UNAPPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION

MEETING OF SEPTEMBER 8, 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 Brooks, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Jason Camp, Ira Loveless, Jim McReynolds, Patrick Miller, John Moore, 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 September 8, 2015. City Attorney Latimer noted that a procedural irregularity existed regarding the requisite notice that was given for RZ 15-05, and in order to be in compliance legally, he recommended removing RZ 15-05 from the Agenda, in agreement with the Applicant, to be brought forward at a later date. Commissioner Moore moved to approve the agenda, as amended, which was seconded by Commissioner McReynolds, and the Commission voted unanimously to approve the written agenda, as amended.

CITIZEN COMMENTS

Chair Brooks 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. <u>CU 15-10: Request for Conditional Use to build residential units on commercially zoned parcels at 210 and 208 Reed Road with parcel numbers 118N-00-086.00 and 118N-00-087.00</u>

City Planner Havelin introduced CU 15-10, a public hearing noticed by the City of Starkville for a request by Larry Fair for a Conditional Use to add additional rental houses to the existing two

rental houses at 210 and 208 Reed Road in a C-2 General Business zone. Mr. Fair owns both lots at 210 and 208 Reed Road. Currently there is one house on each lot. Both lots are zoned C-2 General Business. Mr. Fair is requesting the Conditional use to add three additional rental units to the rear of the property. According to the Permitted and Conditional Use Chart, dwelling units are required to have a Conditional Use permit in a C-2 zone. A site plan has not been submitted to the City Staff at this time. However, Mr. Fair has indicated the proposed buildings would be of similar size to the existing buildings. The existing buildings are each less than 1,000 square feet. No off-site improvements 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.

Ten 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 August 17, 2015, and a placard was posted on the property. As of this date, the Planning Office has received one phone call on August 25 and one letter 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 is currently used as residential.

Sufficient site size and adequate site specifications to accommodate the proposed use. The site is adequately sized to accommodate the proposed buildings.

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 proposed structures will be required to meet all current building codes.

REQUESTED CONDITIONS

1. The lots will be aggregated into one lot and filed with the county prior to issuance of any building permits.
2. Additional parking for existing buildings is to be provided for in the rear of existing buildings.

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After Mr. Havelin's presentation, Chair Brooks opened the Public Hearing and invited the Applicant's representative, Larry Fair, to speak before the Commission. With none others coming forward to speak, Chair Brooks closed the Public Hearing and opened the floor to discussion among the Commissioners. After discussion regarding whether the houses would fit on the lot, Commissioner Brooks suggested that a more detailed to-scale drawing be provided in order to make a more informed decision regarding adding houses to the lot.

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 listed in 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.

Commissioner McReynolds moved to approve CU 15-10 with the suggested condition for the submittal of a site plan stamped by a registered professional surveyor or engineer within the next two weeks, which was seconded by Commissioner Moore, and the Commission voted unanimously to approve CU 15-10, on the condition of the site-plan submittal.

B. <u>EX 15-04: Request for Use by Exception to allow an outdoor dining area to be used as the front building plane to meet setback requirements at 702 University Drive with parcel number 101D-00-144.00</u>

City Planner Havelin introduced EX 15-04, a Public Hearing noticed by the City of Starkville, a request by Robin Fant for a Use by Exception to allow an outdoor dining area of a proposed renovation to be used as the front plane of the building for the purpose of determining the setback requirements at 702 University for a parcel located within a T-5 District. The Applicant is in the planning stages for a major renovation and conversion of the current Sweet Peppers Deli (formerly known as Bulldog Deli) to Bulldog Burger Company restaurant. As part of the renovation plans, the front addition to the building, added 1996, will be removed. An outdoor dining area with a wall will be constructed in its place. Due to the placement of the original structure, scheduled to remain, the front wall of the building will be outside the maximum setback for a T-5 District (15ft max). As part of this renovation, the existing parking in front of

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the building, which is not allowed in the first or second layer of a T-5 District lot, will be removed.

Scale and intensity of use: The proposed change does not alter 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.

Twenty-one 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 August 24, 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.

Following Mr. Havelin's presentation, Chair Brooks opened the Public Hearing and invited the Applicant to speak, who was not in attendance. Mr. Havelin fielded questions from the Commissioners, who desired clarification from the Applicant. Given the confusion regarding the Applicant's intent, and without the Applicant presence, Commissioner Walker moved to table the request until the next meeting, which was seconded by Commissioner Miller, and the Commission voted unanimously to table the request for EX 15-04.

C. PP 15-13 Request for Preliminary Plat approval for subdividing one lot into five lots at the southwest corner of the intersection of Garrard Road and Hwy 12 East with the parcel number 117F-00-002.00

City Planner Havelin introduced PP 15-13, a request by HPM Development, LLC, for approval of a Preliminary Plat for subdividing one parcel into five lots. The proposed lots would be located at the southwest corner of the intersection of Garrard Road and Highway 12 East. The current parcel is +/- 25.69 acres and is zoned C-2 General Business. HPM Development is currently in the early planning stages for constructing car dealerships on several of the lots. As part of this development, the Applicant proposes to construct a new public street that will connect Garrard Road with Old West Point Road. The new road, labeled Parker-McGile Road on the plat, will service lots one, two, four, and five. Lot three will access Highway 12 by means of

an easement through private property. The Development Review Committee already reviewed and commented on the plat on August 27, 2015.

General Information: The proposed parcel is +/-25.69 acre. The parcel is located within a C-2 General Business District.

Easements and Dedications: One street with a 50-foot right of way will be dedicated as part of this plat. Ten-foot easements for utilities are shown on the plat.

Findings and Comments: All utility connections are currently available for proposed parcels.

Is this lot a part of a previously platted subdivision? If so, were letters of authorization provided by adversely affected property owners adjacent to the parcel? This parcel is not a part of a platted subdivision. No authorization needed.

CONCLUSIONS: If the Planning and Zoning Commission decides to approve the Applicant's request for a preliminary plat for a five-lot subdivision, Staff requests the following conditions:

1. Infrastructure drawings will be required upon Preliminary Plat approval prior to construction.
2. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate city staff prior to the commencement of any construction activities at the site.

3. When a final plat is submitted for review by the City's Development Review Committee, all required improvements must be complete and the applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in AutoCAD format, as well as a paper copy that is signed and sealed by a licensed professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications, and the City's ordinances.

Following Mr. Havelin's presentation, and as the representative for the Applicant was absent, Chair Brooks opened the floor to discussion among the Commissioners. Commissioner Walker moved to table the request due to the absence of the Applicant's representative, which was seconded by Commissioner Moore, and the Commission voted five to one, with Commissioner Camp voting against, to table the request until the next meeting.

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PLANNER'S REPORT

Community Development Director Sanders and City Planner Havelin addressed concerns from the Commission regarding items that needed clarification regarding RZ 15-05, specifically the lot width, height of proposed structure, and the owners of subject properties that aren't on the tax record.

ADJOURNMENT

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

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Michael Brooks, Commission Chair

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Daniel Havelin, City Planner

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