

APPROVED
MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JUNE 9, 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, and Jeremy Murdock. Commissioner Tom Walker's absence was notified in advance; after Commissioner Brooks moved to excuse his absence, which was seconded by Commissioner Loveless, and the board voted unanimously to excuse the absence of Commissioner Walker. Also attending were Community Development Director Buddy Sanders, City Planner Daniel Havelin, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated June 9, 2015. Upon the motion of Commissioner Moore, seconded by Commissioner Loveless, the Commission voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING
OF MARCH 10, 2015**

Chair Murdock called for consideration of approval of the March 10, 2015, minutes. After a revision to correct a typographical error to the minutes, Commissioner Brooks moved to approve the minutes as amended, which was seconded by Commissioner McReynolds, and the commission voted unanimously to approve the minutes of May 10, 2015, as amended.

**CONSIDERATION FOR APPROVAL OF THE MINUTES
OF THE MEETING OF MAY 12, 2015**

Chair Murdock called for consideration of approval of the May 12, 2015, minutes. Commissioner Herring moved to approve the minutes, which was seconded by Commissioner Moore, and the commission voted unanimously to approve the minutes of May 12, 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. Robert Boyd came forward to inquire about whether residents in neighborhoods zoned R-1 are allowed to raise chickens.

OLD BUSINESS

A. RZ 15-02: Request for rezoning of part of one parcel, #102I-00-003.00, located at 712 South Montgomery from R-1 to R-3.

Community Development Director Buddy Sanders introduced RZ 15-02, which had been tabled from the last meeting. Commissioner Herring moved to take RZ 15-02 off the table, which was seconded by Commissioner Brooks, and the Commissioners voted unanimously to take RZ 15-02 from the table. Jeremy Tabor came forward to state the public need due to the recent growth of Starkville, the increase of higher-density single-family dwellings in the area, and because of Starkville's status as a desirable retirement destination. He proposed six two-family dwellings with protective covenants.

After Mr. Tabor's presentation, Chair Murdock opened the public hearing, and Mr. Robert Boyd came forward to speak in opposition due to the residential density being too high next to a neighborhood zoned R-1, the additional burden on the sewerage, and the consideration of homeowners who bought homes with the understanding they would be living in an R-1 zone. Next Mr. Mark Guyton came forward to express concern regarding how the zoning change would affect his property.

After Chair Murdock closed the public hearing, the Commission was reminded 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.

Commissioner Herring suggested that conditions be placed on the rezoning request. After discussion among the Commissioners regarding conditions that should be placed on the rezoning request, Commissioner Brooks moved to approve RZ 15-02 with the following conditions attached:

1. Contingent on approval of the subdivision within ninety days;
2. Front lot to remain zoned R-1;
3. Single family / owner occupied units, restricted to 12 units maximum;
4. Buffer or site blinding with fence or greenery on areas adjacent to R-1 properties;
5. Covenants required should be similar to other developments in the area, particularly the Annabellum development.

Commissioner McReynolds seconded the motion, and the Commission voted unanimously to approve RZ 15-02 with the five attached conditions.

NEW BUSINESS

A. 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.

City Planner Havelin introduced CU 15-06, a Public Hearing noticed by the City of Starkville, for the request by the Applicant 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.

Sixteen property owners of record within 300 feet of the subject property were notified directly by mail of the request. A Public Hearing notice was published in the *Starkville Daily News* on May 21, 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.

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.

Chair Murdock opened the public hearing, and with none coming forward to speak, and after discussion among the Commissioners, Commissioner Brooks moved to approve CU 15-06, which was seconded by Commissioner McReynolds, and the Commissioners voted unanimously to approve CU 15-06.

A. FP 15-09: Request by Five Apples, LLC, for Final Plat Approval for a 7-lot subdivision at the southwest corner of Yellow Jacket Drive and South Montgomery Streets.

City Planner Havelin introduced the request of Five Apples, LLC, for 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.

Table 32 of the City's Comprehensive Plan allows a maximum gross density of eight 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. 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.

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 four westernmost lots. Bond has been reviewed and accepted.

Staff Recommended Condition:

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

After Mr. Havelin's presentation, Chair Murdock opened the floor for questions. After discussion among the Commission, Commissioner Brooks moved to approve FP 15-09, with the condition recommended by Staff, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve FP 15-09.

A. PP 15-09: Request for renewal of Preliminary Plat by Frank Jones Construction for the final phase of Country Club Estates Subdivision.

City Planner Havelin introduced the request for re-approval of a 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 an 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 an 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.

Approved Conditions from the 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.

After Mr. Havelin's presentation, the Commission discussed whether the conditions recommended by the Board had been met. Commissioner Herring noted that an apparent mistake in the Staff Report regarding net density must be corrected from 2.6 lots per square acre on the Plat, and the Commissioners added to the conditions made by the Board a sixth condition correcting that error. Commissioner Brooks moved to approve PP 15-09 with the six conditions attached, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve PP 15-09 with the six conditions.

B. RZ 15-03: Request by Michael and Gayle Kracker to rezone from R-1/C-1 to B-1 part of one parcel located at the northwest corner of Old West Point Road and Garrard Road.

City Planner Havelin introduced RZ 15-03, a Public Hearing noticed by the City of Starkville, in which the Applicant is seeking to rezone +/-2.1 acres of land and a +/- 18 acre parcel from C-1/R-1 to B-1. The rest of the parcel would remain R-1. The parcel is located on the west side of Old West Point Road at the northwest corner of Old West Point Road and Garrard Road.

The earliest zoning map (1960s–70s Map) available to Staff illustrates the subject property as being zoned R-2. The 1982, 2000, and 2013 zoning maps show the property as C-1 Neighborhood Commercial and R-1 Single Family. The Applicant purchased property and has plans to develop in the near future. The Applicant's intent for development is unknown to City Staff at this time. The current split zoning of the parcel would present a challenge to any development.

Thirty 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 21, 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.

Per Title 17, Chapter 1, of the Mississippi Code Annotated, (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 the intersection and 150' from the western boundary of the proposed rezoning. No curb cuts shall be 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 will be allowed onto Garrard Road and no driveway curb cuts along Old West Point Road other than by access to the 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.

After Mr. Havelin's presentation, Attorney John Moore, representative of the Applicant, came forward to speak about the intent for usage, which would be primarily residential, that there is a public need for units so close to campus, and that nine zoning changes since 2005 show a change in condition.

After discussion among the Commissioners, Chair Murdock then opened the Public Hearing, and Dinesha Green came forward to voice concern over the possible added congestion the project would bring. Next Pam Powell, a resident of Boyd Drive, came forward to express her concern

that her house would face a commercial lot and requested that it would remain R-1. Also coming forward to speak was Joe Evans, who has no problem with the development on Garrard Road, but expressed his concern about ambiguity of lot lines and requested that a residential mindset for zoning should be maintained in the area.

As no others came forward to speak, Chair Murdock closed the Public Hearing. After discussion among the Commissioners regarding the condition of split zoning, Commissioner Brooks moved to Approve RZ 15-03 based on Change in Conditions and Public Need, with the following six conditions to be met:

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 the intersection and 150' from the western boundary of the proposed rezoning. No curb cuts shall be on Old West Point Road. Access must be by means of the existing private road, Boyd Drive.
3. If the property were to be developed as residential of any density, no driveway curb cuts shall be allowed onto Garrard Road and no driveway curb cuts along Old West Point Road other than by access to the 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.
6. Rezoning shall be contingent on subdivision of the property, to be presented within six months before any further development on the property.

Commissioner McReynolds seconded the motion, and the Commission voted to approve RZ 15-03 by a vote of four to one, with Commissioner Loveless voting nay.

E. SE 15-01, PP 15-08, and FP 15-08: Request for Special Exception, Preliminary Plat, and Final Plat, Parcel #116-23-007.24, zoned R-1, approval by Freddie Milons Jr.

City Planner Havelin introduced SE 15-01, PP 15-08, and FP 15-08, a request for Special Exception, Preliminary Plat, and Final Plat approval by Freddie Milons Jr. to allow a +/- 1.21 acres lot he purchased from a relative to be platted that does not have 50 feet of frontage on a public right of way. Unknown to both the Grantor and Grantee, a subdivided lot of less than 5 acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. Mr. Milons is seeking to bring the 1.21 acre lot he purchased into compliance by asking for Special Exception, Preliminary Plat, 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 that 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 zoned R-1 Single Family. The newly created lot meets the minimum size requirements for R-1 zoning.

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 Electric 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.

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

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

Following Mr. Havelin's presentation, Chair Murdock called for the Applicant to speak. Mr. Milons stated that he was unaware of the process when his father gave the land to his sister. After discussion among the Commissioners regarding tax parcel numbers corresponding to the map, the

legal lot of record and procedures of the Chancery Clerk, and whether subdivision rules were being followed, Commissioner Herring moved to approve SE 15-01, with the one condition recommended by Staff (“If connection to City sanitary sewer cannot be made, approval and inspection of subject septic system from the Mississippi State Department of Health is required before a Certificate of Occupancy is issued for any residential structure”), which was seconded by Commissioner Moore, and the Commission voted unanimously to approve SE 15-01.

Commissioner Brooks moved to approve PP 15-08, with the same condition in the Staff Report, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve PP 15-08.

Commissioner Moore moved to approve FP 15-08, with the same condition in the Staff Report, which was seconded by Commissioner Brooks, and the Commission unanimously voted to approve FP 15-08.

F. SE 15-02 & PP 15-07: Central Station Phase II located between South Montgomery and Worley Street Parcel #102A-00-004.17, zoned T5.

City Planner Havelin presented SE 15-02 and PP 15-07, a request for Special Exception and Preliminary Plat by Jason Pepper on behalf of Tag Investments to allow a subdivision of one lot that does not have 50 feet of frontage on a public right of way, located between South Montgomery and Worley Street, Parcel #102A-00-004.17, zoned T5.

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 purchased 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 parcels to the south that are part of the proposed development are parcels # 102A-00-4.01 / 102A-00-4.10. In order to subdivide the existing land-locked parcel, a Special Exception will be needed 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. The subject parcel has acreage of approximately +/- 0.12 acres. The proposed subdivision would create two lots, Lot #1 (0.07 acre) and Lot #2 (0.05 acre). 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 T5 Zoning districts. The City is requiring any Electrical, Water, and Sewer Easements through adjacent property to the south. All Easements are to be shown on final plat.

After discussion among the Commissioners regarding the plan for the taking down of the water tower, the donation of the water tower, and the concern regarding lack of height requirements of four-story buildings in T5 zones, Commissioner Brooks moved to approve SE 15-02, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve SE 15-02.

Commissioner Brooks also moved to approve PP 15-07, which as seconded by Commissioner McReynolds, and the Commission voted unanimously (with the exception of Commissioner Moore who had left the room) to approve PP 15-07.

PLANNER'S REPORT

Community Development Director Sanders reported that the Board of Aldermen has retained a developer from Nashville, Tennessee, to conduct the development of the Comprehensive Plan, as well as to rewrite the code for the Comprehensive Plan for the City.

Also, there's a specific line item to review each separate property to address split zoning.

Mr. Sanders took the opportunity to publicly thank Commissioners Herring and Murdock for their service to the City, as well as their service to the Staff and to himself personally. Mr. Sanders then presented them with a plaque as a gift of appreciation from the City.

ADJOURNMENT

With no further business to discuss, Commissioner Brooks moved that the meeting be adjourned, and the Commission voted unanimously to adjourn at 7:50 PM. The next regularly scheduled meeting will be Tuesday, July 14, 2015, at 5:30 PM, in the City Hall Courtroom.

Jeremy Murdock, Commission Chair

Daniel Havelin, City Planner