

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI JANUARY 10, 2017**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met in their regularly scheduled meeting on January 10, 2017 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, and Ira Loveless, Ward 6. Joining the meeting by phone was Patrick Miller, Ward 5. Absent from the meeting were Tom Walker, Ward 3 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 January 10, 2017 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, JANUARY 10, 2017
CITY HALL - COURT ROOM,
110 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. Reconsideration of the Unapproved minutes for December 13, 2016
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. CU 17-01 Request for Conditional Use approval to allow for a Single-Family Dwelling to be constructed at 731 Whitfield Street on a parcel that is currently zoned C-2 with the property # 102C-00-214.00

- B. PP 16-21 Request for Preliminary Plat approval for a two-lot subdivision of a +/- 11.13-acre parcel on the east side of intersection of Stark Road and Clements in a C-1 zone with the parent parcel number 102D-00-016.01.
- C. RZ 17-01 Request to Rezone the southern portion of one lot located on the eastern side of North Montgomery from C-1, R-5, and R-E to R-5 with the property # 117E-00-018.00.
- D. RZ 17-03 Request to Rezone the northern portion of one lot located on the eastern side of North Montgomery from C-1 to R-E with the property # 117E-00-018.00.
- E. FP 17-01 Request for Final Plat approval for a two-lot subdivision of a +/-7.73-acre parcel on the east side of North Montgomery and the south side of Presley Drive in an C-1, R-5 and R-E zone with the parent parcel number 0117E-00-018.00.
- F. RZ 17-02 Request to Rezone one lot located at 114 North Montgomery Street from C-2 to T-5 with the property # 117M-00-157.00

VIII. PLANNER'S REPORT

IX. ADJOURN

Chairman Brooks proposed moving item E FP 17-01 before item C. After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Loveless the motion to approve the official agenda as amended, of the Planning and Zoning Commission for January 10, 2017 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
December 13, 2016**

After discussion and upon the motion of Commissioner Moore, duly seconded by Commissioner Camp, the motion to approve the Minutes as amended of the December 13, 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.

Commissioner McReynolds joined the meeting.

NEW BUSINESS

A. CONSIDERATION OF CU 17-01 REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW FOR A SINGLE-FAMILY DWELLING TO BE CONSTRUCTED AT 731 WHITFIELD STREET ON A PARCEL THAT IS CURRENTLY ZONED C-2 WITH THE PROPERTY # 102C-00-214.00

Assistant City Planner, Emily Corban, presented the request CU 17-01, a request by Roger Price on behalf of Xavier Yeates for a Conditional Use to allow for a Single-Family Dwelling at 731 Whitfield Street to be constructed on a parcel that is currently zoned C-2 with the property # 102C-00-214.00. In order to construct a house in a C-2 zone, a Conditional Use is required. The five criteria for conditional use are as follows:

- o **Land use compatibility-** The proposed use is compatible with adjacent property. The 2016 Comprehensive plan has the areas list as a commercial type use of Suburban Center
- o **Sufficient site size and adequate site specification to accommodate the proposed use-** The site is adequately size to accommodate the proposed us
- o **Proper use of mitigative techniques-** none proposed
- o **Hazardous waste-** No hazardous waste or materials would be generated, used or stored at the site
- o **Compliance with applicable laws and ordinances-** Building permits will be required.

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

Roger Price, the applicant, came forward to speak in favor of the request.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner McReynolds, the motion to approve CU 17-01 was unanimously approved.

B. CONSIDERATION OF PP 16-21 REQUEST FOR FINAL PLAT APPROVAL FOR A TWO-LOT SUBDIVISION OF A +/- 11.13-ACRE PARCEL ON THE EAST SIDE OF INTERSECTION OF STARK ROAD AND CLEMENTS IN A C-1 ZONE WITH THE PARENT PARCEL NUMBER 102D-00-016.01.

Assistant City Planner, Emily Corban, presented the request PP 16-21, by Mike Brent on behalf of Richard Hewlett for Preliminary Plat approval for a two-lot subdivision of a +/- 11.13 acre parcel on the east side of intersection of Stark Road and Clements in a

C-1 zone with the parent parcel number 102D-00-016.01. The Subdivision consists of 2 lots on +/- 11.13 acres in a C-1 Business zone. The proposed plat has a total of two lots. Proposed Lot 1 has an acreage of 1.51 and Lot 2 has an acreage of 9.62. The owner would like to subdivide to allow for future sale as commercial property. Staff requested five conditions.

Commissioner Jason Camp submitted for the record a copy of restrictive covenants that apply to the subject property.

The applicant, Mike Brent, came forward to speak for the request.

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner McReynolds, the motion to approve PP 16-21 was unanimously approved with the following conditions:

1. Any sidewalks not completed by the time of Final Plat consideration by the Board of Aldermen, shall be required to have a form of surety in place in the amount of 150% of the estimated cost of construction.
2. The City of Starkville's standard Performance guarantee agreement must be executed by the applicant/owner and authorization for the mayor to execute on behalf of the city
3. A letter from the Applicant to the City Engineer indicating their intent to mitigate the stormwater requirements on a lot-by-lot basis and that the owner will communicate to all future lot owners that the mitigation of excess stormwater will be their responsibility and will be required regardless of lot size.
4. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
5. 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 design professional, guaranteeing accuracy.

C. CONSIDERATION OF FP 17-01 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR A TWO-LOT SUBDIVISION OF A +-7.73-ACRE PARCEL ON THE EAST SIDE OF NORTH MONTGOMERY AND THE SOUTH SIDE OF PRESLEY DRIVE IN AN C-1, R-5 AND R-E ZONE WITH THE PARENT PARCEL NUMBER 0117E-00-018.00

City Planner Daniel Havelin presented FP 17-01, a request by Saunders Ramsey on behalf of Lightbearers Ministry for Final Plat approval for a two-lot subdivision of a +-7.73-acre parcel on the west side of North Montgomery and the south side of Presley

Drive in an C-1, R-5 and RE zone with the parent parcel number 0117E-00-018.00. The subdivision has a gross acreage of +/-7.73 acres with a total of two parcels. Proposed parcel 1 is +/- 6.53 acres and proposed parcel 2 is +/-1.20 acres. Staff requested five conditions.

The Applicant, Saunders Ramsey came forward to speak in favor of the request.

After discussion, and upon the motion of Commissioner McReynolds, duly seconded by Commissioner Camp, the motion to approve FP 17-01 was unanimously approved with the following conditions:

1. Any sidewalks not completed by the time of Final Plat consideration by the Board of Aldermen, shall be required to have a form of surety in place in the amount of 150% of the estimated cost of construction.
2. The City of Starkville's standard Performance guarantee agreement must be executed by the applicant/owner and authorization for the mayor to execute on behalf of the city
3. A letter from the Applicant to the City Engineer agreeing to mitigate all future stormwater requirements for both lots on proposed Lot 1. The calculation for the requirements of Lot 1 shall be based on an assumed 15% impervious cover for the entirety of Lot 2. The applicant will be required to provide the engineering calculations and construction plans for the facility as a part of the Site Plan approval process.
4. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
5. 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 design professional, guaranteeing accuracy.

D. CONSIDERATION OF RZ 17-01 REQUEST TO REZONE THE SOUTHERN PORTION OF ONE LOT LOCATED ON THE EASTERN SIDE OF NORTH MONTGOMERY FROM C-1, R-5, AND R-E TO R-5 WITH THE PROPERTY # 117E-00-018.00

City Planner Daniel Havelin presented RZ 17-01, a request by Saunders Ramsey on behalf of Lightbearers Ministry to rezone the southern portion of one lot located on the eastern side of North Montgomery from C-1, R-5, and R-E to R-5 with the property # 117E-00-018.00. 39 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 December 22, 2016 and a sign was posted on the property concurrent with publication of the notice. A rezoning can only take place if one of the following conditions prevail:

There is a Manifest Error in the ordinance. There is a Change in Condition and public need for the proposed rezoning. The subject property is split-zoned C-1, R-5, and R-E. The split zoning first appeared on the 82-91 City of Starkville Zoning Map. The zoning does not follow past or current property line.

