



OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, June 9, 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 March 10, 2015 minutes
 - B. Consideration of the unapproved May 12, 2015 minutes
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
 - A. 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
- VIII. NEW BUSINESS
 - B. CU 15-06 Request for Conditional Use to allow a "Dwelling, single family, detached" in a C-1 zone at 905 Louisville Street
 - C. FP 15-09 Request for Final Plat by Five Apples LLC for a 7 lot subdivision at the southwest corner of Yellow Jacket Drive and South Montgomery Streets.
 - D. PP 15-09 Request for renewal of Preliminary Plat by Frank Jones Construction for the final phase Country Club Estates Subdivision.
 - E. RZ 15-03 Request for Rezoning part of one parcel from R-1/C-1 to B-1 by Michael and Gayle Kracker for a parcel located at the northwest corner of Old West Point Road and Garrard Road.
 - F. SE 15-01 Request for Special Exception by Freddie Milons Jr. to allow a lot to be platted that does not have 50' of frontage on a public right of way.
 - G. PP 15-08 Request for Preliminary Plat by Freddie Milons Jr. for subdividing one lot located at 557 Treasure Lane Parcel #116-23-007.24 zoned R-1
 - H. PP 15-08 Request for Final Plat by Freddie Milons Jr. for subdividing one lot located at 557 Treasure Lane Parcel #116-23-007.24 zoned R-1
 - I. SE 15-02 Request for Special exception by Jason Pepper on behalf of Tag Investments to allow a subdivision of one lot that does not have 50' of frontage on a public right of way located between South Montgomery and Worley Street Parcel # #102A-00-004.17 zoned T5.

- J. PP 15-07 Request for Preliminary Plat by Jason Pepper on behalf of Tag Investments to allow a subdivision of one lot located between South Montgomery and Worley Street Parcel #102A-00-004.17 zoned T5.

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 MARCH 10, 2015

THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi, held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. The meeting was called to order by Chair Jeremy Murdock, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Dora Herring, Ira Loveless, Jim McReynolds (who arrived later), John Moore, Jeremy Murdock, and Tom Walker. Also attending were Community Development Director Buddy Sanders, City Planner Daniel Havelin, City Attorney Chris Latimer, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated March 10, 2015. Upon the motion of Commissioner Brooks, seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda.

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

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

CITIZEN COMMENTS

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

NEW BUSINESS

- A. CU 15-02: Request for Conditional Use to allow a Funeral Home in a B-1 zone on West Garrard Road, Parcel #118.27.020.12**

City Planner Havelin introduced CU 15-02, a Public Hearing noticed by the City of Starkville, requested by West Brothers Construction for a Conditional Use to construct a Funeral Home on an undeveloped parcel in a B-1 zone on the north side of West Garrard Road approximately +/- 0.20 miles west of the intersection of HWY 389 and Garrard Road. Due to the type of business the Applicant wants to construct, a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. To this date, the Applicant has attended one pre-application meeting with the City's Development Review Committee and received general comments. An official application for the Development Review Committee has not been received. A Conditional Use for a Funeral Home on this parcel was previously granted by the Planning and Zoning Board on November 9, 2010, and the Board of Aldermen on December 7, 2010. Since construction did not begin within six months, a Conditional Use permit will be required in order to proceed with the project. Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval, which appeared in the Commissioners' packets.

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

Recommended Conditions:

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

5. All hazardous wastes shall be disposed of properly in compliance with all State laws and City regulations.
6. If the use of the subject property changes, a conditional use review shall be required.
7. If it is necessary to remove more than 50 percent of the trees six-inch caliper or larger in size located within 200 feet of Garrard Road, each tree removed beyond 50 percent shall be replaced with two trees of four-inch caliper.
8. No on-street parking shall be allowed on West Garrard Road.
9. An eight foot privacy fence shall be placed along property lines where corpse or casket loading/unloading areas are visible from adjacent properties.
10. Evergreen shrubs shall be used in required buffer yard areas.
11. Ingress and Egress onto subject property shall only take place from West Garrard Road.
12. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

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

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

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

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

B. PP 15-03: Request for Preliminary Plat approval for a lot subdivision on South Montgomery, Parcel #106.14.019.00

C. FP 15-02: Request for Final Plat approval for a lot subdivision on South Montgomery, Parcel #106.14.019.00

City Planner Havelin introduced PP 15-03 and FP 15-02, a request by Nicole Oswalt for approval of a Preliminary Plat and Final Plat for subdivision of one existing lot (Property Number 106-14-019.00) into two separate lots. The proposed lots are labeled Lot 1 and Lot 2 on the proposed plat. The subject property is zoned R-E. The properties to the north and east are zoned R-E. The properties to the south are zoned R-4.

The existing parcel is +/-3.83 acres. Recently the contractor for the property obtained a permit to move the existing house from the western side of the property to the eastern side of the property. The owner now desires to subdivide the lots to create two new lots. One lot would contain the recently moved house. The other lot is currently vacant. The proposed lots are labeled on the plat

as Lot 1 and Lot 2. Lot 1 has a proposed size of 3.10 acres (135,045 square feet). Lot 2 has a proposed size of 0.73 acres (31,809 square feet).

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

- No conditions

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

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

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

PLANNER'S REPORT

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

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

ADJOURNMENT

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

Jeremy Murdock, Commission Chair

Daniel Havelin, City Planner

UNAPPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION

MEETING OF MAY 12, 2015

THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi, held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. The meeting was called to order by Chair Jeremy Murdock, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Dora Herring, Ira Loveless, Jim McReynolds, John Moore, Jeremy Murdock, and Tom Walker. Also attending were Community Development Director Buddy Sanders, City Planner Daniel Havelin, City Attorney Chris Latimer, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated May 12, 2015. Upon the motion of Commissioner Brooks, seconded by Commissioner McReynolds, the Commission voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES
OF THE MEETING OF APRIL 14, 2015**

Chair Murdock called for consideration of approval of the April 14, 2015, minutes. After a discussion of revisions to the minutes, Commissioner Herring moved to approve the minutes as amended, which was seconded by Commissioner Moore, and the commission voted unanimously to approve the minutes of April 14, 2015, as amended.

CITIZEN COMMENTS

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

OLD BUSINESS

- A. PP 15-04 and FP 15-05: 305 Louisville Subdivide, Preliminary and Final Plat, 305 Louisville Street, Parcel #102B-00-045.00 E, Zoned R-2, Ward 7, Preliminary and**

Final Plat for subdividing one lot into two. Applicant: Jason Pepper; Owner: CMC Investments

City Planner Havelin introduced PP 15-04 and FP 15-05, a Public Hearing noticed by the City of Starkville, for the request 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. The request was tabled at the last meeting of the Planning and Zoning Commission to determine if the parcel is part of a platted subdivision and if it is in a historic district. The parcel is not part of a platted subdivision nor is it within a historic district. This property was noticed by mail to property owners within 300 feet and by ad in the Starkville Daily News.

If the Planning and Zoning Commission decides to approve the Applicant's request for Preliminary Plat and Final Plat for CMC Investments, the following condition 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.

After Mr. Havelin's presentation, Chair Murdock opened the public hearing and asked for the Applicant to speak. After Joe Couvillion presented the case on behalf of the Applicant, and without others coming forward to speak, Chair Murdock closed the Public Hearing and opened the discussion among the Commissioners. After no further discussion or comments, Commissioner Brooks moved to approve PP 15-04, with the condition regarding sidewalk replacement recommended by Staff, which was seconded by Commissioner Walker, and the Commission voted unanimously to approve PP 15-04. Commissioner Brooks moved to approve FP 15-05, with the same sidewalk condition placed on the preceding vote, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve FP 15-05.

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**

City Planner Havelin introduced CU 15-04, a Public Hearing noticed by the City of Starkville, for 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.

The applicant has already entered into a lease agreement with the property owner BCR Investment, LLC. Due to the type of business the Applicant wants to operate, a Conditional Use is required per the City of Starkville Permitted and Conditional Use Chart.

The size of the existing building is +/-1,400 sq. ft. The Applicant will be occupying only one of six suites in the building. Tenant to the south is currently operating “Car Title Loan, Payday Advance or Loan Business.” There are no off-site improvements being proposed, and no amenities are being proposed by the applicant for the site. There are no known site issues regarding the intended use of the site. Eight property owners of record within 300 feet of the subject property were notified of the request directly by mail. A public hearing notice was published in the *Starkville Daily News* on April 24th 2015, and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls against this request.

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 known violations or current laws or ordinances at this time.

After Mr. Havelin’s presentation, he answered questions from the Commissioners. Chair Murdock opened the Public Hearing and invited the Applicant’s representative, Teresa Lyons,

the District Supervisor for World Finance, to speak. City Attorney Latimer at this point reminded the Commissioners of the five criteria to test for a Conditional Use Zoning Request: The test is based on whether the Applicant by preponderance of the evidence, or more likely than not (50 percent plus one), has met the criteria that is on the second page of the Staff Report; in respect to land use compatibility, the test is whether the proposed use would be compatible and harmonious with adjacent land use and would not adversely impact land use in the immediate vicinity.

Chair Murdock called for public comments, and Bo Richardson, landlord for the Applicant, came forward to speak. With no others coming forward to speak, Chair Murdock closed the Public Hearing. Commissioner Herring requested that a condition be placed on the request so that the “Car Title Loan, Payday Advance” part of the description on the Staff Report be stricken, with only “Loan Business” to remain on the description, in order to more accurately describe the business in question, and that the only proposed use for this request be Loan Business. Commissioner Brooks moved to approve CU 15-04, with the condition of striking the description “Car Title Loan, Payday Advance” to include only “Loan Business” in the Staff description, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve CU 15-04.

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

City Planner Havelin introduced RZ 15-02, a Public Hearing noticed by the City of Starkville, a 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 # 102I-00-003.00.

The earliest zoning map (1960s–1970s Map) available to Staff illustrates the subject property as being zoned R-1. The 1982, 2000, and 2013 zoning maps show the property as R-1 Single Family. The Applicant is in the process of purchasing the western half of the parcel from the current owner, CHT, LLC. The Applicant wants 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 zoned as R-1 for their future needs.

Fifteen property owners of record within 300 feet of the subject property were notified of the request directly by mail. 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 asking for more information about this 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

After Mr. Havelin's presentation, the Commissioners discussed the problem of multiple zonings being allowed on one lot and the problems for the developer in subdividing the lot before getting approval for rezoning. Chair Murdock then opened the Public Hearing for comments. Julie Brown, attorney for Jeremy Tabor, came forward to speak to present her case for the rezoning. Mr. Latimer asked Ms. Brown if the Commission applied a condition for the land to be subdivided in order for the rezoning to be approved, would Mr. Tabor be agreeable, and Ms. Brown affirmed that he would. Mr. Latimer suggested that the Commission has two options for clearing up the split zoning issue without subdivision of property: 1). Table the matter until Staff can coordinate with the developer to bring both things forward; and 2). Make an express condition to the rezoning, that the applicant will bring back a proposed subdivision at a reasonable timeline of six or eight months.

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 Chair Murdock opened the floor for citizen comments, Robert Boyd, a resident of Pleasant Acres, came forward to express his opposition to the rezoning and that the appropriate zoning should be R-3A for transitional land use from high density to low density of the surrounding properties' zoning. He was concerned about the sewage infrastructure, that it is currently unreliable already due to the age and construction of the pipes and will exacerbate the existing

problem. He isn't opposed to the development, however, just the proposed zoning designation. Mark Guyton, a resident of South Montgomery Ext., spoke next, stating his opposition to multi-family density in proximity to his property and doesn't think any of the criteria have been met for the rezoning. Corry Gallo, of Howard Road, also came forward to ask for consideration of storm water drainage, as well as a buffer for the transition between R-1 and R-3.

With no others coming forward to speak, Chair Murdock closed the Public Hearing and opened up the floor to discussion among the Commissioners. After discussion regarding the difference between R-3 and R-3A, Commissioner McReynolds moved to table the rezoning, which was seconded by Commissioner Moore, and the Commission voted unanimously (except for Commissioner Loveless who had stepped out of the room briefly) to table RZ 15-02.

C. EX 15-01: Use by Exception request for nonconforming signage for the The Mill development located on Russell Street

City Planner Havelin introduced EX 15-01, a Public Hearing noticed by the City of Starkville, a request by Mitchell Signs on behalf of The Mill development for a Use by Exception to allow a nonconforming sign in a T6 District. 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 parcels (Lot 3 and Lot2) 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. The Staff Report included the regulations for T-Transect Districts for exceptions and variances regarding signage:

**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.

Fifty property owners of record within 300 feet of the subject property were notified of the request directly by mail. 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.

After opening the floor for discussion, Chair Murdock asked for a representative for the Applicant to speak. Betsy, with Mitchell Signs, made a presentation to explain why the Exceptional Use request is needed. Chair Murdock then asked for comments and questions, and with no further citizen comments, the Commissioners discussed the issue of allowing signs in a district where these types of signs are not allowed. Chair Murdock was concerned about the precedent set from their decision and asked for discussion so that the Commission could be consistent.

Mr. Latimer stated that the test for approving a Use by Exception gives the broadest discretion and the broadest power, because if approved, the Applicant doesn't have to go before the Board of Aldermen for further approval; however, if not approved, the Applicant may make an appeal to the Board of Aldermen. There are two criteria in testing whether a Use by Exception should be approved: Is what the Applicant is proposing consistent with the design and intent of the

Transect District, and is it consistent with the goals, objectives, and policies with Starkville's Comprehensive Plan.

Commissioner Herring made a motion to approve EX 15-01 on the basis that it has been in progress a long time and is consistent with plans over which we have no control and would be a defamiation to have something different at these locations. The motion was seconded by Commissioner Walker, and the Commission voted unanimously to approve EX 15-01.

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

City Planner Havelin presented a request by Bill Poe with the Oktibbeha County Heritage Museum Corporation for a Use by Exception, a Public Hearing noticed by the City of Starkville, to allow a nonconforming sign in a Civic District at 206 Fellowship. The Applicant is requesting a Use by Exception to allow a pole-type nonconforming sign to be placed along the Fellowship Street 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.

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.

Twelve property owners of record within 300 feet of the subject property were notified of the request directly by mail. 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.

After Mr. Havelin's presentation, Chair Murdock opened the Public Hearing and asked for Mr. Gallo, the representative for the Applicant, to speak.

After discussion among the Commissioners, a motion to approve EX 15-02 was made by Commissioner Walker, which was seconded by Commissioner Herring and the Commission voted to approve EX 15-02 by a vote of five to one, with Commissioner Loveless voting in opposition.

PLANNER'S REPORT

Community Development Director Sanders and City Planner Havelin brought forth the issue of term expiration dates that were discussed at the last meeting. A recommendation was made for the term of Ward 1 Commissioner to end in 2021, Ward 2 to end in 2020, Ward 3 to end in 2019, Ward 4 to end in 2020, Ward 5 to end in 2021, Ward 6 in 2017, and Ward 7 to end in 2017. Commissioner Herring moved to make the proposed recommendation for the change of term expirations to the Board of Aldermen, which was seconded by Commissioner Brooks, and the Commission voted unanimously to approve the recommendation.

ADJOURNMENT

With no further business to discuss, Commissioner Walker moved that the meeting be adjourned, which was seconded by Commissioner Herring, and the Commission voted unanimously to adjourn at 7:15 PM. The next regularly scheduled meeting will be Tuesday, June 9, 2015, at 5:30 PM, in the City Hall Courtroom.

Jeremy Murdock, Commission Chair

Daniel Havelin, City Planner

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

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Daniel Havelin, City Planner (662-323-2525 ext. 136)
CC: Nell Valentine, Applicant
SUBJECT: CU 15-06 Nell Valentine, Conditional Use, 905 Louisville Street, Zoned C-1, Ward 7, Would like to use a commercially zoned property as a residence , Applicant/Owner: Nell Valentine
DATE: June 9, 2015

The purpose of this report is to provide information regarding the request by Nell Valentine for a Conditional Use to use a commercially zoned property as a residence. The property is located in C-1 zone at 905 Louisville Street. Please see attachments 1-5.

BACKGROUND INFORMATION

The applicant is requesting a Conditional Use to use an existing building located at 905 Louisville Street as a residence. The previous use for the building was commercial. According to the City of Starkville Permitted and Conditional Use Chart, “Dwelling, single family, detached” is listed as a Conditional Use.

Scale and intensity of use.

The size of the existing building is +/-2,800 sqft. The building is similar in size and character of adjacent buildings.

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	C1	Commercial Property
East	R5	Vacant- Future apartment complex
South	C1	Residential Property
West	C1	Commercial Property

16 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 May 21st 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.

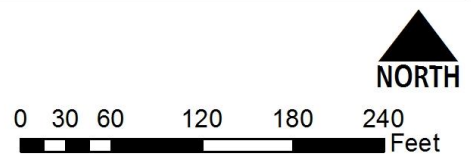
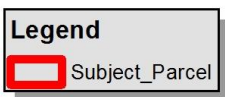
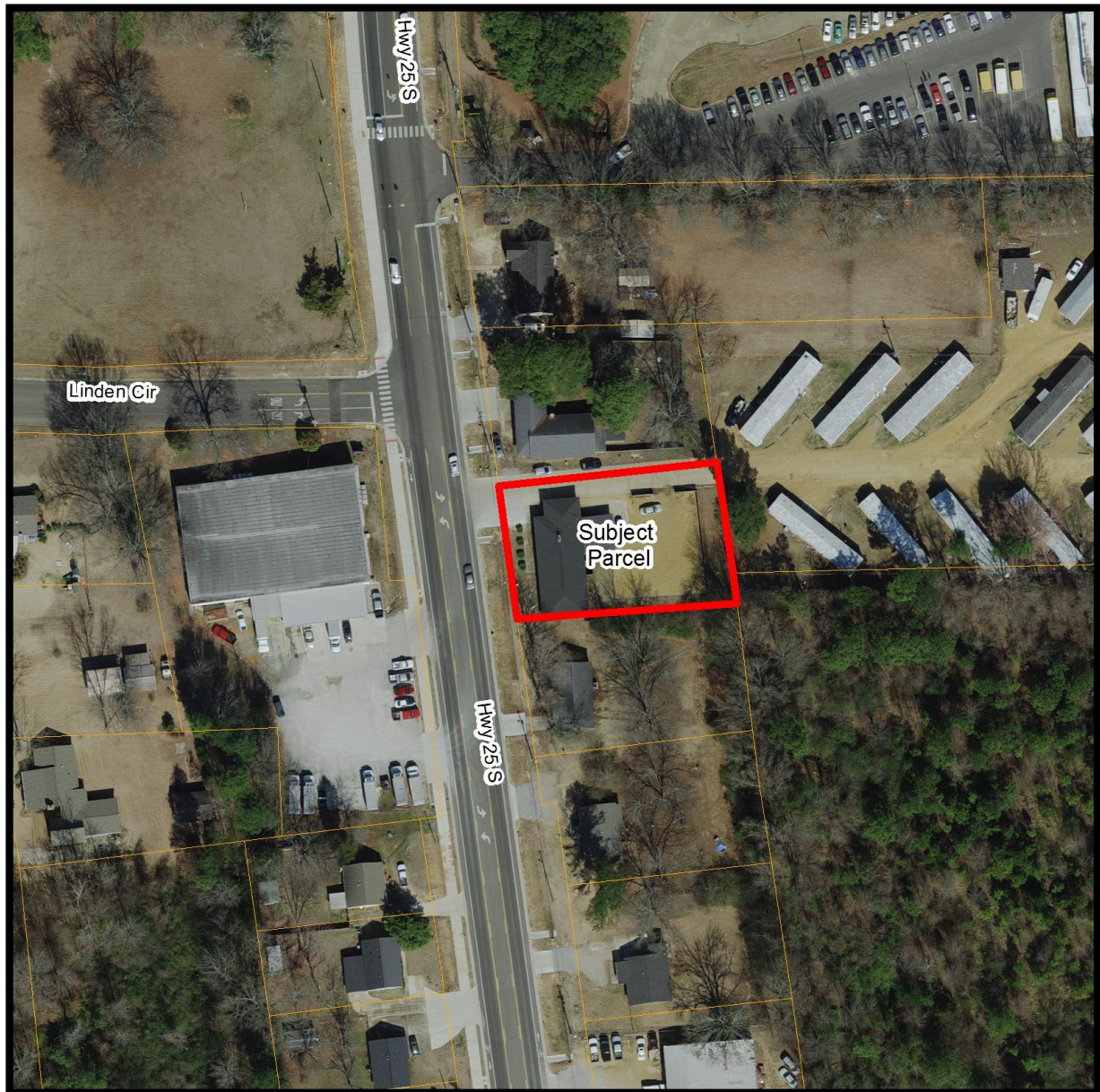
Proper use of mitigative techniques.

None proposed

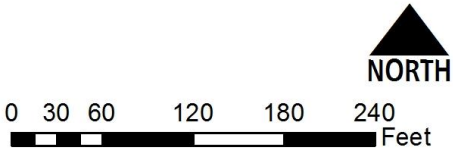
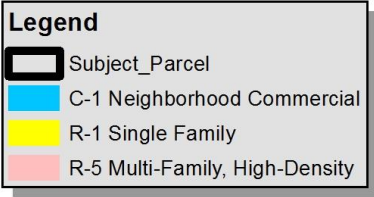
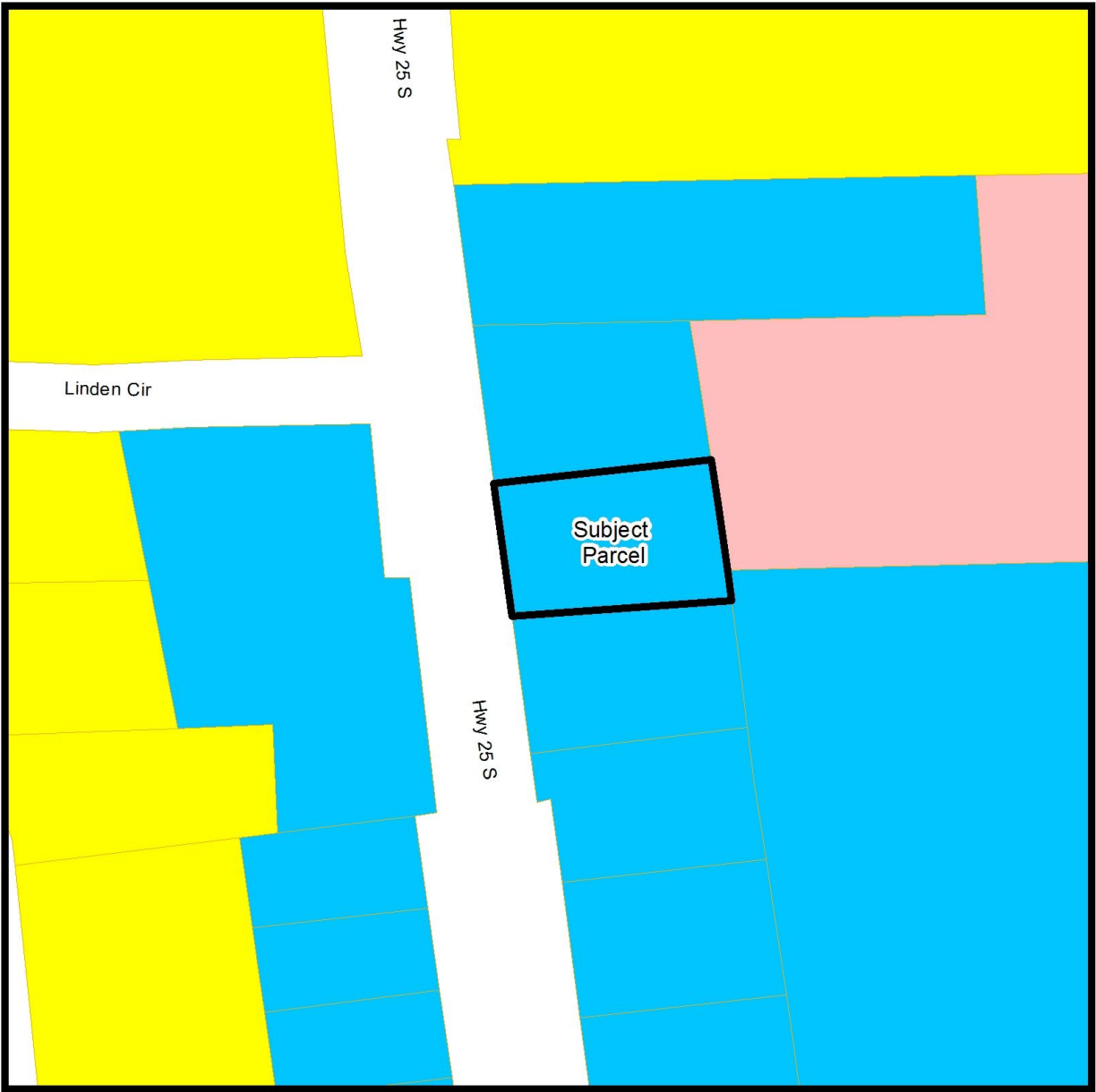
Hazardous waste.

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

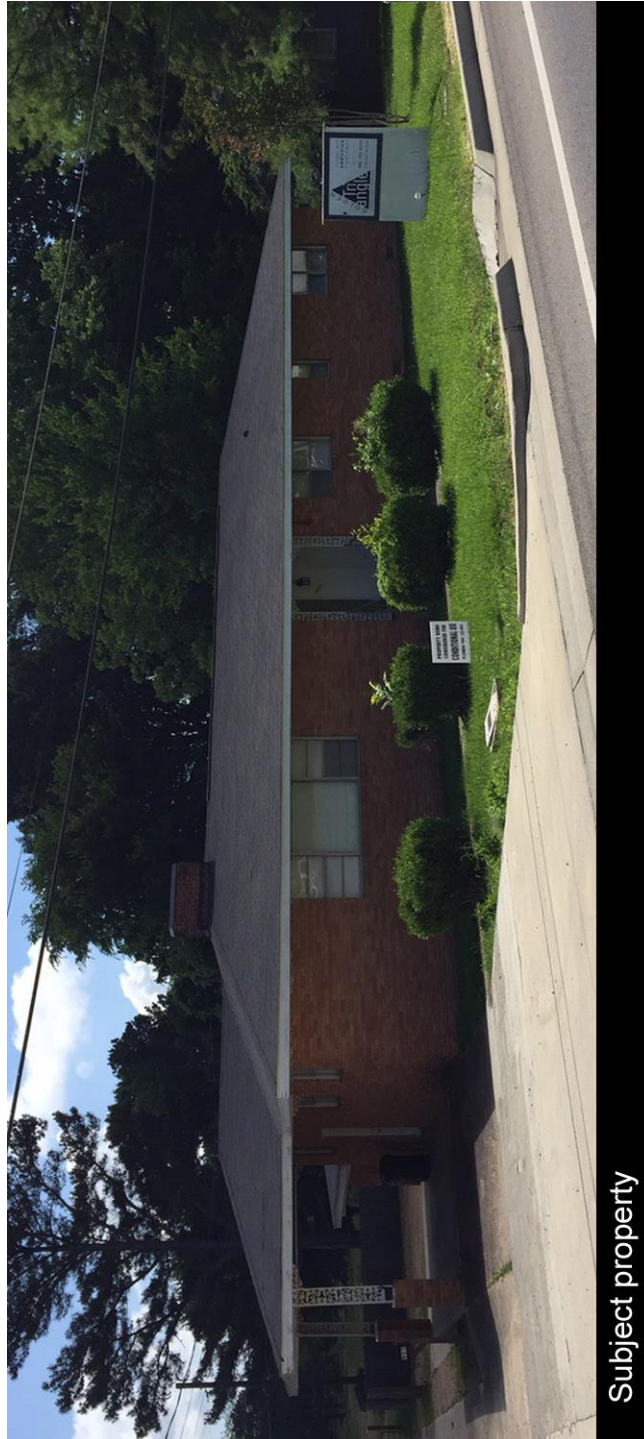
Attachment 1
CU 15-06 Aerial



Attachment 2
CU 15-06 Zoning

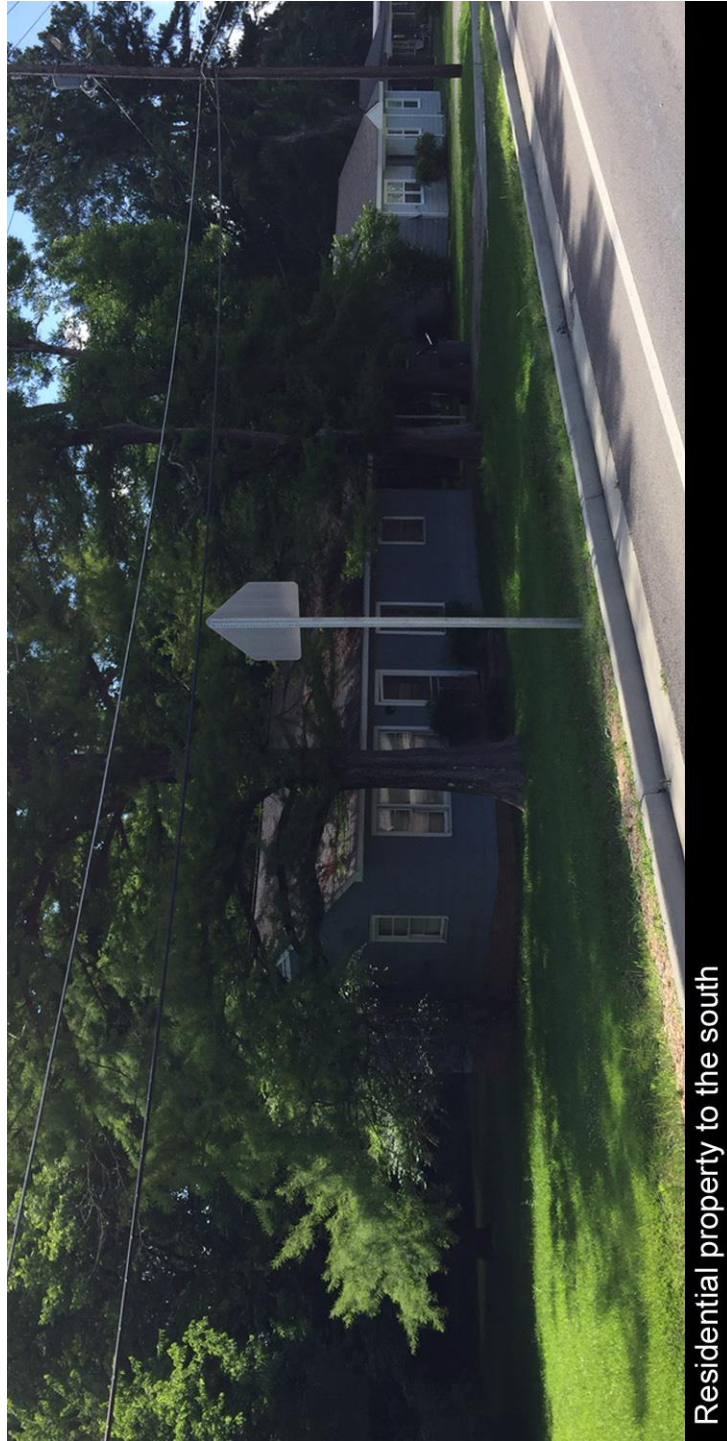


Attachment 3



Subject property

Attachment 4





View of commercial property to the west

THE CITY OF STARKVILLE
PLANNING & ZONING COMMISSION
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: Five Apples, LLC
SUBJECT: FP 15-09 Five Apples, LLC, Final Plat, Yellow Jacket Drive at the intersection of South Montgomery, Zoned R-3, Ward 4, Residential Garden Homes.
DATE: June 9, 2015

The purpose of this report is to provide you with information regarding the request of Five Apples LLC, to review a proposed final subdivision plat for a 7 lot subdivision called The Delphine. The development is approximately 1.44 acres. The proposed plat will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting. The Preliminary Plat was approved by the Planning and Zoning Commission on September 9, 2014 and the Board of Aldermen on September 16, 2014.

BACKGROUND INFORMATION

The applicant is seeking to plat seven lots on the southwest corner of Yellow Jacket Drive and South Montgomery. Please see attachments 1-5.

PLAT PROPOSAL

General Information

Table 32 of the City's Comprehensive Plan allows a maximum gross density of 8 dwelling units per acre for the R-3 zoning district, which is categorized as Medium Residential. The density calculation for the proposed final plat is approximately 4.86 dwelling units per acre.

Easements and Dedications

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, electrical service and sanitary sewer utility services will be provided by the City. Street numbers have been assigned for construction permitting and utility assignments.

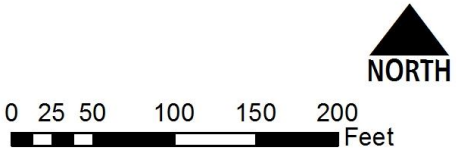
Findings and Comments

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-3 zoning dimensions. A bond has been received to cover the cost of the remaining sidewalk in front of the 4 western most lots. Bond has been reviewed and accepted.

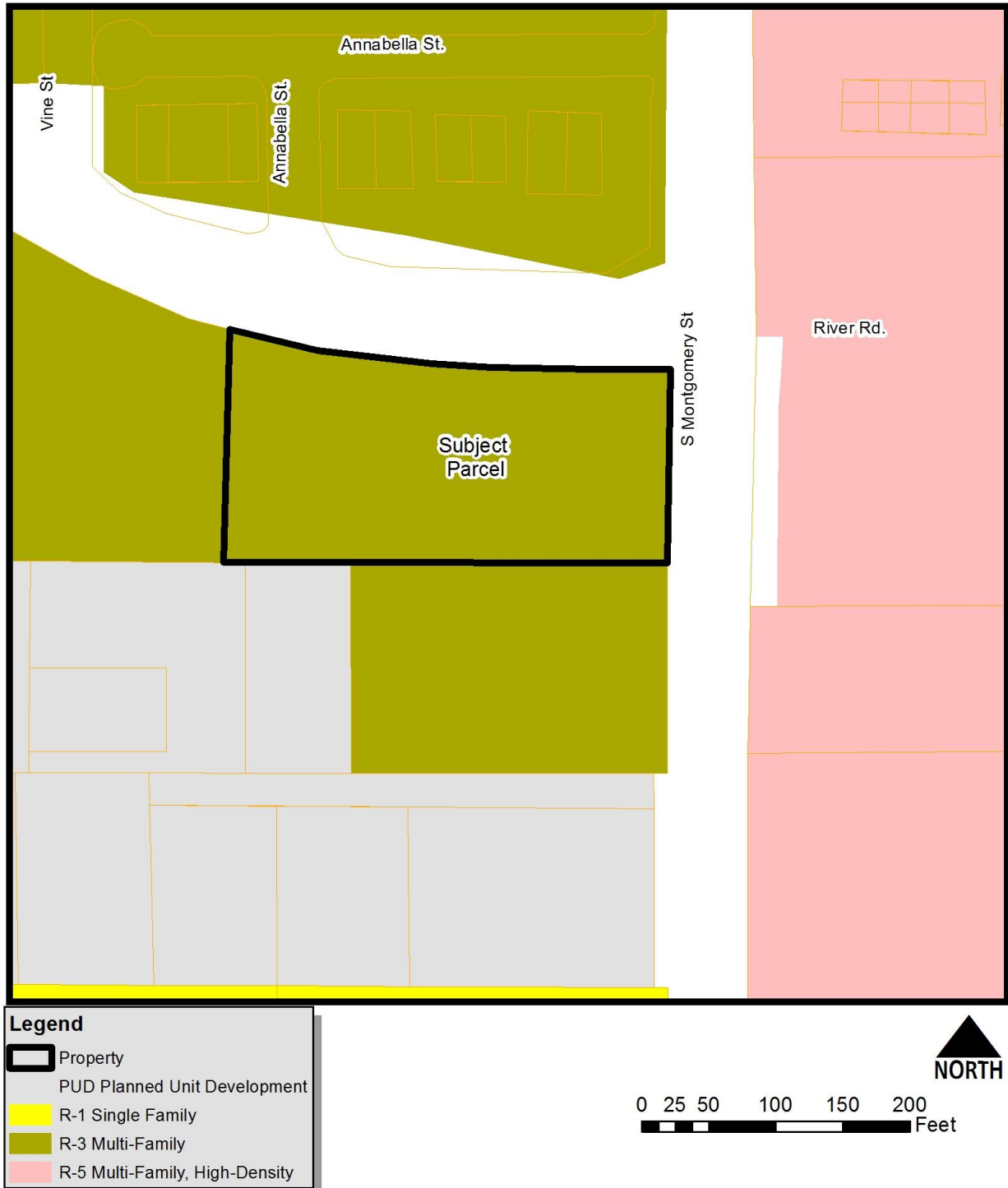
Request Conditions

1. Sidewalk construction for the remaining lots shall conform to the City's Sidewalk Ordinance and ADA standards.

Attachment 1
FP 15-09 Aerial



Attachment 2
FP 15-09 Zoning



Attachment 3



View looking south at subject property

Attachment 4



View looking southwest at subject property

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)
CASE: PP 15-09: Preliminary Plat for Country Club Estates Final Phase
DATE: June 9, 2015

BACKGROUND INFORMATION:

Frank Jones Construction is requesting re-approval of Preliminary Plat to subdivide 40.46 acres into 85 lots, with 61 lots being at least 13,068 sq. ft./0.30 acre, which is a lot size found typically in a R-1 Single Family subdivision. The Applicant is also proposing to subdivide 24 garden home lots with the minimum lot size being 8,276 sq. ft./0.19 acre. The minimum lot size required in a R-4 Zone is 3,200 sq. ft./0.07 acre. The applicant was not able to get to a stage of construction to apply for Final Plat within the required 12 month period and the previously approved Preliminary Plat approval has expired on May 20, 2015. Please see Attachments 1-7

Below is information pertaining to an R-4 Zoning District:

Sec. F. R-4 residential zoning regulations.

These [R-4 residential] districts are intended to be composed mainly of zero lot line and cluster development type single-family dwellings, with duplex and three- and four-family dwellings also permitted. Mobile home parks and mobile home subdivisions are also permitted under certain special conditions. Appropriate residential support facilities are provided for along with certain yard and area standards to protect the open character of the district. [The following regulations apply to R-4 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: 3,200 square feet.
 - (b) Minimum lot width at building line: 34 feet.
 - (c) Minimum depth of front yard: 25 feet.
 - (d) Minimum width of side yard (only one required): Ten feet.
 - (e) Minimum depth of rear yard: 20 feet.
 - (f) Maximum height of structure: 45 feet.
 - (g) Minimum distance between buildings: Ten feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

Instead of traditional retention/detention ponds, the Applicant is proposing to use swales or linear basins for storm water management.

PLAT PROPOSAL

General Information

Total Acreage:	40.46 Acres
Number of Lots:	85
Open Space:	8.15
Gross Density:	2.1 Lots per acre
Net Density:	2.6 Lots per acre

Easements and Dedications

Additional Easements will be required.

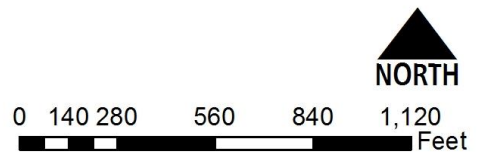
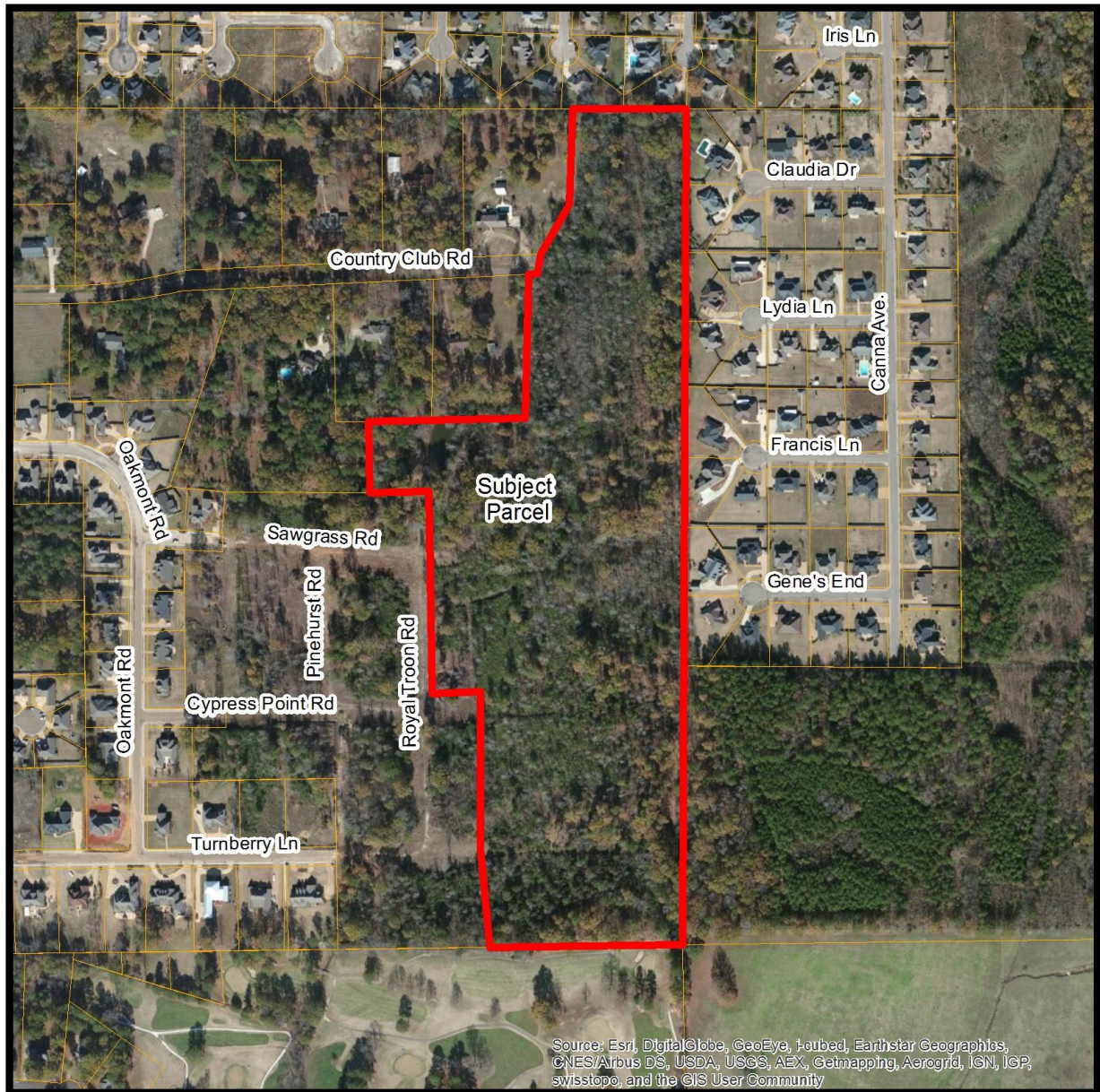
Findings and Comments

The Preliminary Plat for Country Club Estates Final Phase was reviewed by the Development Review Committee, DRC, on May 8, 2014; please see Attachment 5 for comments from the May 8th DRC meeting.

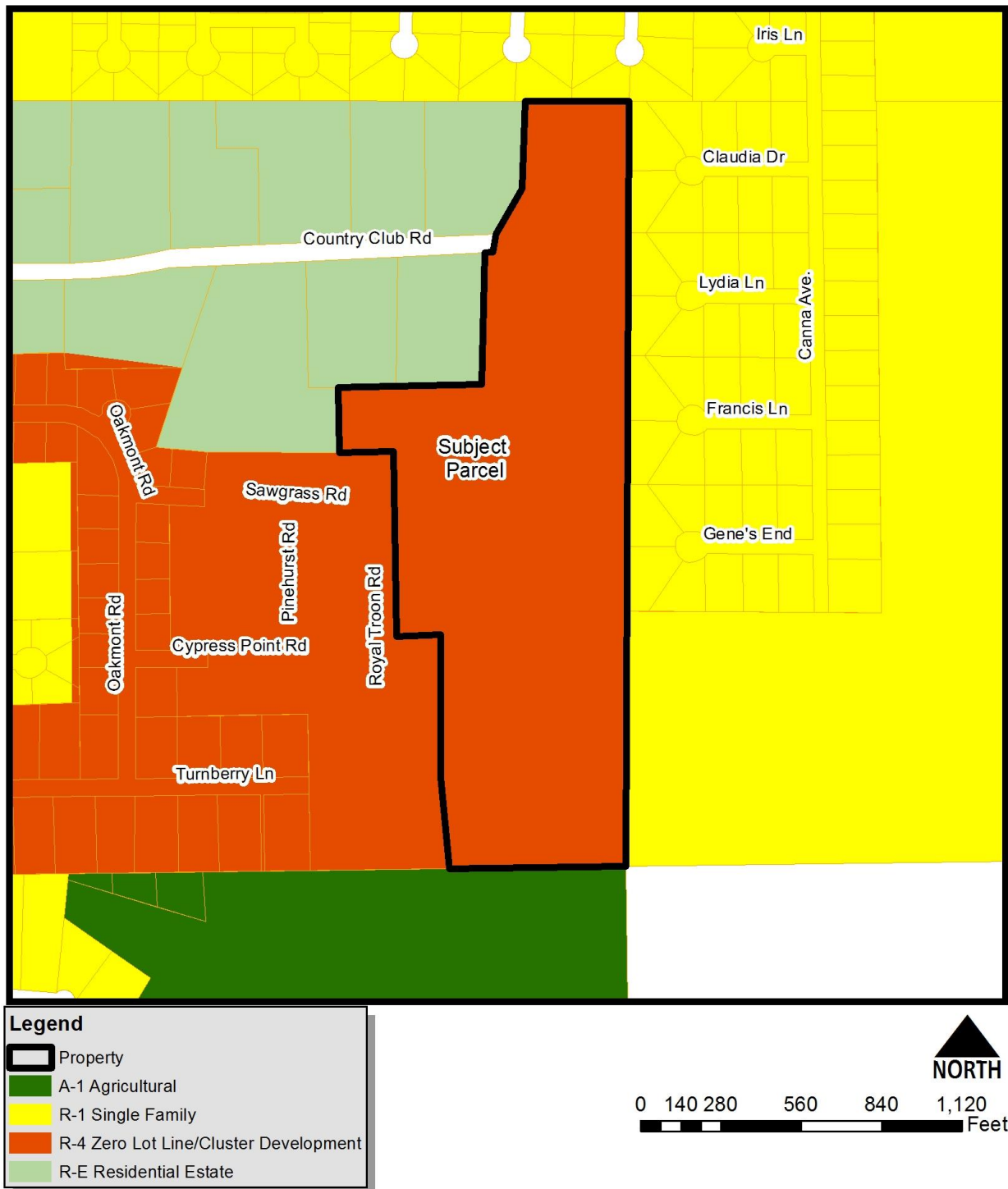
Approved Conditions from Board of Aldermen May 20th, 2014

1. "R-4A" should be replaced with "R-4" on Preliminary Plat.
2. Correct Description of fifty feet of Country Club Road.
3. Covenants restricting the placement of any fence within drainage easements
4. Drainage swales/linear basins to be designed to the satisfaction of the City Engineer and approval of the Board of Aldermen
5. Document outlining ownership and maintenance responsibilities of storm drainage system to the satisfaction of the City Attorney, City Engineer and Community Development Director.

Attachment 1
PP 15-09 Aerial



Attachment 2
PP 15-09 Zoning



Attachment 3



North

Attachment 4



East

Attachment 5



South

Attachment 6



West



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: Michael and Gayle Kracker, Applicant
SUBJECT: RZ 15-03 Kracker Property Old West Point Road, Rezoning, Northwest corner of Old West Point Road and Garrard Road Zoned R-1/C-1, Ward 5, Rezone parcel from R-1 and C-1 to B-1, Applicant/ Owner: Michael and Gayle Kracker
DATE: JUNE 9, 2015

The purpose of this report is to provide information regarding the request of Michael and Gayle Kracker to rezone their property from C-1/ R-1 to B-1. The applicant is seeking to Rezone a +/- 2.1 acres of and +/- 18 acre parcel that is currently vacant. The rest of the parcel would remain R-1. The parcel is located on the west side Old West Point Road at the northwest corner of Old West Point Road and Garrard Road. Please see attachments 1-7.

BACKGROUND INFORMATION

The earliest zoning map (1960's-1970's Map) that staff has available illustrates the subject property as being zoned R-2. The 1982, 2000, and 2013 zoning maps shows the property as C-1 Neighborhood Commercial and R-1 Single Family.

The applicants purchased property and have plans to develop in the near future. The type of development the applicant is intending to do is unknown to the City staff at this time. The current split zoning of the parcel at this time would present a challenge to any development at this time.

Zoning Change Subject Properties				
Properties	1960s-1970s Map	1982-1991 Map	2000 Map	Current Map
117C-00-036.01	R-2	C-1/R-1	C-1/R-1	C-1/R-1
Zoning Change Adjacent Properties				
Properties	1960s-1970s Map	1982-1991 Map	2000 Map	Current Map
North	R-2	C-1/R-1	R-1	C-1/R-1/B-1
East	C-2	C-1	C-1	C-1
South	R-2	RE	RE	RE
West	R-2	R-1	R-1	PUD

Zoning and land uses adjacent to the subject property		
Direction	Zoning	Current Use
North	R-1/B-1	Single Family Residence/Vacant
East	C-1	Commercial
South	RE	Single Family Residence
West	PUD	Single Family Residence

NOTIFICATION

30 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 May 21st 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.

REZONING REQUEST

The subject rezoning requests are from R-1 Single Family and C-1 Neighborhood Commercial to B-1 Buffer District. 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.

Sec. K. - C-1 business (local shopping) zoning district regulations.

These [C-1 business (local shopping)] districts are intended to be composed mainly of neighborhood (local) shopping and services facilities that supply the daily household needs of surrounding residential neighborhoods. Often located on one or more arterial streets, these districts are small and are located within convenient walking distance of most of the areas they will serve. To protect surrounding areas certain yard and area standards are required. [The following regulations apply to C-1 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 35 feet; rear, 20 feet; side, ten feet, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than that required by the residential district.
5. Maximum height of building or structures: 35 feet.
6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.
8. All building facades that are visible from public right of way or adjacent property zoned residential shall meet these requirements.
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural Metal Panels maybe used as long as the panels make up less than 40% of an individual façade.
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
9. All parking lots adjacent to public right of way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than twelve months upon the approval of the Community Development Director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

Proposed Zoning District

Sec. J. - B-1 buffer district regulations.

These [B-1 buffer] districts are intended to be composed mainly of compatible mixed commercial and residential uses. Although usually located between residential and commercial areas, these districts may in some instances be freestanding in residential areas. Limited commercial uses are permitted that can in this district be compatible with nearby residential uses. The character of the district is protected by requiring that certain yard and area requirements be met. [The following regulations apply to B-1 districts:]

1. See chart for uses permitted.
2. See chart for uses that may be permitted as an exception.
3. Minimum lot size: Residence uses shall meet the minimum standards that are least restrictive for the type residential use proposed in the residential districts listing. There is no minimum lot size for commercial uses except that other yard and parking requirements of the ordinance be met.
4. Required lot area and width, yards, building areas and heights for buffer districts:
 - a) Minimum depth of front yard: 25 feet.
 - b) Minimum width of side yard: Five feet.
 - c) Minimum depth of rear yard: 20 feet.
 - d) Maximum height of structure: 45 feet.
5. Off-street parking requirements: Off-street parking is as required in article VIII of this ordinance.
6. All building facades that are visible from public right of way or adjacent property zoned residential shall meet these requirements.
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural Metal Panels maybe used as long as the panels make up less than 40% of an individual façade.
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
7. All parking lots adjacent to public right of way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than twelve months upon the approval of the Community Development Director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

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:

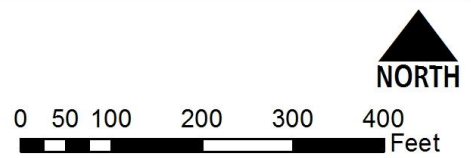
1. **Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:
2. **Change in conditions:** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional 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 8 rezonings within one mile of the parcel since 2005.
- The Garrard Road extension to Old West Point Road has created increased traffic counts to the area.

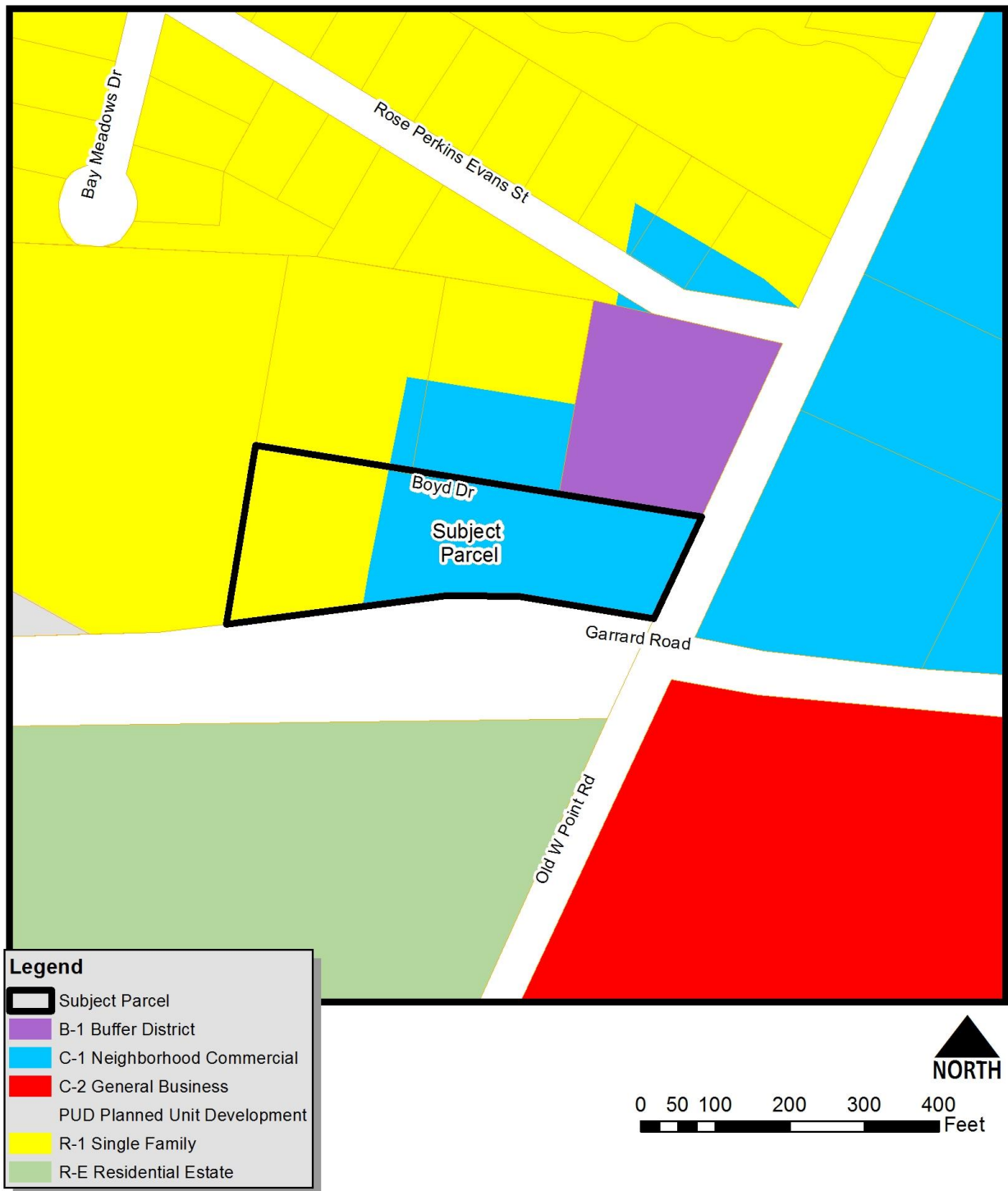
REQUESTED CONDITIONS

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 Garrard Road at a maximum of 26' in width. The Garrard Road curb cut can be no closer than 200' from intersection and 150' from western boundary of proposed rezoning. No curb cuts on Old West Point Road. Access must be by means of existing private road, Boyd Drive.
3. If the property were to be developed as residential of any density, no driveway curb cuts allowed onto Garrard Road and no driveway curb cuts along Old West Point Road other than by access to existing private road, Boyd Drive.
4. No Mobile Homes shall be placed on the site.
5. No Multi-Family development shall be placed on the site.

Attachment 1
RZ 15-03 Aerial



Attachment 2
RZ 15-03 Zoning



Attachment 3



View looking west down Boyd Drive

Attachment 4



View looking northwest at subject property

Attachment 5



View looking east down Garrard Road

Attachment 6
Applicant Report

MOORE LAW OFFICE

**JOHN STUART MOORE
ATTORNEY AT LAW**

**108 S. LAFAYETTE
POST OFFICE BOX 924
STARKVILLE, MS 39760-0924**

**(662) 323-3784
(662) 323-7740
FAX (662) 324-2262**

June 2, 2015

Buddy Sanders
Community Development Director
City of Starkville
101 East Main Street
Starkville, MS 39759

RE: Michael and Gayle Kraker Rezoning - 2.1 acres in the Northeast Quarter of the Northeast Quarter of Section 26, Township 19 North, Range 14 East, Oktibbeha County, Mississippi.

Dear Mr. Sanders:

Background:

Michael and Gayle Kraker purchased the subject property as part of a larger parcel of land on December 11, 2011. The subject property was at the time of purchase, and currently still is, vacant and undeveloped.

Area:

The subject property is a vacant lot consisting of 2.1 acres on the corner of Old West Point Road and East Garrard Road in Starkville. The lot is currently split-zoned as C-1 Business and R-1 Residential Zoning. Property to the North is zoned B-1, C-1, and R-1, with the B-1 property being a vacant lot, and the remainder being residential in use. Property to the South is zoned R-E, and is residential in use. Property to the East is C-1, and is commercial in use. Property to the West is zoned R-1, and is residential in use.

Rezoning Request:

Michael and Gayle Kraker are requesting to rezone the subject property, which is currently subject to split zoning, so that the entire parcel will be classified as one zoning type. Currently the property is zoned both C-1 Business and R-1 Residential Zoning. Michael and Gayle Kraker are requesting that the subject property be rezoned to a B-1 Buffer Zone to allow for them to develop the subject property as a uniform parcel to meet the changing needs of the surrounding neighborhood.

Under the City of Starkville's Permitted and Conditional Use Chart, a B-1 zoning district would allow Michael and Gayle Kraker the ability to explore residential options as well as restricted commercial options for developing the subject property. According to the City of Starkville's Code of Ordinances, the purpose of a B-1 zoning district is to provide a suitable transition between surrounding commercial and residential uses.

The differences between C-1, R-1 and B-1 zones, according to the City of Starkville's Code of Ordinances, Appendix A, Article VII, Sections K, C and J are:

C-1: Sec. K. - C-1 business (local shopping) zoning district regulations.

These [C-1 business (local shopping)] districts are intended to be composed mainly of neighborhood (local) shopping and services facilities that supply the daily household needs of surrounding residential neighborhoods. Often located on one or more arterial streets, these districts are small and are located within convenient walking distance of most of the areas they will serve. To protect surrounding areas certain yard and area standards are required. [The following regulations apply to C-1 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 35 feet; rear, 20 feet; side, ten feet, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than that required by the residential district.
5. Maximum height of building or structures: 35 feet.
6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.

R-1: 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.

B-1: Sec. J. - B-1 buffer district regulations.

These [B-1 buffer] districts are intended to be composed mainly of compatible mixed commercial and residential uses. Although usually located between residential and commercial areas, these districts may in some instances be freestanding in residential areas. Limited commercial uses are permitted that can in this district be compatible with nearby residential uses. The character of the district is protected by requiring that certain yard and area requirements be met. [The following regulations apply to B-1 districts:]

1. See chart for uses permitted.
2. See chart for uses that may be permitted as an exception.
3. Minimum lot size: Residence uses shall meet the minimum standards that are least restrictive for the type residential use proposed in the residential districts listing. There is no minimum lot size for commercial uses except that other yard and parking requirements of the ordinance be met.
4. Required lot area and width, yards, building areas and heights for buffer districts:

- (a) Minimum depth of front yard: 25 feet.
 - (b) Minimum width of side yard: Five feet.
 - (c) Minimum depth of rear yard: 20 feet.
 - (d) Maximum height of structure: 45 feet.
5. Off-street parking requirements: Off-street parking is as required in article VIII of this ordinance.

Rezoning Criteria:

The official zoning map of Starkville may be amended either when there is manifest error in the ordinance and/or if there has been a change in the conditions of an existing area according to Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A of the City of Starkville's Code of Ordinances. As definite proof that there has been an error in either the ordinance or zoning map cannot be provided at this time, Michael and Gayle Kraker are requesting for the subject property to be rezoned based on changed or changing conditions in the existing area, or in the planning area generally, and the increasing need for a transitional area to serve as a buffer between the surrounding commercial and residential properties that make the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth, as well as the specific evidence as outlined below.

Zoning Changes:

Recent zoning changes in the surrounding area include:

- February 2005: David Cork, Margaret Cork Smith, and Beth Cork obtained a rezoning of their property located in the Southeast Corner of the intersection of Pat Station Road and Highway 12 Extended from R-1 to C-2. (This property is located at the same intersection as the subject property.)
- February 2007: Federal Land Bank received approval for a zoning change from R-1 to C-2 for the property located on Highway 12 Extended.
- February 2008: Dr. Walt Starr was granted a conditional use to allow an residential use in a C-2 zoning district located at 974 Highway 12 Extended.
- October 2011: The property now known as The Cottages at Creekside on East Garrard Road was rezoned from R-1 to PUD.
- April 2013: Charles and Kenneth Burns's property located on Highway 12 East Extended, also known as the Campus Haven Apartments project or RZ 13-06, was rezoned from R-1 to B-1.
- April 2013: Charles and Kenneth Burns's property located on Highway 12 East Extended, also known as the 300 Traditions project or RZ 13-07, was rezoned from

R-1 to B-1.
October 2013: Thad Cochran Research Park Property rezoned from R-1 to B-1 to allow for construction of C-Spire data center.
December 2014: Jenny Garrard Sherman and Glenda Garrard Massey's property located on Highway 389 in front of Plantation Homes Subdivision was rezoned from R-E to C-2.
May 2015: Providence Hill, LLC's property, located North of the Subject Property, was rezoned from a split zone of R-1 and C-1 to B-1.

Changed Conditions:

Most significantly, on May 5, 2015, the Board of Alderman unanimously approved to rezone the parcel of land immediately North and adjacent to the subject property owned by Providence Hill, LLC based on a change in the neighborhood and that there was a public need for the rezoning. The Planning and Zoning Commission had previously voted unanimously to approve the proposed rezoning, and City Staff also recommended that the Providence Hill, LLC property be rezoned. The evidence and set of facts considered by the Board of Alderman and the Planning and Zoning Commission in the Providence Hill, LLC rezoning are nearly identical to the facts and evidence that support Michael and Gayle Kraker's request to rezone the subject property and are detailed herein.

Furthermore, the area surrounding the subject property has seen a drastic change since construction of the Highway 12 East Extended highway. As evidenced by the above mentioned zoning changes, the City has seen the need to create buffer zones between the abutting commercial and residential uses along Highway 12 East Extended. Recent construction and zoning changes demonstrate that the Highway 12 East Extended corridor and surrounding areas are being developed as a mixed use of residential and commercial properties.

Additionally, now that East Garrard Road has been resurfaced, there has been a greater interest in developing the North side of town. In a Staff Report dated August 3, 2011, which considered the rezoning of the property now known as "The Cottages at Creekside", City Planner Ben Griffith stated that, "The construction of East Garrard Road, which provides a major east-west roadway connector on the north side of town, is a significant and long-anticipated change in area conditions." The Cottages at Creekside is now a thriving pocket neighborhood consisting of seven completed homes, with nearly all of the completed homes sold and occupied, and with eight more homes currently under construction, three of which are under contract, due to a high demand.

As construction along Highway 12 East Extended, Old West Point Road and East Garrard Road continues, there will be an increased need for the types of development a B-1 zoning classification would allow to be constructed on the subject property if it is rezoned.

Land Use Compatibility:

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.

Although a B-1 Buffer Zone would allow for the construction of multi-family, 3 and 4 family, and 2 family housing or mobile home development, Michael and Gayle Kraker are willing to self-impose a condition that these uses be prohibited on the subject property. Michael and Gayle Kraker are hoping to develop the subject property in a manner that will provide a natural transition between the commercial and residential properties surrounding it.

Effect on Neighborhood:

A B-1 Buffer Zone is essentially equivalent to a C-1 Commercial zone, but would also allow for single-family residential construction. Michael and Gayle Kraker are seeking a B-1 Buffer Zone instead of a C-1 Commercial zone for just this reason. Their intent is to find and develop a use that is compatible with both the residential and commercial characteristics of the area. Michael and Gayle Kraker have made an obvious effort to ease the transition for the property's residential neighbors by seeking a B-1 zoning classification and by self-imposing the condition that no multi-family or mobile home residences will be constructed.

Furthermore, as intended by the City of Starkville's Code of Ordinances, a B-1 Buffer Zone is a natural buffer between surrounding commercial properties and residential properties. It offers a natural progression from commercial to residential properties, with no foreseeable downside for either commercial or residential property owners.

Moreover, on April 7, 2015 the Board of Alderman approved the installation of an all-way stop at the intersection of Old West Point Road and Garrard Road. Thus, any future development of the subject property by Michael and Gayle Kraker should not have any negative effects on the traffic flow in the neighborhood as the all-way stop will require motorists to travel at a slower rate of speed directly in front of the subject property.

On a more personal level, Michael and Gayle Kraker are the owners / developers of The Cottages at Creekside located on East Garrard Road. Due to the fact that whatever type of development they choose to construct on the subject property will have a direct impact on the homes in The Cottages at Creekside, it is in Michael and Gayle Kraker's best interest to develop the property in a manner that is cohesive with the neighborhood and surrounding area, and in a manner that will increase property values. This point in particular should ease the concerns of current property owners as Michael and Gayle Kraker are

approaching this rezoning and future development through the eyes of property owners as well as developers.

Economic Effects:

The taxable value of the subject property, which is currently undeveloped, would significantly increase, adding to the City's tax base. Additionally, jobs and revenue will be created for the local community once construction begins.

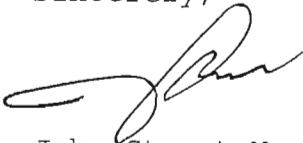
Conclusion:

The subject property needs to be rezoned to allow Michael and Gayle Kraker to successfully develop it. As the property currently is split-zoned as C-1 and R-1, it handicaps Michael and Gayle Kraker from utilizing the entire parcel in a uniform manner. The use of a B-1 Buffer Zone would be a logical transition area as the subject property is surrounded by C-1, R-1, and R-E zones.

As demonstrated herein, a change has occurred in the conditions surrounding the existing area. There is a need for a transitional area that makes the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Based on the information included in this letter, along with further information to be presented at the public hearing, I am respectfully requesting, on behalf of my clients, that the property located on the corner of Old West Point Road and East Garrard Road be rezoned from C-1 Business and R-1 Residential Zoning to a B-1 Buffer Zone.

Sincerely,

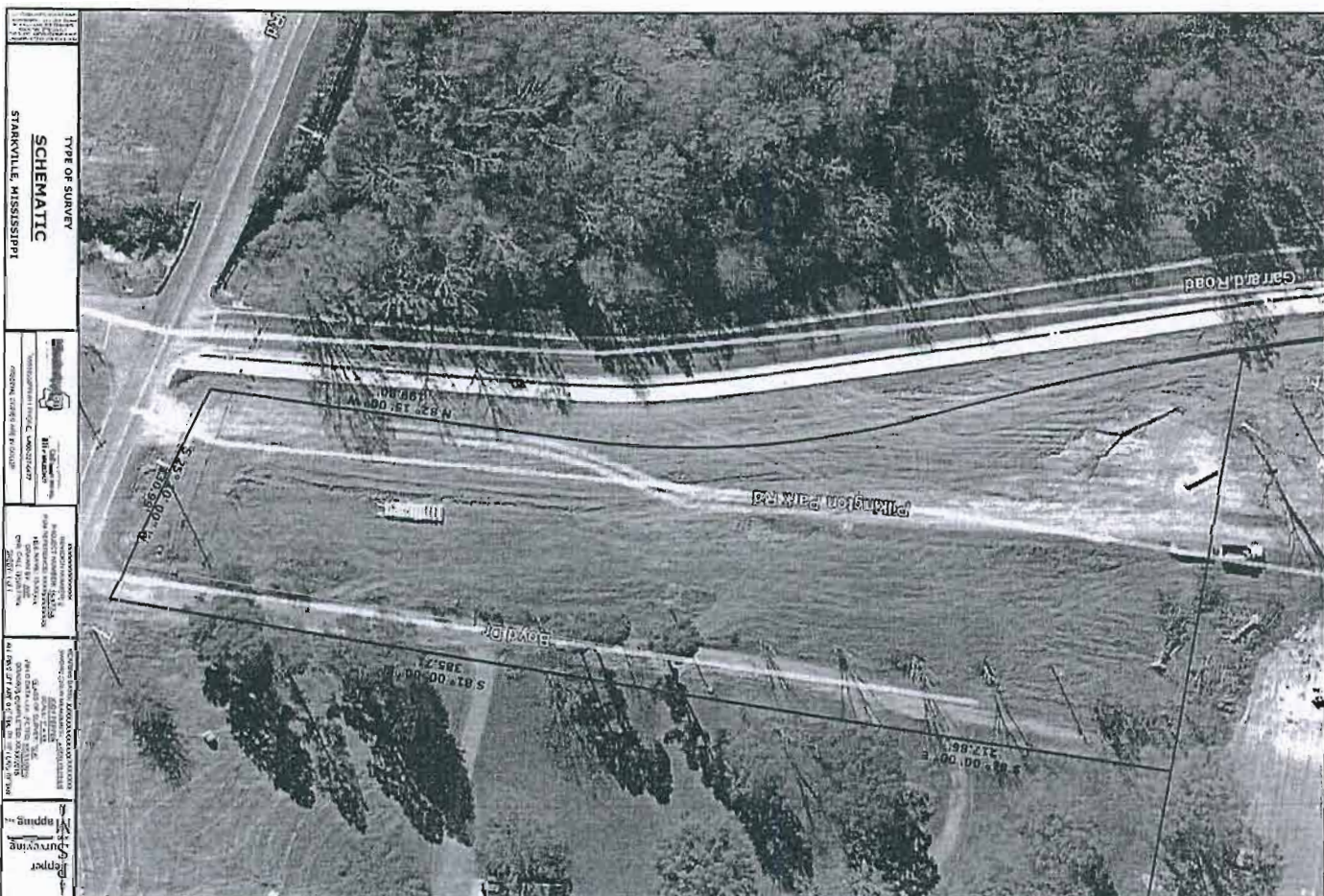
A handwritten signature in black ink, appearing to read "John Stuart Moore", written in a cursive style.

John Stuart Moore

CLIENT

STARKVILLE, MISSISSIPPI

PROJECT NO. 10-100
DATE: 10/10/10
SCALE: 1"=40'
BY: J. L. ROBB
CHECKED BY: J. L. ROBB
APPROVED BY: J. L. ROBB



TYPE OF SURVEY

SCHEMATIC

STARKVILLE, MISSISSIPPI

MISSISSIPPI PROFESSIONAL SURVEYOR
J. L. ROBB
10-100-10000

MISSISSIPPI PROFESSIONAL SURVEYOR
J. L. ROBB
10-100-10000

MISSISSIPPI PROFESSIONAL SURVEYOR
J. L. ROBB
10-100-10000

MISSISSIPPI PROFESSIONAL SURVEYOR
J. L. ROBB
10-100-10000

Commence at the intersection of the north boundary of the southwest quarter of Section 26, Township 19 North, Range 14 East, Oktibbeha County, Mississippi and the east right of way of North Montgomery Street and run South 89 degrees 49 minutes East for a distance of 1916.60 feet; thence North 00 degrees 17 minutes East for a distance of 99.85 feet to an iron pin found; thence North 00 degrees 17 minutes East along an old fence for a distance of 758.38 feet to an iron pin found; thence South 75 degrees 09 minutes East for a distance of 780.15 feet to an iron pin found; thence South 85 degrees 56 minutes East for a distance of 437.33 feet to an iron pin found; thence South 09 degrees 45 minutes West for a distance of 262.00 feet to an iron pin found at the POINT OF BEGINNING of the parcel herein described. From said POINT OF BEGINNING run South 81 degrees 00 minutes East for a distance of 217.86 feet to an iron pin found; thence South 81 degrees 00 minutes East for a distance of 385.71 feet to an iron pin found on the west right of way of Old West Point Road; thence South 25 degrees 10 minutes West along the said west right of way for a distance of 130.99 feet to an iron pin found; thence North 82 degrees 15 minutes West for a distance of 199.80 feet to an iron pin found at the beginning of a curve to the left having a radius of 499.49 feet and being subtended by a chord bearing South 86 degrees 39 minutes West for a distance of 202.22 feet; thence along said curve for a distance of 203.63 feet to an iron pin found at the beginning of a curve to the right having a radius of 1538.01 feet and being subtended by a chord bearing South 77 degrees 41 minutes West for a distance of 185.60 feet; thence along said curve for a distance of 185.71 feet; thence North 09 degrees 45 minutes East for distance of 240.92 feet to the POINT OF BEGINNING. Said parcel being located in the northeast quarter of the northeast quarter of Section 26, Township 19 North, Range 14 East, Oktibbeha County, Mississippi and contains 2.1 acres, plus or minus.

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: SE 15-01, PP 15-08 & FP 15-08 Freddie Milons Jr. 557 Treasure Lane Parcel #116-23-007.24
DATE: June 9, 2015

BACKGROUND INFORMATION:

Freddie Milons Jr. purchased +/- 1.21 acres from a relative. Unknown to both the Grantor and Grantee, was that the subdivided lot of under 5 acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. Please see attachments 1-5.

Freddie Milons Jr. is seeking to bring the 1.21 acre lot he purchased into compliance by asking for Special Exception, Preliminary and Final Plat Approval so he can begin the process of adding a residence to the lot. To bring the property into compliance, a Special Exception will be needed due to the fact the parent lot and the newly created lot are not located on a public right of way. Both lots are located on a private drive, Treasure Lane.

The lot is located at 557 Treasure Lane and is currently zone R-1 Single Family. The newly created lot meets the minimum size requirements for R-1 zoning. Appendix A, Article VII, Section C. R-1 of the Starkville Zoning Ordinance:

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.*

PLAT PROPOSAL

General Information

The Applicant is requesting a Special Exception, Preliminary Plat and Final Plat approval of a 1.21 acre lot subdivision.

Please see Attachment 5.

Easements and Dedications

The City is not requiring any Easements at this time. However, Easements from Four County Electric and Rock Hill Water Association will/may be required.

Both Four County Electrical and Rock Hill Water services are available in the area.

The City of Starkville does provide sewer service to this area.

Findings and Comments

Electricity would need to come from Four County Electric.

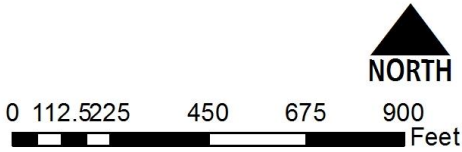
Water would need to come from Rock Hill Water Association.

CONCLUSIONS

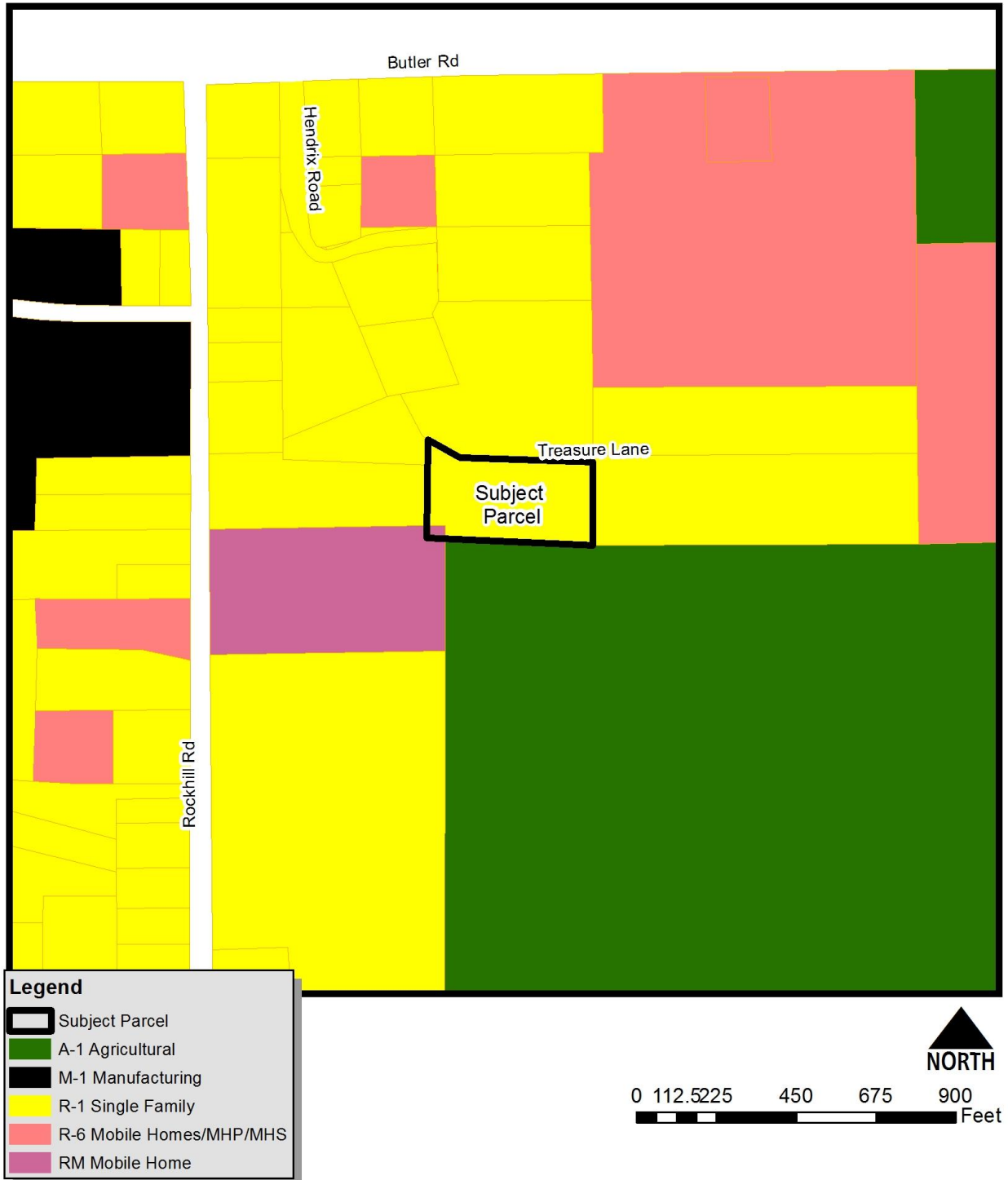
If the Planning and Zoning Commission decides to approve the Applicant's request for a 1 lot subdivision, Staff recommends the following condition:

1. If connection to City sanitary sewer cannot be made, approval and inspection of septic system from the Mississippi State Department of Health is required before a Certificate of Occupancy is issued for any residential structure.

Attachment 1
SE 15-01, PP 15-08 and FP 15-08 Aerial



Attachment 2
SE 15-01, PP 15-08 and FP 15-08 Zoning



Attachment 3



View looking south at subject property

Attachment 4



View looking north at subject property

To: CYNTHIA D. MILON'S
FREDDIE W. MILON'S, JR.

LEGAL DESCRIPTION

TRACT 1

A LEGAL DESCRIPTION OF A 52,649 SQUARE FEET OR 1.21 ACRES, MORE OR LESS, TRACT OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF BUTLER ROAD FOR A DISTANCE OF 2,219.99 FEET TO A POINT; THENCE SOUTH 00°17'18" EAST FOR A DISTANCE OF 1,108.19 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' SET IN GRAVEL DRIVE; SAID REBAR BEING ALSO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT; THENCE SOUTH 00°37'46" EAST FOR A DISTANCE OF 223.70 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE NORTH 64°32'21" WEST FOR A DISTANCE OF 242.49 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE NORTH 01°27'46" EAST FOR A DISTANCE OF 227.87 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE SOUTH 07°08'59" EAST FOR A DISTANCE OF 67.91 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE SOUTH 89°40'54" EAST ALONG GRAVEL ROAD FOR A DISTANCE OF 166.47 FEET TO A POINT TO THE TRUE POINT OF BEGINNING AND CONTAINING 52,649 SQUARE FEET OR 1.21 ACRES, MORE OR LESS, BEING SUBJECT TO ALL CODES, REGULATIONS AND RESTRICTIONS, EASEMENTS, AND RIGHTS OF WAY OF RECORD.

TRACT 2

A LEGAL DESCRIPTION OF A 32,694 SQUARE FEET OR 1.21 ACRES, MORE OR LESS, TRACT OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 14 EAST, OKTIBBEHA COUNTY, MISSISSIPPI; THENCE SOUTH 89°29'04" WEST FOR A DISTANCE OF 2,231.02 FEET TO A POINT; THENCE SOUTH 00°52'12" EAST FOR A DISTANCE OF 1,044.23 FEET TO A POINT; THENCE NORTH 89°40'54" WEST FOR A DISTANCE OF 166.47 FEET TO A POINT; THENCE NORTH 07°08'59" WEST FOR A DISTANCE OF 67.91 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; SAID REBAR BEING ALSO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT; THENCE SOUTH 01°27'46" WEST FOR A DISTANCE OF 221.87 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE NORTH 64°32'21" WEST FOR A DISTANCE OF 224.11 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE NORTH 00°40'17" EAST FOR A DISTANCE OF 278.00 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE SOUTH 54°36'59" EAST FOR A DISTANCE OF 93.80 FEET TO A 1/2" REBAR WITH YELLOW 'CTSI' CAP SET; THENCE SOUTH 87°08'59" EAST FOR A DISTANCE OF 153.09 FEET TO A POINT TO THE TRUE POINT OF BEGINNING AND CONTAINING 32,694 SQUARE FEET OR 1.21 ACRES, MORE OR LESS, BEING SUBJECT TO ALL CODES, REGULATIONS AND RESTRICTIONS, EASEMENTS, AND RIGHTS OF WAY OF RECORD.



CTSI

Consulting Engineers & Surveyors
Cadastral and Topographic Surveying, Inc.
662-694-0130
214 S. Washington St. Starkville, MS 39759

Boundary Survey of Freddie Milon's 557 Treasure Lane Section 23, Township 19 North, Range 14 East Oktibbeha County, Mississippi	
DATE: April 10, 2014	SHEET 2 OF 2

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: SE 15-02 & PP 15-07 Central Station Phase II located between South Montgomery and Worley Street Parcel #102A-00-004.17
DATE: June 9, 2015

BACKGROUND INFORMATION:

The subject property is part of a proposed development for the parcel to the south. The parcel to the south is currently under contract to be purchase and developed by PLC Properties as apartments. In an effort to park their development, Jason Pepper on behalf of TAG Investments (seller) and PLC Properties (buyer), is requesting to purchase and subdivide part of the existing land locked parcel located between the proposed development and the Tabor Development to the north. The subject parcel has a parcel #102A-00-004.17. The parcel to the south that are part of the proposed development are parcel # 102A-00-4.01/102A-00-4.10. In order to subdivide the existing land locked parcel, a Special Exemption will be need to modify an existing parcel that does not have 50 feet of right of way frontage. In addition to this request, the applicant is also seeking a Preliminary Plat for the subdivision. Please see attachments 1-7.

The subject parcel has an acreage of approximately +/- 0.12 acres. The proposed subdivision would create two lots, Lot #1(0.07ac) and Lot #2 (0.05ac). Lot #2 would be sold to PLC Properties and then aggregated into the parcels 102A-00-4.01 and 102A-00-4.10 to create one parcel. Lot #1 would remain in the possession of its current owner. If the subdivision were approved, Lot #1 would meet the minimum size and setback requirements of a T5 Zoning districts.

§ 4 - SPECIFIC TO T5 DISTRICTS.

Lots located within the T5 District shall be subject to the requirements of this section.

7.1 - LOTS

- (a) *Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.*

7.2 - LOT OCCUPATION

- (a) *For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.*

- (b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 12.*
- (c) Primary Buildings may be positioned within the boundaries of a Lot to create a Sideyard, Rearyard, or Courtyard. (see Table 3)*
- (d) Lot coverage by buildings shall be a maximum of 90% of the Lot area.*
- (e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.*

PLAT PROPOSAL

General Information

The Applicant is requesting a Special Exception and Preliminary Plat approval of a 0.12 acre lot subdivision.

Please see Attachment 7.

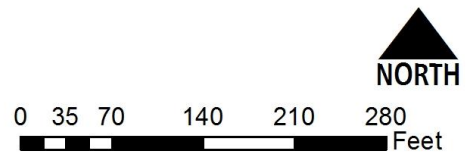
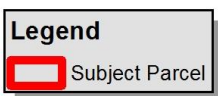
Easements and Dedications

The City is requiring any Electrical, Water, and Sewer Easements through adjacent property to the south.

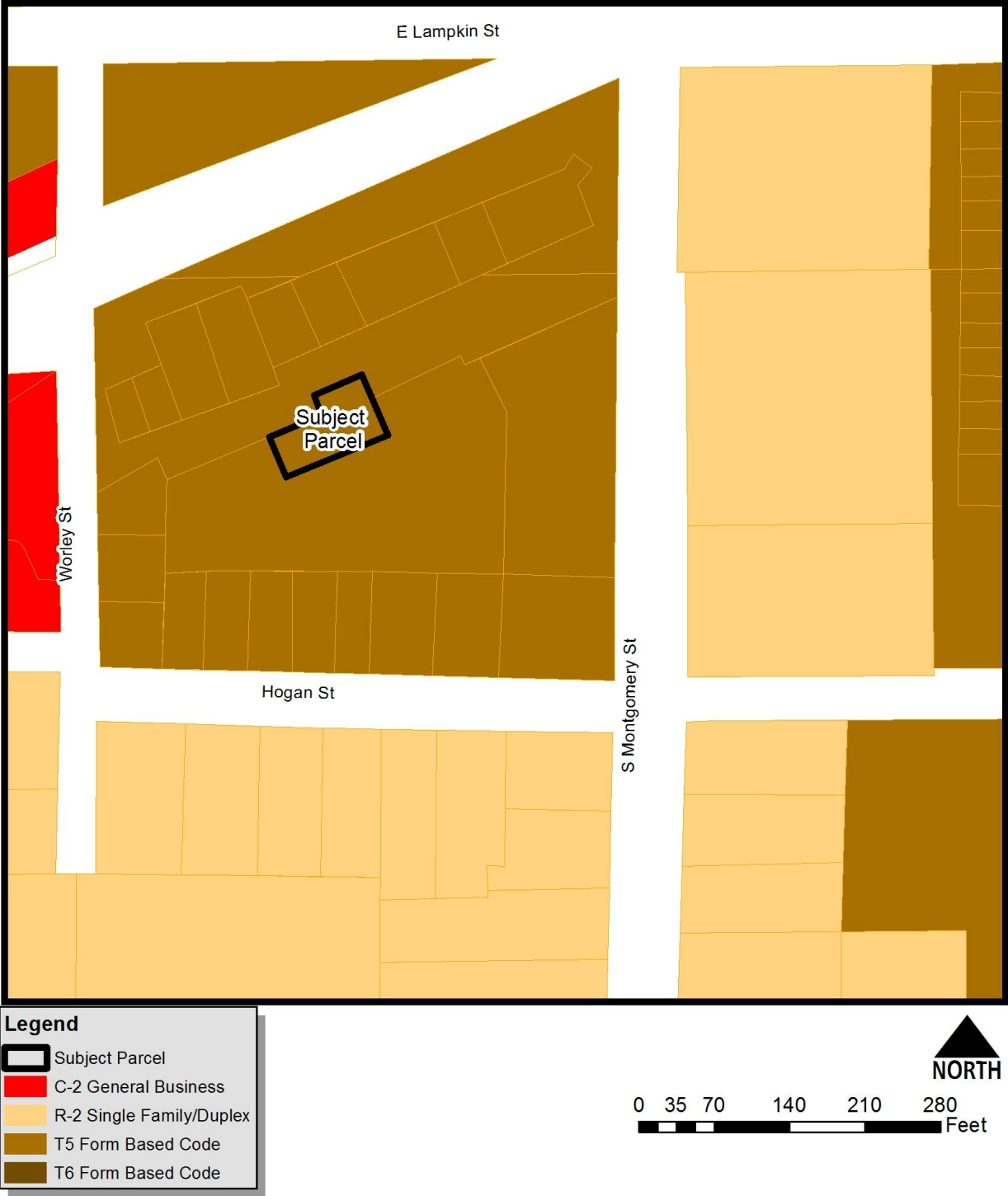
Findings and Comments

All Easements to be shown on final plat.

Attachment 1
SE 15-02 and PP 15-07 Aerial



Attachment 2
SE 15-02 and PP 15-07 Zoning



Attachment 3



View looking southwest at subject property

Attachment 4



View looking south at building on subject property

Attachment 5



View looking southeast at subject property

Attachment 6

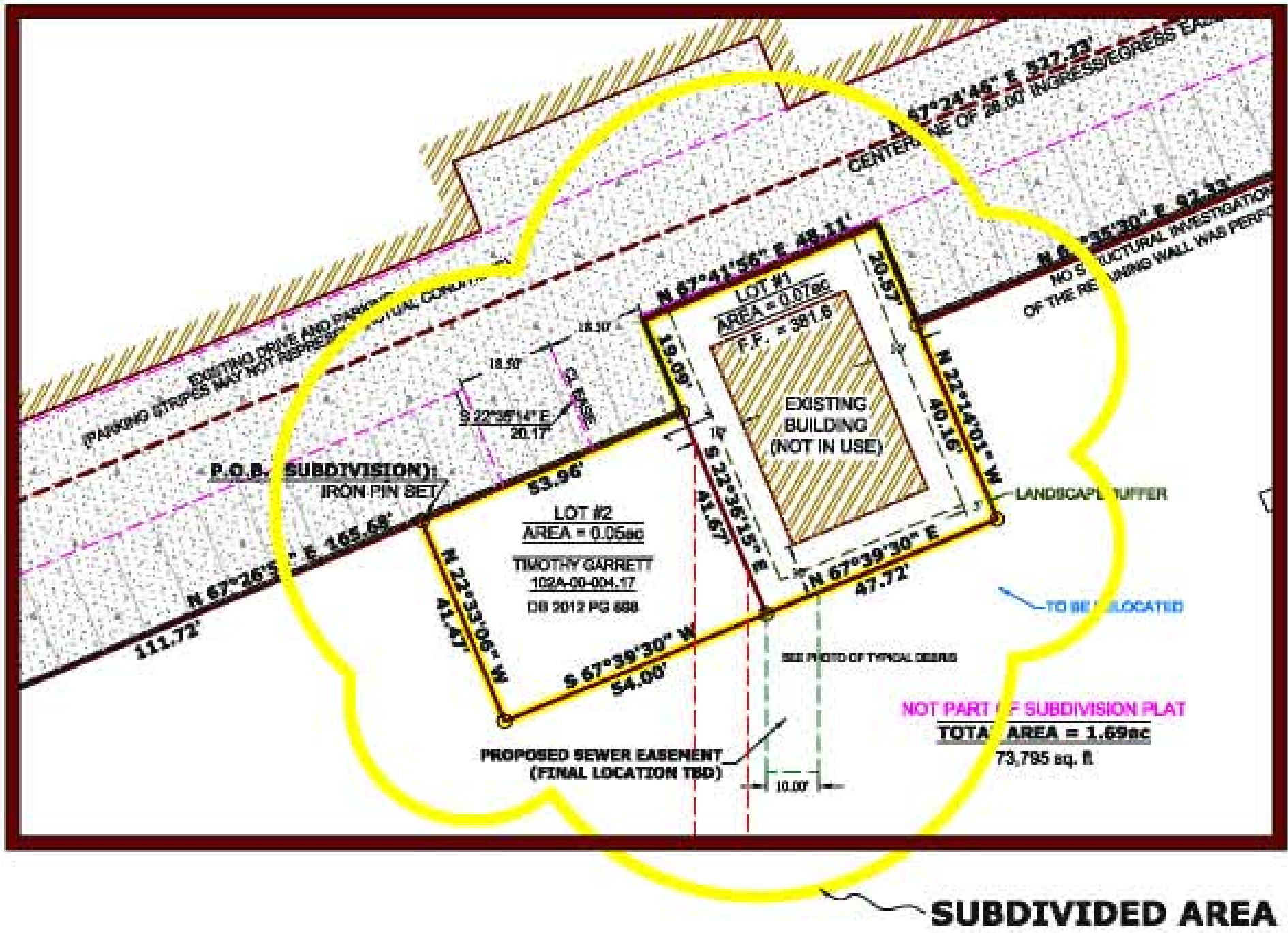


View looking east at subject property

Attachment 7
Submitted Plans

PRELIMINARY SUBDIVISION PLAT
FOR
CENTRAL STATION

SUBMITTED: MAY 1, 2015



SHEET INDEX:

C-01 OF 03:	TITLE
C-02 OF 03:	BOUNDARY SURVEY
C-03 OF 03:	PRELIMINARY SITE PLAN (CENTRAL STATION)

OWNER:
Patrick Chisholm
PLC Partners, LLC
2460 Forest Club Dr.
Orlando, FL 32804
407-923-8366
pat@plcpartnersllc.com

ENGINEER / SURVEYOR
Pepper Surveying and Mapping, LLC
200 South Montgomery, Suite 202
Starkville, MS 39759

Surveyor: Jason W. Pepper, P.L.S.
(662) 418-5942
jasonpepper@peppersurveying.com

Engineer: Jason W. Wooten, P.E.
(251) 269-8689
jww@wooteneng.com

PERMANENT BENCHMARK: 82 V 201 (RESET) - PID AA3654

UTILITY OWNERS:

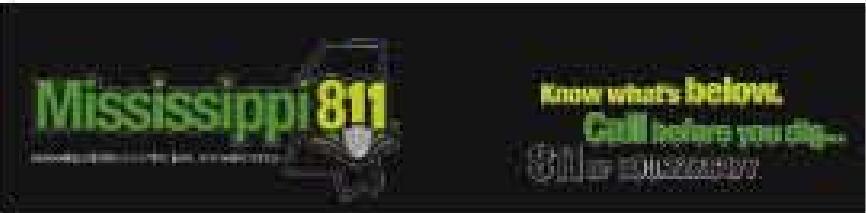
GAS:
ATMOS ENERGY
402 UNIVERSITY DR
STARKVILLE, MS 39759
(662)-323-2741

ELECTRICITY:
CITY OF STARKVILLE ELECTRIC DEPT.
GENERAL DELIVERY - MAIN ST.
STARKVILLE, MS 39759
(662)-323-3133

WATER & SEWER:
CITY OF STARKVILLE
CURRY STREET
STARKVILLE, MS 39759
(662)-323-3505

CABLE:
METROCAST P.O. BOX 1447
STARKVILLE, MS 39760-1447
300-1/2 S. JACKSON ST.
STARKVILLE, MS 39759
(662)-323-1615

TELEPHONE:
AT&T
1-866-620-6000



TICKET #15042309140270

PLC PARTNERS, LLC

CONTACT: BRIAN MALONE
2460 FOREST CLUB DRIVE
ORLANDO, FLORIDA 32804
bmalone850@gmail.com

PREPARED FOR:

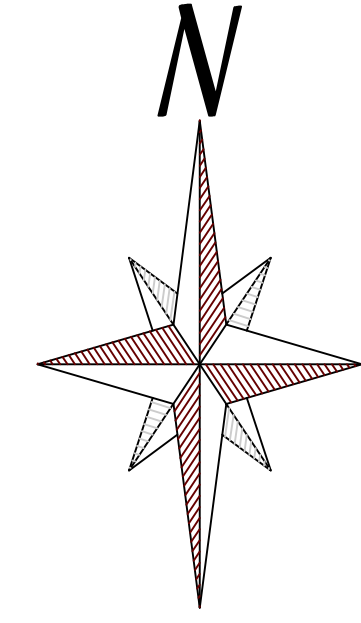
EXISTING GRAVEL SURFACE
EXISTING CONCRETE PAVING
EXISTING ASPHALT PAVING
EXISTING SURFACE WATER
SEE TOPOGRAPHIC LEGEND FOR OTHER EXISTING
CONDITIONS SYMBOLS

PROPOSED BUILDING
PROPOSED CONCRETE PAVING
PROPOSED ASPHALT PAVING
PROPOSED GRAVEL SURFACE
PROPOSED SURFACE WATER
PROPOSED WOOD DECKING

PROPOSED PARKING COUNT
PROPOSED ADA PARKING
PROPOSED TRAFFIC CONTROL SIGN
PROPOSED EXTERIOR LIGHTING
PROPOSED DUMPSTER
PROPOSED WHEEL STOP
PROPOSED RETAINING WALL

MAP LEGEND:

SCALE: 1" = 20'



SITE DATA TABLE

CURRENT ZONING	T5 (TRANSECT DISTRICT)
SITE ACREAGE	73,897.6 FT ² (1.69 AC)
GROUND COVERAGE	
EXISTING BUILDINGS	159 FT ²
EXISTING PAVING & WALKS	12,061.4 FT ²
EXISTING WATER TANK	688.7 FT ²
PROPOSED BUILDING (PERCENT SITE COVERAGE)	14,223.0 FT ² (19.2%)
PROPOSED PEDESTRIAN WALKS & HARDSCAPE	2,007.5 FT ²
PROPOSED VEHICLE PARKING & PAVED PARKING	39,540.1 FT ²
TOTAL PROPOSED COVERAGE (PERCENT SITE COVERAGE)	55,782.0 FT ² (75.5%)
BUILDING DETAILS	
4-FLOOR STRUCTURE W/ RESIDENTIAL UNITS, LEASE OFFICE & RECREATION SPACE	
34 RESIDENTIAL UNITS (112 BEDROOMS)	
HEATED / COOLED AREA	50,090.0 FT ²
LEASE OFFICE AREA	948.0 FT ²
TENANT RECREATION AREA	478.0 FT ²
PARKING	
EXISTING PARKING	NOT ESTIMATED
REQUIRED PARKING (1 PER DWELLING + 3 PER 1,000 FT ² RETAIL SPACE + 2 PER 1,000 FT ² OFFICE SPACE)	38
PROPOSED PARKING	109
SETBACKS	
REQUIRED FRONT	2 FT MINIMUM / 15 FT MAXIMUM
REQUIRED BACK	3 FT MINIMUM
REQUIRED SIDE	0 FT MINIMUM / 24 FT MAXIMUM
PLANNED FRONT	7.6 FT
PLANNED BACK	VARIES, EXCEEDS REQD MINIMUM
PLANNED SIDE	5.0 FT MINIMUM
FRONT BALCONIES ENCROACH 0.46 FT INTO FRONT SETBACK AS ALLOWED PER TABLE 3 TRANSECT ZONE T5	
OPEN / LANDSCAPED AREA	
PROPOSED TOTAL OPEN AREA	15,378.0 FT ² (33.8%)
PROPOSED LANDSCAPED AREA	780 FT ² (780%)

