

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI NOVEMBER 14, 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 November 14, 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, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6. Absent from the meeting was Tommy Verdell Jr., Ward 7. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Buddy Sanders, 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 November 14, 2017 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, NOVEMBER 14, 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. CONSIDERATION OF THE UNAPPROVED MINUTES SEPTEMBER 12, 2017
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES OF NOVEMBER 1, 2017
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS

- A. AA 17-02 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE USE OF EIFS FOR 550 RUSSELL STREET IN A T-5 DISTRICT WITH THE PARCEL NUMBER 101D-00-316.00
- B. AA 17-03 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE PLACEMENT OF A SECONDARY BUILDING AT 35 JARNIGAN STREET IN A T-4 DISTRICT WITH THE PARCEL NUMBER 101D-00-094.00
- C. CU 17-08 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A PARKING LOT AT 609 GILLESPIE STREET IN AN C-2 ZONE WITH THE PARCEL NUMBER 101D-00-313.00
- D. RZ 17-06 Request to rezone two parcels in the Green Oaks Subdivision from R-1 to C-2 with the property numbers 102F-00-048.00 and 102F-00-047.00
- E. PROPOSED SIGN ORDINANCE AMENDMENT

- VIII. PLANNER'S REPORT
- IX. ADJOURN

After discussion and upon the motion of Commissioner Dumas duly seconded by Commissioner Camp, the motion to approve the official agenda of the Planning and Zoning Commission for November 14, 2017 received unanimous approval.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 12, 2017

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory the motion to approve the Minutes as amended of the September 12, 2017 Planning and Zoning Commission received unanimous approval.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 1, 2017

After discussion and upon the motion of Commissioner McReynolds duly seconded by Commissioner Camp the motion to approve the Minutes as amended of the November 1, 2017 Planning and Zoning Commission received unanimous approval, with Commissioner Gregory abstaining due to absence from the meeting.

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 AA 17-02 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE USE OF EIFS FOR 550 RUSSELL STREET IN A T-5 DISTRICT WITH THE PARCEL NUMBER 101D-00-316.00**

Assistant City Planner Emily Corban presented the request by Mark Castleberry for an Administrative Appeal from the denial of the use of EIFS for 550 Russell Street in a T-5 District. The applicant is appealing the decision by the Community Development Department to not allow the use of EIFS (exterior insulation and finish systems) on the 2nd and 3rd floor of a building currently under construction.

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

Mr. Mark Castleberry came forward to speak in favor of his request.

Let the record state that Commissioner Verdell entered the meeting at 5:49 pm.

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 Gregory, the motion to deny AA 17-02 was approved 5-1 with Mr. McReynolds being the dissenting vote.

B. CONSIDERATION OF AA 17-03 REQUEST FOR AN ADMINISTRATIVE APPEAL FROM DENIAL OF THE PLACEMENT OF A SECONDARY BUILDING AT 35 JARNIGAN STREET IN A T-4 DISTRICT WITH THE PARCEL NUMBER 101D-00-094.00

City Planner Daniel Havelin presented the request by Dwight Harding for an Administrative Appeal from the denial of the placement of a secondary building at 35 Jarnigan Street in a T-4 District with the parcel number 101D-00-316.00. The applicant is appealing the decision by the Community Development Department to not allow the placement of a secondary building on a lot that is less than 150' in depth. A lot less than 150' in depth can only have one primary and one outbuilding with a maximum of 576 square feet located on the lot. The Applicant is proposing to move an existing house from 104 Lummus and place it in the backyard of 35 Jarnigan Street which already has an existing house and exceeds the 576 square foot maximum allowed for an outbuilding.

The Commission Chair then opened up the public hearing and called for comments regarding the above request.

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

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to deny AA 17-03 was approved 4-2 with Mr. Walker and Mr. McReynolds being the dissenting votes.

C. CONSIDERATION OF CU 17-08 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A PARKING LOT AT 609 GILLESPIE STREET IN AN C-2 ZONE WITH THE PARCEL NUMBER 101D-00-313.00

Assistant City Planner Emily Corban presented the Conditional Use Request by First Church of Christ to allow for a parking lot to be located at 609 Gillespie Street in an C-2 zone. The proposed parking lot will be used for church parking. The property is zoned C-2 and in order to construct a parking lot, a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. 21 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 Monday October 30, 2017 and a sign was posted on the property. As of this date, the Planning Office has received no phone calls against this request. Staff received one email in support of the request.

- The five specific criteria for conditional use review and approval:
- **Land use compatibility.** The proposed use as a "Parking Lots & Garages" could be considered a compatible use with adjacent properties. The proposed parking lot is located across the street from the existing church. The property is currently zoned C-2. The 2016 Comprehensive plan has the areas placetype listed as urban corridor.
- **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 waste or materials would be generated, used or stored at the site
- **Compliance with applicable laws and ordinances.** The applicant is responsible for obtaining all the property permitting required by City.