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

Saunders Ramsey, came forward to speak in favor of the request. He presented 3 self-imposed conditions the applicant wishes to impose on the property.

John Brocato came forward to speak in favor of the request. He submitted items for the record from residents of the adjacent Presley Place subdivision.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner McReynolds, the motion to approve RZ 17-01 based on error on the map was unanimously approved with self-imposed conditions:

1. 45 foot undisturbed, naturally occurring buffer along the east side of the property adjacent to parcels zoned R-E
2. Maximum building height to be limited to 3 stories
3. Maximum unit count per building to be limited to 8 units

E. CONSIDERATION OF RZ 17-03 REQUEST TO THE NORTHERN PORTION OF ONE LOT LOCATED ON THE EASTERN SIDE OF NORTH MONTGOMERY FROM C-1 TO R-E WITH THE PROPERTY # 117E-00-018.00.

City Planner Daniel Havelin presented RZ 17-03, a request by Saunders Ramsey on behalf of Robert Wright to rezone the northern portion of one lot located on the eastern side of North Montgomery from C-1 to R-E with the property # 117E-00-018.00. 39 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 November 17, 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 this request. A rezoning can only take place if one of the following conditions prevail:

Error: There is a Manifest Error in the ordinance. There is a Change in Condition and Public Need for the proposed rezoning. There has been 4 rezoning's within approximately ½ mile of the subject property since 2011

- October of 2011 The Cottages at Creekside was rezoned to a PUD for residential use
- October of 2014 4 lots of the Plantation Homes subdivision were rezoned to C-2 commercial
- July of 2015 the property at the northwest corner of the intersection of Garrard and Old West Road was rezoned to B-1 Buffer for residential use
- February of 2016 the property East of Cottages at Creekside was rezoned to R-3a for residential use

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

Saunders Ramsey came forward to speak in favor of the request.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion, and upon the motion of Commissioner Camp duly seconded by Commissioner McReynolds the motion to approve RZ 17-03 due to change in condition of the neighborhood and public need was unanimously approved.

F. CONSIDERATION OF RZ 17-02 REQUEST TO REZONE ONE LOT LOCATED AT 114 NORTH MONTGOMERY STREET FROM C-2 TO T-5 WITH THE PROPERTY # 117M-00-157.00

City Planner Daniel Havelin presented RZ 17-02, a request by Harless and Company to rezone one lot located at 114 North Montgomery Street from C-2 to T-5 with the property # 117M-00-157.00. 12 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News December 22, 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 this request. A rezoning can only take place if one of the following conditions prevail:

Error: There is a Manifest Error in the ordinance and a Public Need to correct the error. There is a Change in Condition.

- On January 12, 2012, the Board of Aldermen adopted Form Based Code for MS Highway 182, Main Street, University Drive, Lampkin Street, and Russell Street. As a result, 84 parcels were rezoned to either T District or Civic District. The subject parcel is adjacent to a T5 District parcel to the north and is currently planned to be developed with the parcel to the north as one project.
- On March 15, 2016, one parcel on Hartness Street was rezoned from R-3 to T-5
- On August 8, 2016, one parcel at 116 North Montgomery was rezoned from C-2 to T-5.

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

Saunders Ramsey came forward to speak in favor of the request.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion, and upon the motion of Commissioner Camp duly seconded by Commissioner McReynolds the motion to approve RZ 17-02 due to change in condition of the neighborhood and public need was unanimously approved.

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 February 14, 2017, in the courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Camp, duly seconded by Commissioner McReynolds, the motion to adjourn until the 5:30 p.m. on February 14, 2017, in the courtroom of City Hall located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner