

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI JUNE 13, 2017**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met at their regularly scheduled meeting on June 13, 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, Tom Walker, Ward 3, Ira Loveless, Ward 6. Absent from the meeting was John Moore, Ward 7. Patrick Miller, Ward 5 resigned before the June 13, 2017 Planning and Zoning meeting in order to have no conflict of interest when he starts his term as Alderman for Ward 5 on July 5, 2017. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban and City Attorney Chris Latimer.

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 June 13, 2017 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, JUNE 13, 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 May 09, 2017
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. CU 17-03 Request for Conditional Use to allow for a Wireless Communication Tower at 1113 Stark Road in an C-2 zone with the parcel number 103H-00-013.01

- B. CU 17-04 Request for Conditional Use to allow for a single-family dwelling at 311 D.L. Connor in an C-2 zone with the parcel number 118P-00-078.00
- C. CU 17-06 Request for Conditional Use to allow for a Loan Business at 420 Highway 12 West in an C-2 zone with the parcel number 102C-00-224.04
- D. RZ 17-05 Request to Rezone one lot located at 122 Azalea Lane from R-5 to C-2 with the parcel number 102O-00-024.00

VIII. PLANNER'S REPORT

IX. RECOGNITION OF SERVICE FOR OUTGOING COMMISSIONERS

X. ADJOURN

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner McReynolds the motion to approve the official agenda of the Planning and Zoning Commission for June 13, 2017 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
MAY 09, 2017**

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner Walker, the motion to approve the Minutes as amended of the May 09, 2017 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 17-03 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A WIRELESS COMMUNICATION TOWER AT 1113 STARK ROAD IN AN C-2 ZONE WITH THE PARCEL NUMBER 103H-00-013.01

City Planner Daniel Havelin presented the request by Eco-Site Inc. to allow for a Wireless Communication Tower located at 1113 Stark Road in an C-2 zone. In order to construct a "Wireless Communication Tower", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. The applicant attended a Board of Adjustments and Appeals meeting on May 24, 2017 to request three variances from setback requirements. This request was denied. The applicant appealed that decision on May 30, 2017. The Board of Aldermen will hear this appeal on June 20, 2017.

Mr. Havelin presented the five criteria for conditional use as follows:

1. **Land use compatibility-** The proposed use as a Wireless Communication Tower could be considered a compatible use with adjacent properties due to the current existence of a communication tower on the site. The property is currently zoned C-2. The 2016 Comprehensive plan has the areas placetype listed as Suburban Corridor
2. **Sufficient site size and adequate site specification to accommodate the proposed use-** The site is adequately sized to accommodate the proposed use.
3. **Proper use of mitigative techniques-** A wooden fence will be used to screen the equipment located at the base of the tower.
4. **Hazardous waste-** No hazardous waste or materials would be generated, used or stored at the site
5. **Compliance with applicable laws and ordinances-** The applicant is responsible for obtaining all the required City, State and Federal permits.

34 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 11, 2017 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received three phone calls inquiring about the request and no phone calls against this request.

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

Attorneys Jonny Moore and Andrew Rotenstreich came forward to speak in favor of the request. Mr. Rotenstreich presented three documents for public record. Which are as follows:

- Image of proposed cell tower site
- Map of Coverage area
- Map of new coverage area with proposed tower

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

After discussion and upon the motion of Commissioner Walker duly seconded by Commissioner McReynolds, the motion to approve CU 17-03 was unanimously approved with the following conditions:

1. The applicant shall have six months from time of Conditional Use approval to obtain a building permit from the Building Department.
2. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

B. CONSIDERATION OF CU 17-04 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A SINGLE-FAMILY DWELLING AT 311 D.L. CONNOR IN AN C-2 ZONE WITH THE PARCEL NUMBER 118P-00-078.00

Assistant City Planner Emily Corban presented the request by Starkville Area Habitat for Humanity to allow for a single-family dwelling at 311 D.L. Connor in a C-2 zone. The applicant is seeking a Conditional Use to construct a single-family dwelling. The property is zoned C-2 and in order to construct a “Dwelling, single-family, detached” a Conditional Use is required per the City of Starkville’s Permitted and Conditional Use Chart.

Ms. Corban presented the five criteria for conditional use as follows:

1. **Land use compatibility-** The proposed use as a “Dwelling, single-family, detached” could be considered a compatible use with adjacent properties. The property is currently zoned C-2. The 2016 Comprehensive plan has the areas placetype listed as suburban single family.
2. **Sufficient site size and adequate site specification to accommodate the proposed use-** The site is adequately sized to accommodate the proposed use. The applicant is proposing to build an approximately 30’x42’ single family residence.
3. **Proper use of mitigative techniques-** None proposed
4. **Hazardous waste-** No hazardous waste or materials would be generated, used or stored at the site
5. **Compliance with applicable laws and ordinances-** The applicant is responsible for obtaining all the property permitting required by City and State and will be required to seek a Certificate of Occupancy prior to the commencement of business operations at the site

35 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 11, 2017 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 inquiring about the request.

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

Joel Downey 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 17-04 was unanimously approved with the following conditions:

1. The applicant shall have six months from time of Conditional Use approval to obtain a building permit from the Building Department.
2. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

C. CONSIDERATION OF CU 17-06 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A LOAN BUSINESS AT 420 HIGHWAY 12 WEST IN AN C-2 ZONE WITH THE PARCEL NUMBER 102C-00-224.04

Assistant City Planner presented the request by Chris Johns on behalf of Family Choice Financial, Inc. to allow for a loan business to be located at 420 Highway 12 West. The property is zoned C-2 and in order to operate a "Loan Business", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart.

Ms. Corban presented the five criteria for conditional use as follows:

1. **Land use compatibility-** The proposed use as a "Loan Business" could be considered a compatible use with adjacent properties. There is a Check Now Payday Advance Title Loan Business two doors down from the proposed site. The property is currently zoned C-2. The 2016 Comprehensive plan has the areas placetype listed as Suburban Center.
2. **Sufficient site size and adequate site specification to accommodate the proposed use-** The site is adequately sized to accommodate the proposed use
3. **Proper use of mitigative techniques-** None proposed
4. **Hazardous waste-** No hazardous waste or materials would be generated, used or stored at the site
5. **Compliance with applicable laws and ordinances-** The applicant is responsible for obtaining all the proper permitting required by City and State and will be required to seek a Certificate of Occupancy prior to the commencement of business operations at the site.

17 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 Saturday May 13, 2017 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.

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

Chris Johns, the applicant, came forward to speak in favor of his 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 Walker, the motion to approve CU 17-06 was unanimously approved with the following conditions:

1. The applicant shall have six months from time of Conditional Use approval to obtain Certificate of Occupancy.
2. The applicant shall obtain a Certificate of Occupancy prior to the commencement of any business activities at the subject property.
3. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

D. CONSIDERATION OF RZ 17-05 REQUEST TO REZONE ONE LOT LOCATED AT 122 AZALEA LANE FROM R-5 TO C-2 WITH THE PARCEL NUMBER 102O-00-024.00

City Planner Daniel Havelin presented the request by David and Aisha Yeates to rezone one lot located at 122 Azalea Lane from R-5 to C-2. The applicant is seeking to rezone to allow for a Child Care business to be opened in the existing house. The business would be the primary and only use. Property to the East and South is zoned R-5 and is currently Single-Family Residential Property. The property to the North and West is zoned R-5 and is currently Vacant.

8 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 18, 2017 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received four phone calls against request.

Mr. Havelin stated that a rezoning can only take place if one of the following conditions exist:

Error: There is a Manifest Error in the ordinance and a Public Need to correct the error:
No Error.

Change in Condition and Public Need:
No Change and no public need

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

Ms. Vicki West Harrell came forward to speak against the request. She submitted for the record a petition signed by 16 residents on Azalea Lane against the request.

Mr. Hal Williams came forward to speak against 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 Walker, the motion to deny RZ 17-05 was unanimously approved because of no error, no change in conditions, no public need, and spot zoning.

Commissioner Walker then made the commission and public aware of a potential code violation of the subject property and made a motion for planning staff to inform code enforcement to investigate and prosecute to the fullest extent of the of the law any violations found. The motion was seconded by Commissioner McReynolds and unanimously approved.

VIII. PLANNER'S REPORT

Daniel Havelin announced to the Planning Commission that Bill Green, recording secretary for the commission and office manager for City Hall would be leaving the City of Starkville to work for Starkville United Methodist Church.

IX. RECOGNITION OF SERVICE FOR OUTGOING COMMISSIONERS

Commission Chair Mike Brooks presented plaques recognizing the service of three commission members whose terms have expired for their work and dedication to the City of Starkville.

X. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on July 11, 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 5:30 p.m. on July 13, 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