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

Mr. Glenn McGee 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 Walker, duly seconded by Commissioner Verdell, the motion to approve CU 17-08 was unanimously approved with the following conditions:

1. The applicant shall have six months from time of Conditional Use approval to obtain site plan approval by the City's Development Review Committee.

D. CONSIDERATION OF RZ 17-06 REQUEST TO REZONE TWO PARCELS IN THE GREEN OAKS SUBDIVISION FROM R-1 TO C-2 WITH THE PROPERTY NUMBERS 102F-00-048.00 AND 102F-00-047.00

City Planner Daniel Havelin presented the request by Mitchener Rentals, LLC and Danielle V. Kelly to rezone 2 lots located at 2003 and 2005 Hickory Street from R-1 Single Family to C-2 General Business. The property to the North and West is zoned R-1 and is currently Single-family. The property to the East is zoned C-2 and is currently a convenience store and vehicular service. The property to the South is zoned M-1 and is currently a business center. 30 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 October 5, 2017 and a sign was posted on the property. As of this date, the Planning Office has received six phone calls, two in office visits, and five letters against this request. The planning office has received one letter in support of this request. The planning office received 2 phone calls asking for information.

- 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 No Error.
- Change in Condition with public need:
 1. New or Expanded commercial developments west of Louisville Street along Highway 12 (unless noted dates shown are for site plan approval not opening date)
 - AT&T Retail Store- 2011
 - Cellular South- 2011
 - Tractor Supply- 2011
 - Barnes Crossing Auto Sales- 2014
 - Dollar Tree- 2014
 - Kroger- Expanded in 2014
 - Panda Express- 2014
 - Academy Sports- Opened in 2017

- **Consistency with Comprehensive Plan:** The proposed rezoning would generally be not consistent with the goals, objectives and policies found in the City's Comprehensive Plan. The property's place type is shown as "Suburban Single Family".
- **Land Use Compatibility:** The proposed rezoning would be compatible with property to the east, but not compatible with property to the west and north

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

Mr. John Moore, representing the applicants, came forward to speak in favor of the request and presented a report, which is attached to these minutes.

Ms. Peggy Carstens came forward to speak against the request.

Ms. Pequita Denson came forward to speak against the request.

Mr. Danny Tollinson came forward to speak against the request.

Ms. Marnita Henderson came forward to speak against the request.

Ms. Amelia Beavel came forward to speak against the request.

Mr. George Clark came forward to speak against the request.

Mr. John Moore, came forward to respond to comments 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 Dumas, duly seconded by Commissioner Camp, the motion to deny RZ 17-06 was approved 5 to 1, citing a lack of demonstrated change in the neighborhood, with Commissioner Walker being the dissenting vote.

E. CONSIDERATION OF PROPOSED SIGN ORDINANCE AMENDMENT

City Planner Daniel Havelin gave a brief summary to the Commissioners of the proposed ordinance amendments:

1. Modifying the physical size of banners for approved special event advertising on Main Street. The current requirements limit the size of all banners to 24 square feet. The proposed change increases the size to a maximum of 90 square feet

with specific requirements for managing wind load and the location of eyelets for mounting the banner.

2. Removal and Replacement of current Billboard requirements. All existing billboards will be declared legal non-conforming billboards. Existing billboards will be placed into two types (I and II) categories. Type I are billboards that are subject to the requirements of state law. Type II are billboards that are not subject to the requirements of state law.
3. Removal of billboards from the amortization clause that governs all other sign types within the City. The removal schedule of Type II billboards is located in the proposed Section J (E)
4. Removal and Replacement of references to the Administrative Adjudication Process and Administrative Hearing Officer.
5. Modifying the variance process for signs. Dimensional variances will be heard by the Board of Adjustment and Appeals. All other variances will be heard by the Planning and Zoning Commission. Final approval and appeals will be heard by the Board of Aldermen.

A public hearing notice was published in the Starkville Daily News October 3, 2017. As of this date, the Planning Office has received no phone calls against the request.

The Board of Aldermen will hold the first public hearing on the proposed amendments on November 21, 2017 and a second public hearing on the proposed amendments on December 5, 2017.

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

Mr. Mark Baker came forward to speak in regards to the request. He provided some points for revision.

After Discussion, and upon a motion by Commissioner Walker, duly seconded by Commissioner Dumas, that the revised sign ordinance be passed forward to the Board of Alderman with any subsequent amendments incorporated by the City Planner and/or the City Attorney based on feedback from the Public Hearing was unanimously approved.

VIII. PLANNER'S REPORT

City Planner Daniel Havelin announced the need to have a special call Planning and Zoning meeting this week if possible to review the cornerstone final plat.

The Commissioners decided to meet on Thursday November 16, 2017 at 5:30 pm in the second-floor conference room for the special call meeting.

IX. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on November 16, 2017, in the second-floor conference room of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Camp duly seconded by Commissioner Gregory, the motion to adjourn until 5:30 p.m. on November 16, 2017, in second-floor conference room located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner