Property Description:

Being a parcel of land located in the northeast quarter of the northeast quarter of Section 10, Township 18 North, Range 14 East, Oktibbeha County, Mississippi and being more particularly described as follows, to wit

Commencing at an iron pin found at the southwest corner of Lot #1F of Block 4 of Pleasant Acres Subdivision as platted and recorded in the Office of the Chancery Clerk, Oktibbeha County, Mississippi and use a the POINT OF BEGINNING of the parcel herein described. From said POINT OF BEGINNING run South 89 degrees 35 minutes West along the south boundary of said Pleasant Acres Subdivision for a distance of 269.1 feet to an iron pin found at the POINT OF BEGINNING of the parcel herein described. From said POINT OF BEGINNING run South 00 degrees 03 minutes West for a distance of 154.3 feet to an iron pin set; then East for a distance of 143.5 feet to an iron pin set; then South 01 degrees 04 minutes East for a distance of 207.2 feet to an iron pin set on the north right of way of Lynn Lane; then South 89 degrees 37 minutes West along the said north right of way for a distance of 147.5 feet to an iron pin found; then South 89 degrees 37 minutes West along the said north right of way for a distance of 162.2 feet to an iron pin found; then North 00 degrees 03 minutes East for a distance of 360.0 feet to an iron pin found; then North 88 degrees 40 minutes East for a distance of 142.2 feet to a 0.5 inch pipe found; then North 89 degrees 45 minutes East for a distance of 20.0 feet to the POINT OF BEGINNING. Said parcel being located in northeast quarter of the northeast quarter of Section 10, Township 18 North, Range 14 East, Oktibbeha County, Mississippi and contains 2.0 acres, plus or minus.



Pepper  
Surveying  
AND  
Mapping LLC

BEARING BASIS: FOUND MONUMENTS  
SWORN CREW MEMBER(S): JASON PEPPER  
JODY PEPPER  
SCALE: 1" = 40'  
CLASS OF SURVEY: "C"  
FIELD DATA COLLECTED: 06/12/2014  
DRAWING COMPLETED: 04/10/2015  
ALL PINS SET ARE 0.5" DIA. BY 18" LONG REBAR

SEC. 10, T. 18 N., R. 14 E  
REVISION NUMBER: 0  
PROJECT NUMBER: 14-076-B  
PSM REFERENCE: 10/18/14  
FILE NAME: 14-076-B  
DRAWN BY: JWP  
ONE CALL TICKET: N/A  
SHEET: 1 of 1

Know what's below.  
Call before you dig.  
811 or 800.227.6477  
Mississippi 811  
MISSISSIPPI 811 PHONE: 1-800-227-6477  
ORIGINAL COPIES ARE IN COLOR

BOUNDARY SURVEY  
LYNN LANE/MONTGOMERY REZONE  
STARKVILLE, MISSISSIPPI

PEPPER SURVEYING & MAPPING  
200 S MONTGOMERY, SUITE 202  
STARKVILLE, MS 39719  
SHIPPING: 834 HWY 12W #180  
PHONE AND FAX: 1-888-963-9063  
www.peppersurveying.com

Attachment 7  
Applicant Letter



## CONSTRUCTION & DEVELOPMENT

April 13, 2015

Planning & Zoning Commission  
City of Starkville, Mississippi  
101 E. Lampkin Street  
Starkville, MS 39759

Dear Commissioners:

Enclosed, please find a completed public hearing application package for your consideration to rezone approximately 2 acres located on the Western Boundary of parcel 1021-00-003.00, located at the corner of Lynn Lane and South Montgomery to R3. We are submitting this application for review for the May 12, 2015 Planning & Zoning and subsequent Board of Aldermen Meetings.

While considering this parcel, it is important to recognize that we are only requesting rezoning for a portion of this property. The current Owner of the property, CHT, LLC, intends to maintain ownership of the corner acreage for development as a single family residence. Over the last eight years, we have been successful in developing over 150 residential condominiums within 2 miles of this location, 106 of which are located within 1/3 of a mile of the proposed rezoning site. We are currently developing 7 Garden Homes (The Delphine) on the Southwest Corner of South Montgomery and Yellow Jacket Drive, a location that is currently zoned R3 and is adjacent to Pleasant Acres, just as this subject parcel is.

We are submitting this application in the hopes of obtaining rezoning approval to provide the best development plan and sell the units individually as condominiums (in duplex, triplex and/or 4-plex buildings – similar to the likes of Annabella and Belle Grove) or garden homes (similar to The Delphine) . Rezoning to R3 is required to make this proposed development possible.

Regarding the subject property, a 2.0 (+/-) acre site, please note the following:

- The property directly to the South is currently zoned R3 and has been developed as a higher density garden home development.
- The Property directly to the West is currently zoned C2 – a zoning designation that can (and likely will) dramatically change the demographics of this location.
- As stated above, within 1/3 mile of this location, we have developed over 100 condominium units in the last eight years. Within a 1/3 mile radius, there currently exists substantial student housing (Academy Village – 186 units), and substantial garden homes (Academy Place – 84 homes; Maison de Ville – 24 homes).

PLANNING • DESIGN • CONSTRUCTION • MANAGEMENT

200 S. MONTGOMERY, SUITE 201 • STARKVILLE, MS 39759 • 662.324.0506 (T) • 662.323.8087 (F)

[WWW.TABORDEVELOPMENT.COM](http://WWW.TABORDEVELOPMENT.COM)

- Rezoning of this property to allow increased development opportunity will substantially increase the tax base of the City of Starkville. Currently, the assessed value of the subject property and improvements is \$87,400. If rezoned, the newly developed assessed value could easily exceed \$2.5 Million.
- The increased population and increased demand for quality housing in locations North of Academy Road (avoiding the bottleneck of traffic that exists at peak times along this corridor South of Academy Road), support the rezoning of this subject property.
- The Starkville Comprehensive Plan supports infill development to achieve greater utilization of existing municipal service, reduce the need for cost of extension of services and provide housing options. This proposed development is consistent with the Comprehensive Plan and will provide unique housing options for Starkville in this infill location.
- There are adequate public facilities – water, sewer and electrical lines are all available.
- There has been a significant change in development off South Montgomery between Highway 12 and Academy Road with the addition of developments like: Pitot House, Belle Grove, Annabella, The Delphine, Maison De Ville and the recent rezoning of Garden Properties, LLC 4.97 Acre Tract off Yellow Jacket Drive.
- There are no known environmental issues.
- Our intent is to develop an attractive neighborhood encouraging the use of front porches, while providing lush greenscape to enhance the design. The newly adopted NACTO Urban Street Design Guide will enrich the overall development.

Our intent is to develop this property into something Starkville can be proud of. With your help, we want to do everything we can to broaden the base of available housing and continue to attract quality residents and weekenders who are proud to call Starkville home. We have no intentions of developing this property into a multifamily development suitable for student housing. While we cannot prevent student living, we can adopt specific rules, regulations and association covenants to maintain the integrity of the development and the quality of life for the residents and surrounding neighbors, much like we have done at all of our prior developments.

Enclosed, you will find a completed application, application fee, legal description, notarized owner authorization, list of surrounding property owners within 160 feet of the subject property (obtained from local tax records), letters of support from adjacent property owners, and a potential site plan to outline what could possibly be done with this parcel if rezoned. Should you have questions regarding this application, or if this matter will be considered in any way other than as required protocol warranting your full support, I ask that you contact me at your earliest convenience at 662.295.3817. I appreciate your time and consideration, and look forward to appearing before you in May.

Sincerely,



Jeremy S. Tabor

PLANNING • DESIGN • CONSTRUCTION • MANAGEMENT

200 S. MONTGOMERY, SUITE 201 • STARKVILLE, MS 39759 • 662.324.0506 (T) • 662.323.8087 (F)

[WWW.TABORDEVELOPMENT.COM](http://WWW.TABORDEVELOPMENT.COM)

Attachment 8  
Letters of Support

**KRAKER REAL ESTATE, LLC  
501 S. MONTGOMERY ST #19  
STARKVILLE, MS 39759**

April 7, 2015

Planning & Zoning Commission  
City of Starkville, Mississippi  
101 E. Lampkin Street  
Starkville, MS 39759

RE: Rezoning Application for Parcel 102I-00-003.00

To Whom It May Concern:

As the Owner of Parcel Numbers 102H-00-079.00 and 102H-00-079.01, which adjoin Subject Parcel Number 102I-00-003.00 to the North, please accept this letter as formal notification of my complete support of the proposed rezoning of the subject property to R3. I believe that this rezoning is a key component of the continued responsible growth of Starkville and will be very beneficial for the City. Not only will Jeremy Tabor's proposed development attract weekenders, young professionals and empty nesters that are vital to our community, but it will also substantially increase the tax base of this parcel of land.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Slade Kraker', written in a cursive style.

J. Slade Kraker  
Managing Member

April 9, 2015

Planning & Zoning Commission  
City of Starkville, Mississippi  
101 E. Lampkin Street  
Starkville, MS 39759

RE: Rezoning Application for Parcel 102I-00-003.00

To Whom It May Concern:

As a neighboring property owner to the parcel listed above, I would like to express my full support for the proposed rezoning to R3 by Jeremy Tabor. Tabor Construction & Development has successfully developed several properties in Starkville that have greatly impacted our local economy. I believe this property will be no exception, and will have the same positive effect.

Sincerely,

Signed: Billy + Linda Howard  
Printed Name: Billy + Linda Howard  
Address: 108 Maison de Ville  
Starkville  
Phone: 601 342 9920

1 Plantation Dr  
Laurel, MS 39440

April 10, 2015

Planning Division  
City of Starkville  
101 E. Lampkin Street  
Starkville, MS 39759

Dear Planning & Zoning Committee:

It has been brought to my attention that Jeremy Tabor of Tabor Construction and Development is proposing to rezone property along Lynn Lane from R1 to R3. As a 5 five year resident of Pleasant Acres, the property he would like to rezone has an adjoining property line with a few of my neighbors, and I would like to voice my support of this potential growth. I do not feel the rezoning would negatively affect our neighborhood or property values. In fact, the quality of Mr. Tabor's product I feel would increase the value of property in our neighborhood.

In speaking more in depth with Mr. Tabor, I am pleased that he is proposing to add 8-12 additional homes similar to those he has already constructed just north of the property along South Montgomery Street. The potential residences would target a desirable demographic in line with the established area.

Thank you for all that you do to ensure Starkville's smooth and positive growth, and I strongly believe that any residence that is constructed by Tabor Construction on the proposed rezoning property would bring nothing but better growth to the Starkville Community.

Sincerely,



Katharine Hewlett  
807 Imes Street  
Starkville, MS 39759

  
**THE CITY OF STARKVILLE**  
**COMMUNITY DEVELOPMENT DEPT**  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Daniel Havelin, City Planner (662-323-2525 ext. 136)  
**CC:** Mitchell Signs, Applicant  
**SUBJECT:** EX 15-01 Use by Exception request for nonconforming signage for the The Mill development located on Russell Street.  
**DATE:** May 12, 2015

---

The purpose of this report is to provide information regarding the request by Mitchell Signs on behalf of The Mill development for a Use by Exception to allow a nonconforming sign in a T6 District. Please see attachments 1-7.

**BACKGROUND INFORMATION**

The applicant is requesting a Use by Exception to allow two types of nonconforming signs (Multi-tenant Monument and Directional) to be placed on the two parcel (Lot 3 and Lot 2 see attachment 3) that are a part of The Mill development and are not on State owned property. The State owned portion of The Mill will have one Multi-tenant monument sign along Russell Street near the intersection of Mercantile and one small Monument sign in front of the main building. There are several other directional type signs proposed to be located on State property (see attachment 4).

**APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts**

**1.5 EXCEPTION AND VARIANCE**

- (a) There are two types of permitted deviations from the requirements of this Section:*
- i. Exception*
    - a. Requests for Exception shall only be permitted as specifically indicated in this Section.*
    - b. To apply for an Exception, the applicant shall provide the following:*
      - i. The specific Exception(s) requested including citation from this Section and why the Exception is being sought.*
      - ii. Maps, text, drawings and/or statistical data related to the requested Exception(s).*
    - c. No Exception shall be approved unless the Planning and Zoning Commission finds the approval would:*

- i. *Be consistent with § 1.2 Intent and 1.3 Transect Districts of this Section,*
    - ii. *and be consistent with the goals, objectives and policies of the City of Starkville's Comprehensive Plan.*
  - d. *Any decision regarding an approval or denial of an Exception shall state, in writing, the reasons for the approval or denial.*
  - e. *If the Planning and Zoning Commission denies any requested Exception, the applicant may appeal the decision to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall review the application de novo.*
  - ii. *Dimensional Variance*
    - a. *A Dimensional Variance shall be processed pursuant to Chapter 2 - Administration, Article VI - Board of Adjustments & Appeals, Section 2 - 176 Variances and the Board of Adjustments & Appeals of the City of Starkville's Code of Ordinances.*
- (b) *Exceptions shall be advertised and noticed in the same fashion as conditional uses in the City's Code of Ordinances in accordance with Appendix A, Article VI, Section 1.*

## **APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts**

### **2.8 SIGNAGE**

- (a) *Signage shall be designed according to Table 8 and specific types permitted as indicated for each Sub-District.*
- (b) *Address Signs shall be made easily visible through the use of colors or materials that contrast with their background and shall be attached to the Facade or Principal Entrance of the unit they identify. Address Signs may be attached to a mailbox by Exception.*
- (c) *Awning Signage shall be limited to no more than seventy percent (70%) of the Valance of the awning or the vertical portion of a dome awning. The height of the Valance shall not exceed twelve (12) inches. Awning Signs shall contain only the business name, logo, and/or street address.*
- (d) *One (1) Band Sign limited to 90% of the width of the building Facade shall be permitted for each building with a Commercial Use. Information shall consist only of the name and/or logo of the business.*
- (e) *Blade Signs shall be permitted only for businesses that have a Principal Entrance on the first Story.*
- (f) *One (1) Blade Sign shall be permitted for each business if the Facade is no more than five (5) feet from the Principal Frontage Line. Blade Signs may encroach into the Public Frontage up to four (4) feet, shall clear the Sidewalk by at least eight (8) feet, and shall not encroach above the bottom of any second Story windows. Blade Signs shall be limited to the name and/or logo of the business.*

- (g) *Marquees shall be located only above the Principal Entrance of a building, shall provide a minimum clearance of ten (10) feet, and may Encroach the Public Frontage to within two (2) feet of the Curb. Message Boards shall be permitted as part of Marquees.*
- (h) *One (1) Nameplate per address limited to three (3) square feet and consisting of either a panel or individual letters applied to a building wall, may be attached to a building wall within ten (10) feet of a Principal Entrance.*
- (i) *Outdoor Display Cases shall not exceed six (6) square feet and may be internally illuminated.*
- (j) *One (1) freestanding, double-sided, temporary Sidewalk Sign may be placed within the Parking Strip of the Public Frontage for each business. Sidewalk Signs shall be removed at the close of business each day.*
- (k) *Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays. Window signs may list services and/or products sold on the premises, or provide phone numbers, operating hours or other messages.*

**Scale and intensity of use.**

Proposed sign does not change the scale and intensity of use

**On- or off-site improvement needs.**

There are no off-site improvements being proposed as part of this request

**On-site amenities proposed to enhance the site.**

No other enhancements are being proposed as part of this request

**Site issues.**

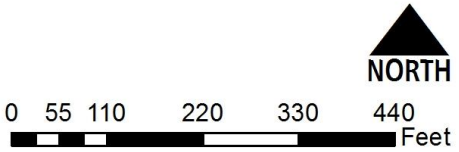
There are no known site issues regarding the intended use of the site.

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

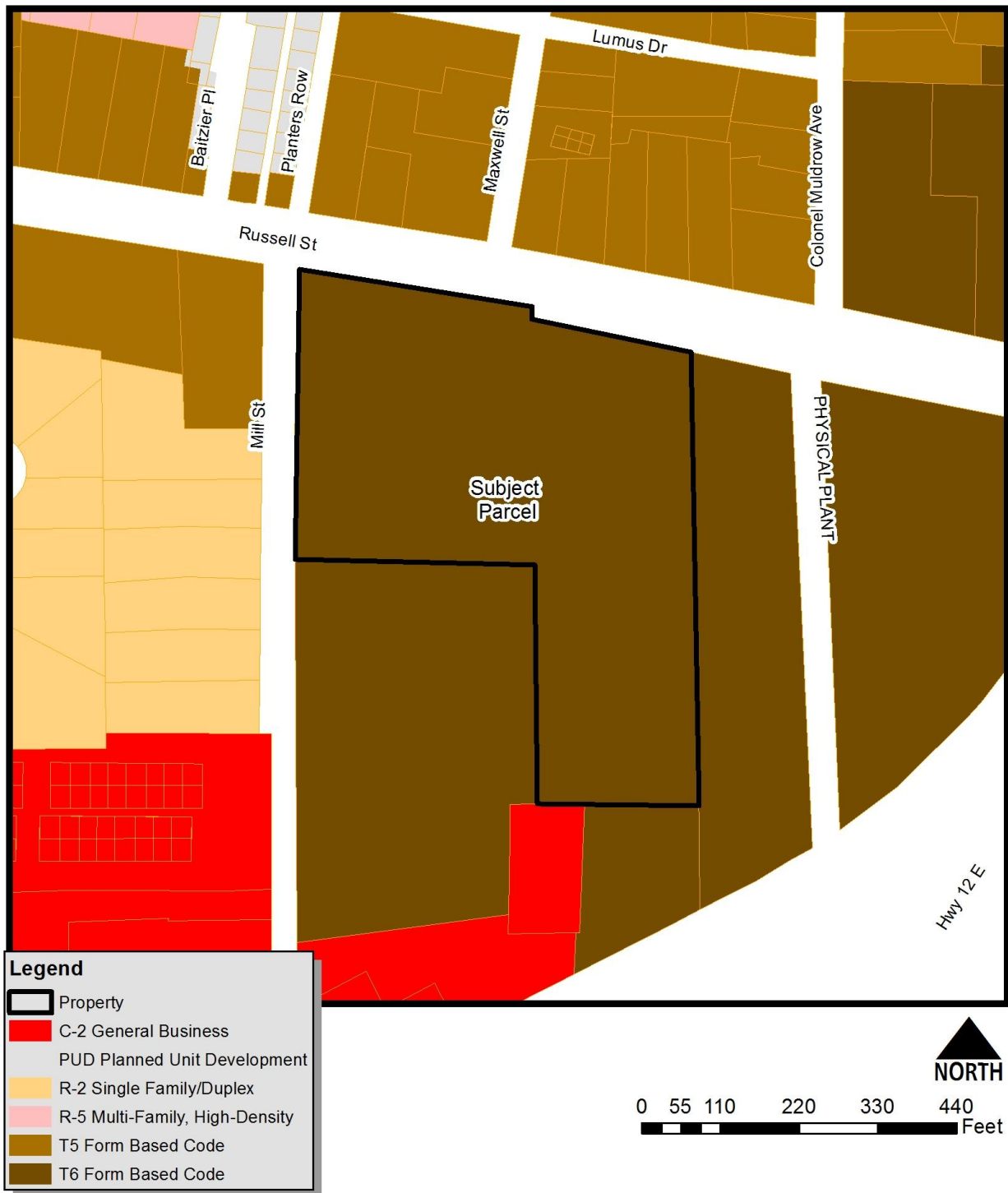
| Direction | Zoning | Current Use                                            |
|-----------|--------|--------------------------------------------------------|
| North     | T5     | Vacant- Currently planned to be developed as Condos    |
| East      | T5     | Vacant- Currently planned to be developed as Mixed Use |
| South     | C2     | Vacant- Currently being developed as Commercial        |
| West      | R2     | Single Family Residential                              |

50 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 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 in favor of approval for this request.

Attachment 1  
EX 15-01 Aerial



Attachment 2  
EX 15-01 Zoning

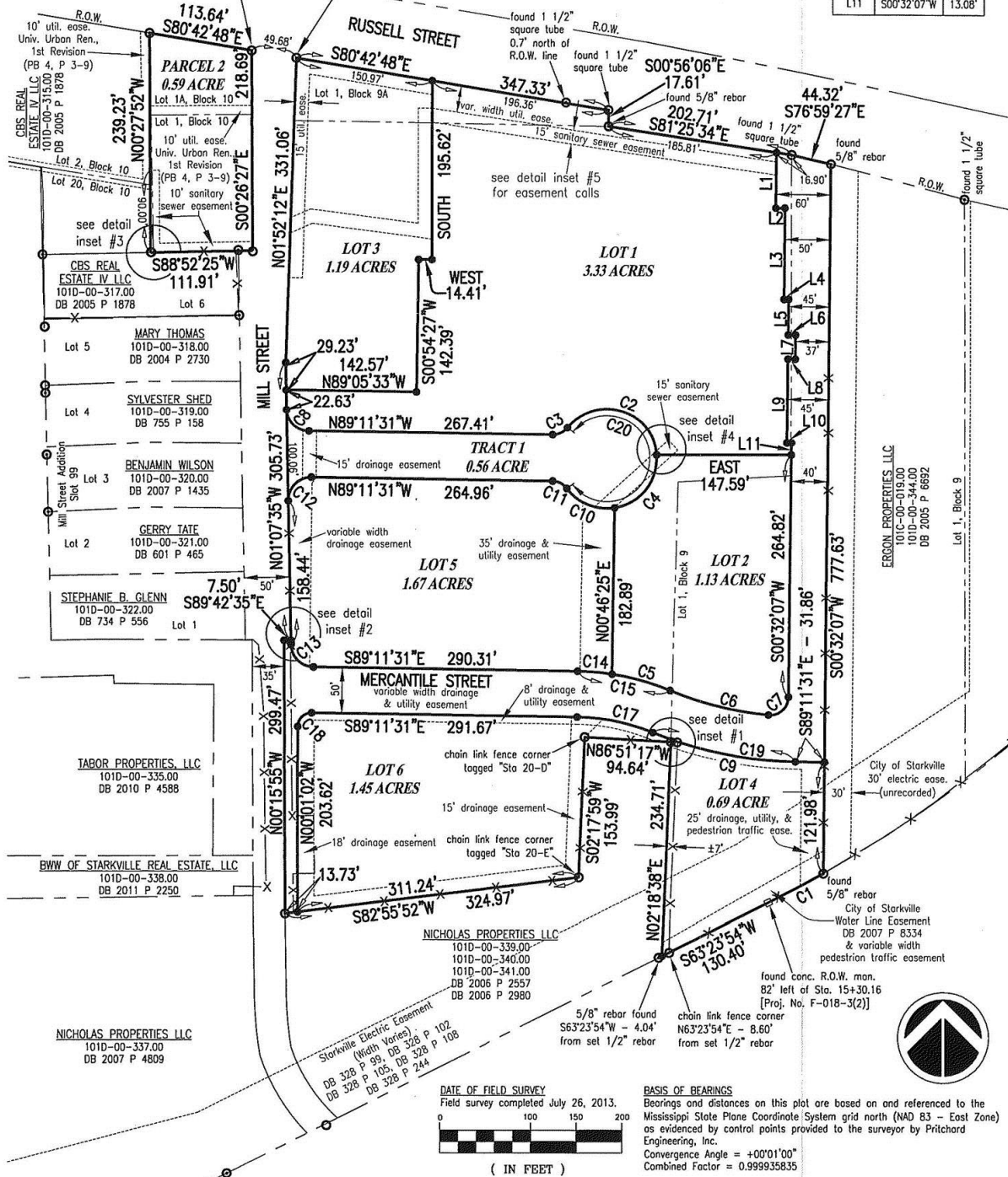


## Attachment 3

POC PARCEL 1  
POB PARCEL 2  
FOUND 1/2" REBAR AT THE NORTHEAST  
CORNER OF LOT 1A OF BLOCK 10 OF  
THE UNIVERSITY URBAN RENEWAL AREA,  
1ST REVISION (SLIDES 72-75)

POB PARCEL 1  
FOUND 5/8" REBAR

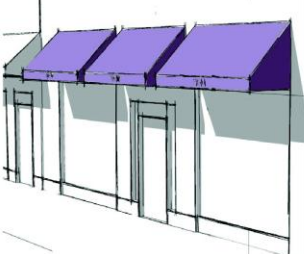
|     |             |        |
|-----|-------------|--------|
| L4  | S89°27'53"E | 5.00'  |
| L5  | S00°32'07"W | 38.00' |
| L6  | S89°27'53"E | 8.00'  |
| L7  | S00°32'07"W | 26.00' |
| L8  | N89°27'53"W | 8.00'  |
| L9  | S00°32'07"W | 93.33' |
| L10 | S89°27'53"E | 5.00'  |
| L11 | S00°32'07"W | 13.08' |



[illegible]

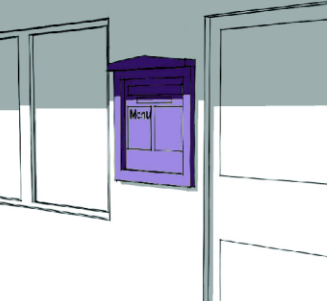
## Attachment 5

**TABLE 8. SIGN STANDARDS**

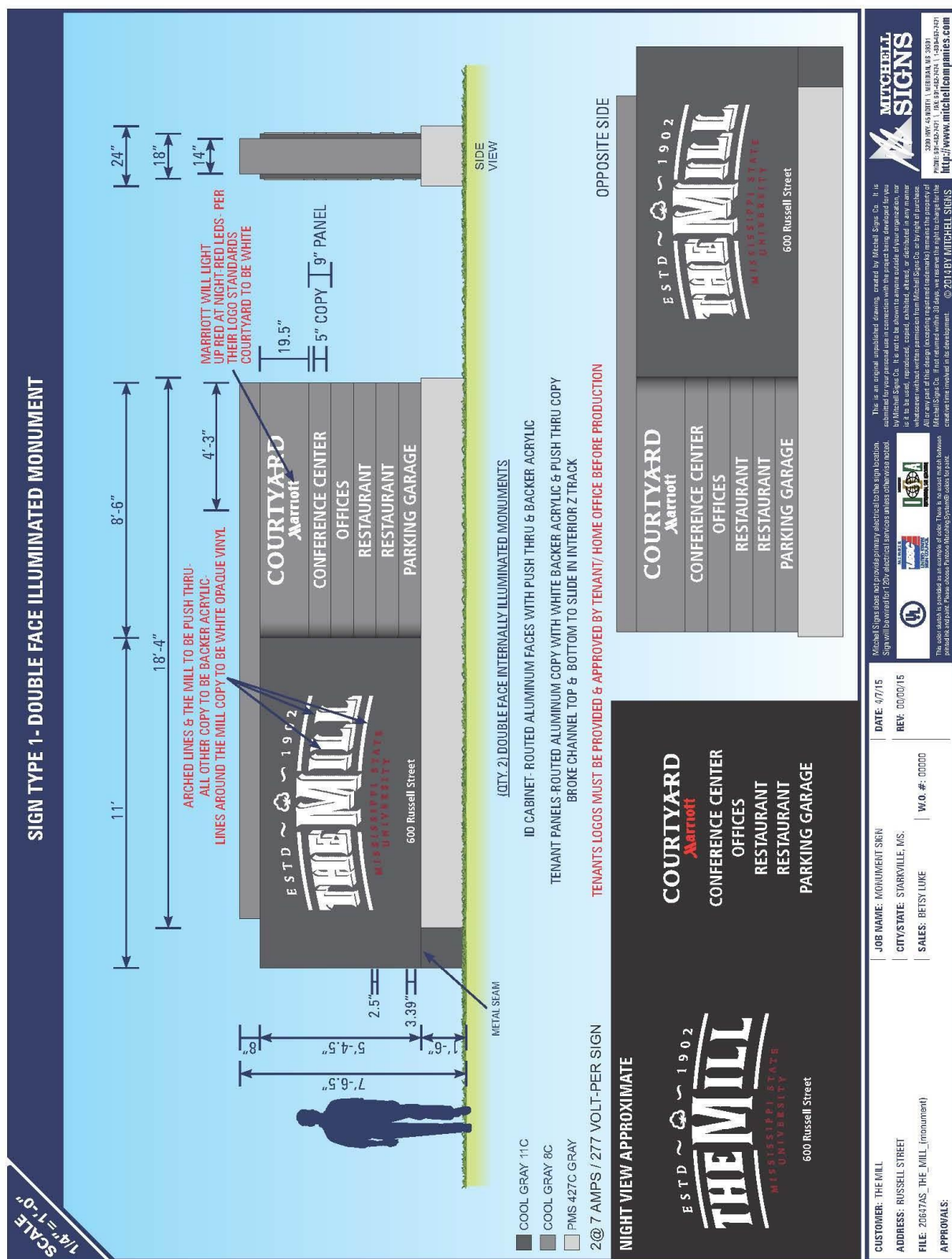
|                                                                                                                | T4 | T5 | T6 | SPECIFICATIONS                                                                                  |                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------|----|----|----|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Address Sign</b><br>       | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per address<br>2 sf max<br>24 in max<br>12 in max<br>3 in max<br>4.5 ft min<br>N/A<br>6 in max                                                    |
| <b>Awning and Sign</b><br>    | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per window<br>N/A<br>width of Awning<br>N/A<br>4 ft min<br>8 ft max<br>N/A<br>5 in min, 10 in max                                                 |
| <b>Band Sign</b><br>         | □  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1, 2 for corner building<br>1.5 sq ft per linear ft of Facade<br>90% of width of Facade max<br>3 ft max<br>7 in max<br>7 ft max<br>N/A<br>18 in max |
| <b>Blade Sign</b><br>       | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per Facade, 2 max<br>T3: 4 sq ft; T4 & T5: 6 sq ft<br>4 ft max<br>4 ft max<br>4 ft max<br>8 ft min<br>N/A<br>8 in max                             |
| <b>Marquee and Sign</b><br> |    | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per business<br>N/A<br>width of entrance plus 4' o.c.<br>50% Story height max<br>4 ft min, 10 ft max<br>N/A<br>N/A<br>3 ft min                    |

- By Right
- By Exception

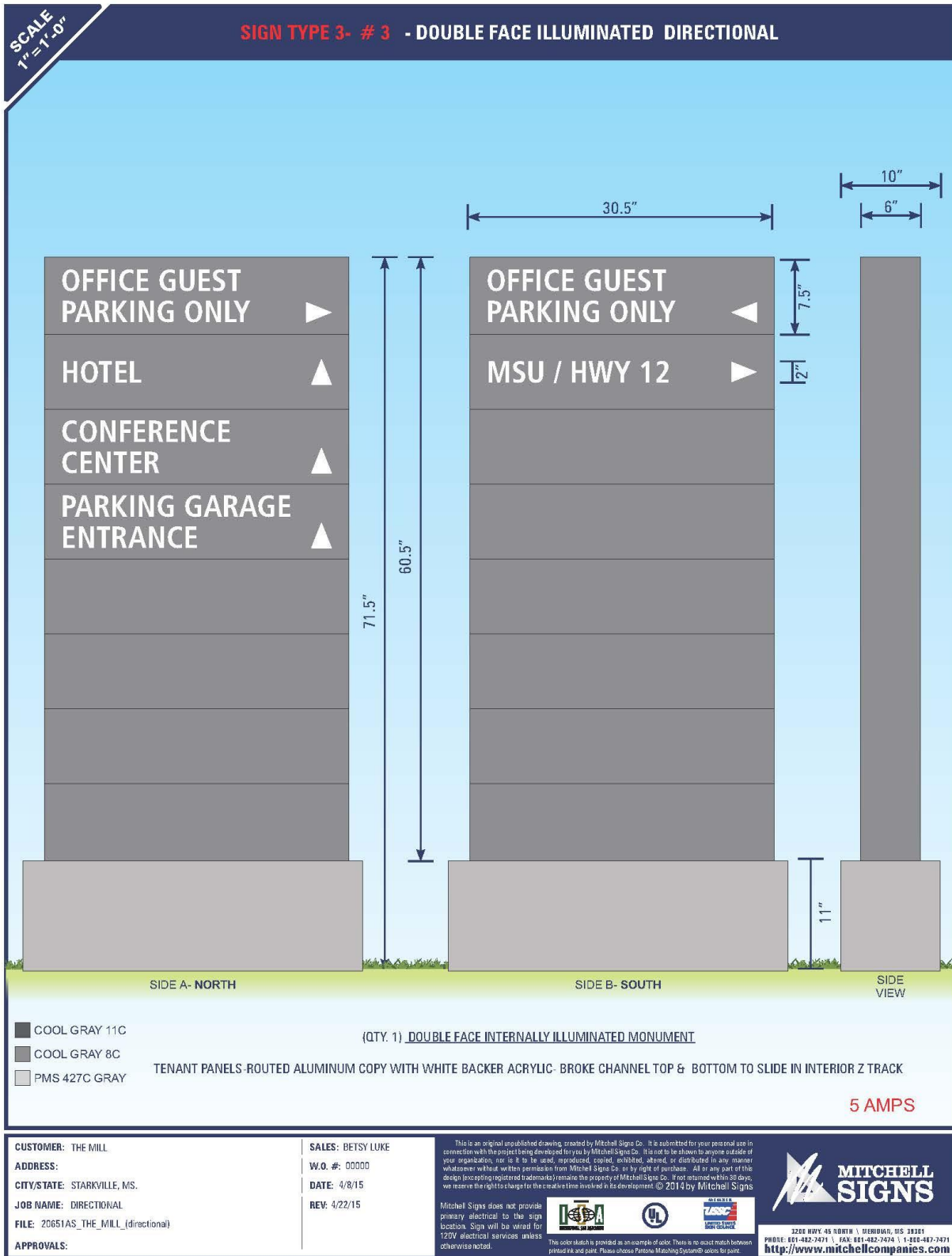
**TABLE 8. SIGN STANDARDS (continued)**

|                                                                                                                  | T4 | T5 | T6 | SPECIFICATIONS                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------|----|----|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Nameplate Sign</b><br>       | ■  | ■  | ■  | Quantity 1<br>Area 3 sf max<br>Width 18 in max<br>Height 2 ft max<br>Depth / Projection 3 in max<br>Clearance 4 ft max<br>Apex 7 ft max<br>Letter Height N/A      |
| <b>Outdoor Display Case</b><br> | ■  | ■  | ■  | Quantity 1<br>Area 6 sf max<br>Width 3.5 ft max<br>Height 3.5 ft max<br>Depth / Projection 5 in max<br>Clearance 4 ft max<br>Apex N/A<br>Letter Height N/A        |
| <b>Sidewalk Sign</b><br>       | ■  | ■  | ■  | Quantity 1 per business<br>Area 8 sf max<br>Width 28 in max<br>Height 42 in max<br>Depth / Projection N/A<br>Clearance N/A<br>Apex 42 in max<br>Letter Height N/A |
| <b>Window Sign</b><br>        | ■  | ■  | ■  | Quantity 1 per window<br>Area 25% of glass max<br>Width varies<br>Height varies<br>Depth / Projection N/A<br>Clearance 4 ft<br>Apex N/A<br>Letter Height 8 in max |

- By Right
- By Exception



# Attachment 7





  
**THE CITY OF STARKVILLE**  
COMMUNITY DEVELOPMENT DEPT  
CITY HALL, 101 E. LAMPKIN STREET  
STARKVILLE, MISSISSIPPI 39759

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**STAFF REPORT**

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**TO:** Members of the Planning & Zoning Commission  
**FROM:** Daniel Havelin, City Planner (662-323-2525 ext. 136)  
**CC:** Bill Poe, Applicant  
**SUBJECT:** EX 15-02: Use by Exception request for nonconforming signage for the Oktibbeha County Heritage Museum located at the intersection of Fellowship Street and Russell Street.  
**DATE:** May 12, 2015

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The purpose of this report is to provide information regarding the request by Bill Poe with the Oktibbeha County Heritage Museum Corporation for a Use by Exception to allow a nonconforming sign in a Civic District at 206 Fellowship. Please see attachments 1-6.

**BACKGROUND INFORMATION**

The applicant is requesting a Use by Exception to allow a pole type nonconforming sign to placed along the fellowship side of the Oktibbeha County Heritage Museum. There is currently an existing monument sign along Russell Street, but the existing sign is not visible from Fellowship Street.

**APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts**

**1.5 EXCEPTION AND VARIANCE**

- (a) There are two types of permitted deviations from the requirements of this Section:*
  - i. Exception*
    - a. Requests for Exception shall only be permitted as specifically indicated in this Section.*
    - b. To apply for an Exception, the applicant shall provide the following:*
      - i. The specific Exception(s) requested including citation from this Section and why the Exception is being sought.*
      - ii. Maps, text, drawings and/or statistical data related to the requested Exception(s).*
    - c. No Exception shall be approved unless the Planning and Zoning Commission finds the approval would:*
      - i. Be consistent with § 1.2 Intent and 1.3 Transect Districts of this Section,*
      - ii. and be consistent with the goals, objectives and policies of the City of Starkville's Comprehensive Plan.*

- d. *Any decision regarding an approval or denial of an Exception shall state, in writing, the reasons for the approval or denial.*
- e. *If the Planning and Zoning Commission denies any requested Exception, the applicant may appeal the decision to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall review the application de novo.*
- ii. *Dimensional Variance*
  - a. *A Dimensional Variance shall be processed pursuant to Chapter 2 - Administration, Article VI - Board of Adjustments & Appeals, Section 2 - 176 Variances and the Board of Adjustments & Appeals of the City of Starkville's Code of Ordinances.*
- (b) *Exceptions shall be advertised and noticed in the same fashion as conditional uses in the City's Code of Ordinances in accordance with Appendix A, Article VI, Section 1.*

## **APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts**

### **2.8 SIGNAGE**

- (a) *Signage shall be designed according to Table 8 and specific types permitted as indicated for each Sub-District.*
- (b) *Address Signs shall be made easily visible through the use of colors or materials that contrast with their background and shall be attached to the Facade or Principal Entrance of the unit they identify. Address Signs may be attached to a mailbox by Exception.*
- (c) *Awning Signage shall be limited to no more than seventy percent (70%) of the Valance of the awning or the vertical portion of a dome awning. The height of the Valance shall not exceed twelve (12) inches. Awning Signs shall contain only the business name, logo, and/or street address.*
- (d) *One (1) Band Sign limited to 90% of the width of the building Facade shall be permitted for each building with a Commercial Use. Information shall consist only of the name and/or logo of the business.*
- (e) *Blade Signs shall be permitted only for businesses that have a Principal Entrance on the first Story.*
- (f) *One (1) Blade Sign shall be permitted for each business if the Facade is no more than five (5) feet from the Principal Frontage Line. Blade Signs may encroach into the Public Frontage up to four (4) feet, shall clear the Sidewalk by at least eight (8) feet, and shall not encroach above the bottom of any second Story windows. Blade Signs shall be limited to the name and/or logo of the business.*
- (g) *Marquees shall be located only above the Principal Entrance of a building, shall provide a minimum clearance of ten (10) feet, and may Encroach the Public Frontage to within two (2) feet of the Curb. Message Boards shall be permitted as part of Marquees.*

- (h) *One (1) Nameplate per address limited to three (3) square feet and consisting of either a panel or individual letters applied to a building wall, may be attached to a building wall within ten (10) feet of a Principal Entrance.*
- (i) *Outdoor Display Cases shall not exceed six (6) square feet and may be internally illuminated.*
- (j) *One (1) freestanding, double-sided, temporary Sidewalk Sign may be placed within the Parking Strip of the Public Frontage for each business. Sidewalk Signs shall be removed at the close of business each day.*
- (k) *Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays. Window signs may list services and/or products sold on the premises, or provide phone numbers, operating hours or other messages.*

**Scale and intensity of use.**

Proposed sign does not change the scale and intensity of use

**On- or off-site improvement needs.**

There are no off-site improvements being proposed

**On-site amenities proposed to enhance the site.**

No other enhancements are being proposed

**Site issues.**

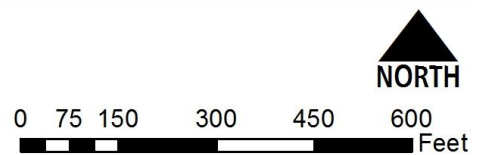
There are no known site issues regarding the intended use of the site.

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

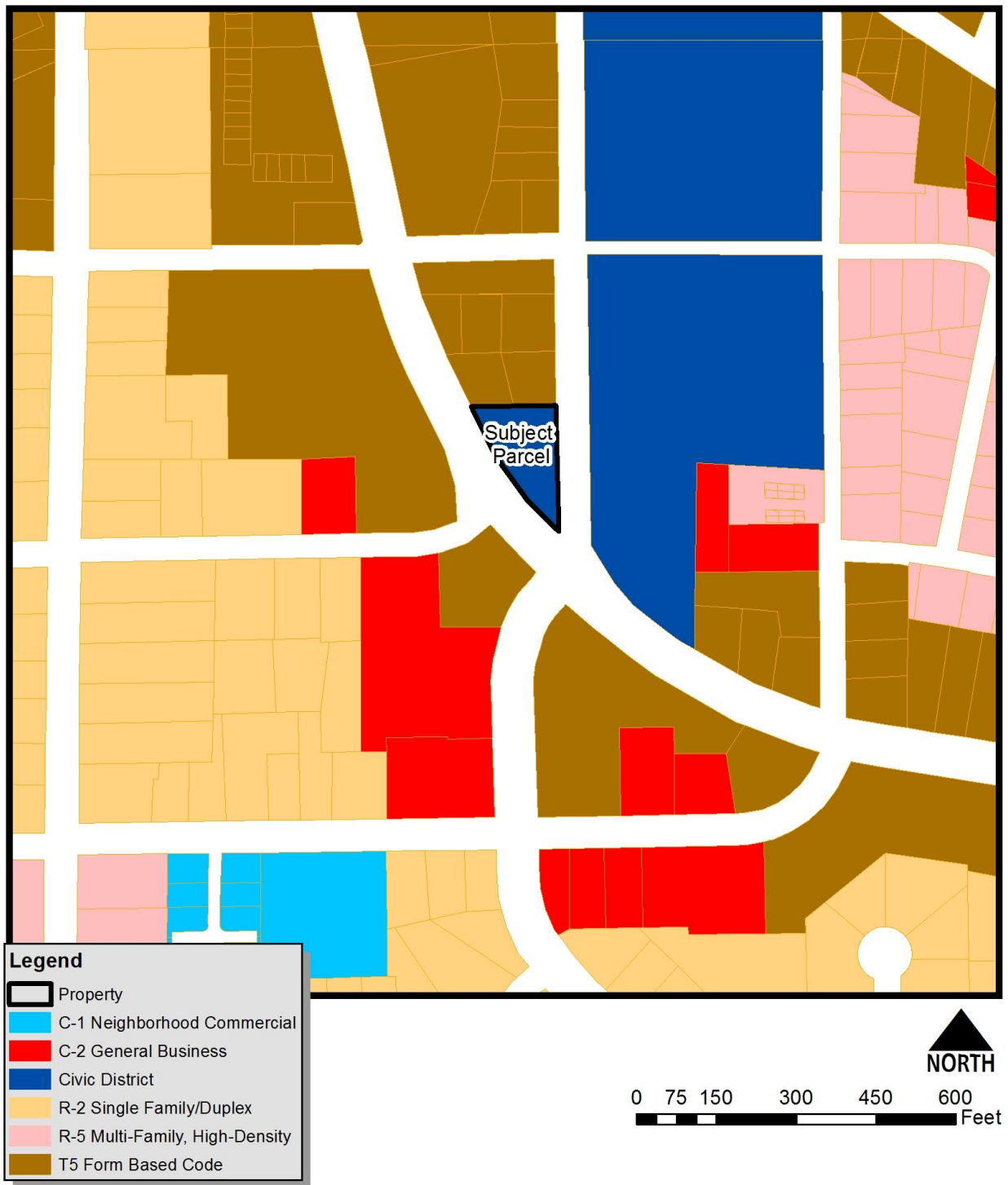
| Direction | Zoning | Current Use         |
|-----------|--------|---------------------|
| North     | T5     | Apartment Complex   |
| East      | CD     | Cemetery            |
| South     | T5     | Commercial Property |
| West      | T5     | Commercial Property |

12 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 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 in favor of approval for this request.

Attachment 1  
EX 15-02 Aerial



Attachment 2  
EX 15-02 Zoning



### Attachment 3



View from Fellowship Street looking west at subject property

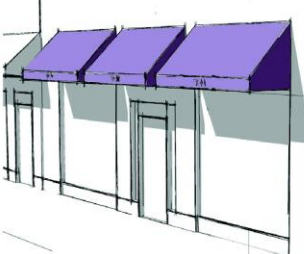
Attachment 4



View of existing signage facing Russell Street

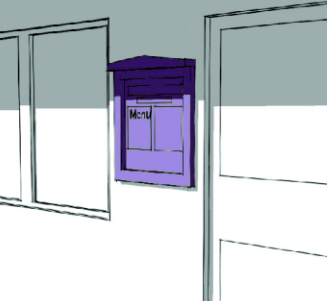
## Attachment 5

**TABLE 8. SIGN STANDARDS**

|                                                                                                                | T4 | T5 | T6 | SPECIFICATIONS                                                                                  |                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------|----|----|----|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Address Sign</b><br>       | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per address<br>2 sf max<br>24 in max<br>12 in max<br>3 in max<br>4.5 ft min<br>N/A<br>6 in max                                                    |
| <b>Awning and Sign</b><br>    | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per window<br>N/A<br>width of Awning<br>N/A<br>4 ft min<br>8 ft max<br>N/A<br>5 in min, 10 in max                                                 |
| <b>Band Sign</b><br>         | □  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1, 2 for corner building<br>1.5 sq ft per linear ft of Facade<br>90% of width of Facade max<br>3 ft max<br>7 in max<br>7 ft max<br>N/A<br>18 in max |
| <b>Blade Sign</b><br>       | ■  | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per Facade, 2 max<br>T3: 4 sq ft; T4 & T5: 6 sq ft<br>4 ft max<br>4 ft max<br>4 ft max<br>8 ft min<br>N/A<br>8 in max                             |
| <b>Marquee and Sign</b><br> |    | ■  | ■  | Quantity<br>Area<br>Width<br>Height<br>Depth / Projection<br>Clearance<br>Apex<br>Letter Height | 1 per business<br>N/A<br>width of entrance plus 4' o.c.<br>50% Story height max<br>4 ft min, 10 ft max<br>N/A<br>N/A<br>3 ft min                    |

- By Right
- By Exception

**TABLE 8. SIGN STANDARDS (continued)**

|                                                                                                                  | T4 | T5 | T6 | SPECIFICATIONS                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------|----|----|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Nameplate Sign</b><br>       | ■  | ■  | ■  | Quantity 1<br>Area 3 sf max<br>Width 18 in max<br>Height 2 ft max<br>Depth / Projection 3 in max<br>Clearance 4 ft max<br>Apex 7 ft max<br>Letter Height N/A      |
| <b>Outdoor Display Case</b><br> | ■  | ■  | ■  | Quantity 1<br>Area 6 sf max<br>Width 3.5 ft max<br>Height 3.5 ft max<br>Depth / Projection 5 in max<br>Clearance 4 ft max<br>Apex N/A<br>Letter Height N/A        |
| <b>Sidewalk Sign</b><br>       | ■  | ■  | ■  | Quantity 1 per business<br>Area 8 sf max<br>Width 28 in max<br>Height 42 in max<br>Depth / Projection N/A<br>Clearance N/A<br>Apex 42 in max<br>Letter Height N/A |
| <b>Window Sign</b><br>        | ■  | ■  | ■  | Quantity 1 per window<br>Area 25% of glass max<br>Width varies<br>Height varies<br>Depth / Projection N/A<br>Clearance 4 ft<br>Apex N/A<br>Letter Height 8 in max |

- By Right
- By Exception

