

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
City of Starkville, Mississippi August 9, 2016**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met in their regularly scheduled meeting on August 9, 2016 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Michael Brooks, Chairman, Ward 4, Jason Camp, Ward 1, Jim McReynolds, Ward 2, Tom Walker, Ward 3, Patrick Miller, Ward 5, Ira Loveless, Ward 6 and John Moore, Ward 7. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Buddy Sanders, City Attorney Chris Latimer, and Recording Secretary Bill Green.

Commission Chairman Michael Brooks opened the meeting with the Pledge of Allegiance followed by a moment of silence.

CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration, the matter of the approval of the motion to approve the Official Agenda of the Planning and Zoning Commission of August 9, 2016 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, AUGUST 9, 2016
CITY HALL - COURT ROOM,
WEST MAIN 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 minutes for February 9, 2016
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. CU 16-05 Request for Conditional Use to allow a wireless communication tower in a C-2 zone located at 602.5 Martin Luther King Jr Drive West with the parcel number 118N-00-0097.03
 - B. PP 16-10 Request for Preliminary Plat approval for a four lot subdivision of a 32.13-acre parcel on the south side of Lynn Lane just north of Starkville Academy in an C-2 zone with the parent parcel number 102I-00-013.00

- C. P 16-13 Request for Preliminary Plat approval subdividing and replatting four parcels into five lots located on the north side of Hwy 12 West between Stark Road and Crossgate Street with the parcel numbers 103I-00-003, 103I-00-003.1, 103I-00-004 and 103H-00-016
- D. FP 16-09 Request for Final Plat approval subdividing and replatting four parcels into five lots located on the north side of Hwy 12 West between Stark Road and Crossgate Street with the parcel numbers 103I-00-003, 103I-00-003.1, 103I-00-004 and 103H-00-016
- E. RZ 16-07 Request to Rezone a portion of Lot #1 of the Bay Meadows Subdivision located on Rose Perkins Drive from a split zone of R-1/C-1 to B-1 with the property # 117C-00-145.00
- F. Discussion on policy for continuance when an applicant does not attend meeting.

VIII. PLANNER'S REPORT

- A. Discussion with Buddy Sanders about creating a regularly scheduled work session prior to Commission meetings
- B. Update on status of Minutes for Commission

IX. ADJOURN

After discussion and upon the motion of Commissioner Moore, duly seconded by Commissioner Miller, the motion to approve the Official Agenda of the Planning and Zoning Commission for August 9, 2016, as presented, received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
FEBRUARY 9, 2016**

After discussion and upon the motion of Commissioner Loveless, duly seconded by Commissioner Moore, the motion to approve the Minutes as amended of the February 9, 2016 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Seeing there were none, the Commission moved to New Business.

NEW BUSINESS

**A. CONSIDERATION OF CU 16-05 REQUEST FOR CONDITIONAL USE TO ALLOW
A WIRELESS COMMUNICATION TOWER IN A C-2 ZONE LOCATED AT 602.5
MARTIN LUTHER KING JR DRIVE WEST WITH THE PARCEL NUMBER 118N-
00-0097.03**

Assistant City Planner Emily Corban presented CU 16-05, a request by GST Capital Partners, LLC for Conditional Use to operate a "Wireless Communication Tower" on one parcel zoned C-2 General Business. The property is zoned C-2 and according to the chart of permitted uses, "Wireless Communication Towers" would require a conditional use. 16 property owners 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 July 25, 2016. The City has received one letter for and one against the request. On July 27, 2016 the Board of Adjustments and Appeals recommended approval of 2 requests for variance from setback requirements for the proposed tower. After presenting the five criteria for conditional use, Ms. Corban ended the presentation. The staff recommended 3 conditions for approval.

The Commission Chair opened a public hearing and called for comments regarding the above request. Comments were received from the following individuals:

James Peden, the applicant's attorney, spoke on the request.

Guy Smith, applicant, spoke on the request.

Calling for and hearing no further comments. The Commission Chair closed the Public hearing portion of the meeting.

After discussion, and upon the motion of Commissioner Walker, duly seconded by Commissioner McReynolds, the motion to approve RZ 16-06 was approved with Commissioners voting 4 to 2, with Commissioners Loveless and Moore voting against the request, subject to the following staff requested conditions:

1. The applicant shall submit a complete site plan package with landscaping of the 75' x 75' equipment compound to the City's Development Review Committee and receive approval within one-hundred-eighty (180) days of approval of the conditional use request by the Mayor and Board of Aldermen.
2. The applicant shall gain approval by the City's Mayor and Board of Alderman of the Board of Adjustments & Appeals recommendation for approval of (2) two variances requested to grant a 250-foot setback distance in lieu of the required 300-foot setback distance and a +-380-foot setback radius in lieu of the required 2,640-foot radius from a residential district
3. The applicant shall obtain a building permit (for tower and antenna) and begin construction within ninety (90) days of the approval of the site plan by the City's Development Review Committee.

B. CONSIDERATION OF PP 16-10 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR A FOUR LOT SUBDIVISION OF A 32.13-ACRE PARCEL ON THE SOUTH SIDE OF LYNN LANE JUST NORTH OF STARKVILLE ACADEMY IN AN C-2 ZONE WITH THE PARENT PARCEL NUMBER 102I-00-013.00

City Planner, Daniel Havelin, presented the request PP 16-10, a request by 4J-I LP for Preliminary Plat approval for subdividing a +/- 32.13-acre parcel into 5 lots. The parcel is located on the south side of Lynn Lane and the north side of Academy Road directly north and east of Starkville Academy in an C-2 zone. The commission chair called for comments regarding the above request. Comments were received from the following individuals:

David Josey, the applicant, spoke on the request.

Calling for and hearing no further comments, the Commission deliberated.

After discussion and upon the motion of Commissioner Walker duly seconded by Commissioner Camp, the motion to approve PP 16-10 was unanimously approved.

C. CONSIDERATION OF PP 16-13 REQUEST FOR PRELIMINARY PLAT APPROVAL SUBDIVIDING AND REPLATTING FOUR PARCELS INTO FIVE LOTS LOCATED ON THE NORTH SIDE OF HWY 12 WEST BETWEEN STARK ROAD AND CROSSGATE STREET WITH THE PARCEL NUMBERS 103I-00-003, 103I-00-003.1, 103I-00-004 AND 103H-00-016

D. CONSIDERATION OF FP 16-09 REQUEST FOR FINAL PLAT APPROVAL SUBDIVIDING AND REPLATTING FOUR PARCELS INTO FIVE LOTS LOCATED ON THE NORTH SIDE OF HWY 12 WEST BETWEEN STARK ROAD AND CROSSGATE STREET WITH THE PARCEL NUMBERS 103I-00-003, 103I-00-003.1, 103I-00-004 AND 103H-00-016

City Planner Daniel Havelin presented together the request for Preliminary Plat 16-13 and Final Plat 16-09 approval for subdividing and replatting four parcels into five lots located on the north side of Hwy 12 West between Stark Road and Crossgate Street with the parcel numbers 103I-00-003, 103I-00-003.1, 103I-00-004 and 103H-00-016. The City's requested conditions are that: 1. 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. 2. Bond in the amount of 200% of the engineering cost estimate which will be based on an approved set of infrastructure plans. The bond must meet the standards set forth in the City of Starkville's subdivision ordinance and must meet the City Attorney's approval. The bond is to be approved and executed prior to the case going before the Board of Aldermen for Final Plat approval. 3. When required improvements are complete 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. The commission chair called for comments regarding the above request. Comments were received from the following individuals:

Jason Pepper, representing the applicant, spoke on the request.

After discussion and upon the motion of Commissioner Walker duly seconded by Commissioner Camp, the motion to approve PP 16-13 was unanimously approved with staff requested conditions

After discussion and upon the motion of Commissioner Walker duly seconded by Commissioner Camp, the motion to approve FP 16-09 was unanimously approved with staff requested conditions:

1. 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.
2. Bond in the amount of 200% of the engineering cost estimate which will be based on an approved set of infrastructure plans. The bond must meet the standards set forth in the City of Starkville's subdivision ordinance and must meet the City Attorney's approval. The bond is to be approved and executed prior to the case going before the Board of Aldermen for Final Plat approval.
3. When required improvements are complete 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.

E. CONSIDERATION OF RZ 16-07 REQUEST TO REZONE A PORTION OF LOT #1 OF THE BAY MEADOWS SUBDIVISION LOCATED ON ROSE PERKINS DRIVE FROM A SPLIT ZONE OF R-1/C-1 TO B-1 WITH THE PROPERTY # 117C-00-145.00

City Planner, Daniel Havelin, presented the request RZ 16-07, a request by Providence Hill LLC to rezone a portion of Lot 1 of the Bay Meadows Subdivision from a split zone of C-1/R-1 to B-1. This portion of Lot 1 was a part of the Preliminary Plat PP 16-06 that was approved by the Board of Aldermen on June 21, 2016 with the condition that "Before consideration of Final Plat, the portions of the property shown a C-1 and R-1

shall be rezoned to the same zoning designation as the rest of the 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 July 25th 2016 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.

The Commission Chair opened a public hearing and called for comments regarding the above request. Comments were received from the following individuals:

Jason Pepper, representing the applicant, spoke on the request.

Receiving no other comments, the Commission Chair closed the public hearing.

After discussion and upon the motion to approve RZ 16-07 based on error in map by Commissioner Walker, duly seconded by Commissioner Camp, was unanimously approved.

F. CONSIDERATION OF DISCUSSION ON POLICY FOR CONTINUANCE WHEN AN APPLICANT DOES NOT ATTEND MEETING.

Commissioner Walker discussed a policy for tabling an item if an applicant does not show up to a scheduled meeting. Commissioner Walker moved to have the Commission enact a policy that in the first instance that a petitioner does not show up the petitioner gets a continuance as a matter of right, but after that the board decides whether to hear it or give a continuance again which was duly seconded by Commissioner McReynolds. The commission unanimously approved the motion.

PLANNERS REPORT

Community Development Director Buddy Sanders led a discussion about creating a regularly scheduled work session prior to Commission meetings to allow staff to brief the Commission on cases. The meeting would have to be noticed in the paper. Mr. Sanders suggested that the meeting be held the Wednesday before the Tuesday Commission meeting at noon in the City Hall's upstairs conference room. The board agreed to try it on a trial basis starting in October. Mr. Sanders reported that Ms. Corban is working to update the minutes and that they should be ready for review before the next meeting.

6. A MOTION TO ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on September 13, 2016, in the courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Miller, duly seconded by Commissioner Moore, the motion to adjourn until 5:30 p.m. on September 13, 2016, in the courtroom of City Hall located at 110 West Main Street, Starkville MS, was unanimously approved.

A handwritten signature in black ink, appearing to read 'Mike Brooks', written over a horizontal line.

Mike Brooks, Commission Chair

A handwritten signature in blue ink, appearing to read 'Daniel Havelin', written over a horizontal line.

Daniel Havelin, City Planner

