



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, NOVEMBER 13, 2018
1ST FLOOR CITY HALL – COURT ROOM
110 WEST MAIN STREET AT 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 OF OCTOBER 09, 2018
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. EX 18-06 REQUEST FOR AN EXCEPTION FROM FENESTRATION REQUIREMENTS FOR 621 UNIVERSITY DRIVE PROJECT IN A T-6 DISTRICT WITH THE PARCEL NUMBER 101D-00-007.00
 - B. FP 18-13 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING +/-9.36 ACRE PARCEL INTO 51 LOTS ON THE WEST SIDE OF THE INTERSECTION OF SOUTH MONTGOMERY AND KERKLING DRIVE IN A R-4A ZONE WITH THE PARCEL NUMBER 105 -15-007.00
 - C. CU 18-04 REQUEST FOR CONDITIONAL USE BY JASON PEPPER ON BEHALF OF FOWLER CONSTRUCTION TO ALLOW FOR DUPLEXES TO BE CONSTRUCTED ON 2 PROPERTIES ALONG LOUISVILLE AND SCALES STREET WITH THE PROPERTY NUMBERS 102B-00-051.00 AND 102B-00-052.00
 - D. PP 18-14 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR SUBDIVIDING AND RECONFIGURING SEVERAL LOTS INTO 2 LOTS AT 113 AND 103 HWY 12 WEST, 720 SOUTH JACKSON STREET, AND 15, 17, AND 19 CANAL STREET IN A R-3/C-2 ZONE WITH THE PARCEL NUMBER 102H-00-019.00, 102H-00-020.00, 102H-00-020.01, 102H-00-020.02, 102H-00-025.00, 102H-00-024.00, 102H-00-023.00, 102H-00-022.00, AND 102H-00-021.00.
 - E. RZ 18-10 REQUEST TO REZONE 3 PARCELS LOT LOCATED NORTH SIDE OF CANAL STREET FROM R-3 TO C-2 WITH THE PARCEL NUMBERS 102H-00-023.00, 102H-00-022.00, AND 102H-00-021.00
- VIII. PLANNERS REPORT
- IX. ADJOURN

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI OCTOBER 09, 2018**

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville met at their regularly scheduled meeting on October 09, 2018 at 5:30 PM 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, Carl Smith Jr., Ward 2, Tom Walker, Ward 3, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6. Joining the meeting by phone was Jason Camp, Ward 1. Absent from the meeting was Tommy Verdell Jr., Ward 7. 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 October 09, 2018 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF MONDAY, OCTOBER 09, 2018
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 OF THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 11, 2018
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PP 18-15 AND FP 18-11 REQUEST FOR PRELIMINARY PLAT AND FINAL PLAT APPROVAL FOR SUBDIVIDING A 0.76 ACRE LOT INTO 2 LOTS ON AZALEA LANE IN A R-5 ZONE WITH THE PARCEL NUMBER 102N-00-020.00

- B. RZ 18-08 REQUEST TO REZONE ALL OF A 19.63 ACRES PARCEL LOCATED ON THE WEST SIDE OF SOUTH MONTGOMERY STREET +/- 330FT SOUTH OF THE LYNN LANE INTERSECTION FROM R-1/C-2 TO R-3A AND A PORTION OF 1 PARCEL LOCATED ON SOUTH SIDE OF LYNN LANE +/- 960FT WEST OF THE INTERSECTION WITH SOUTH MONTGOMERY STREET FROM C-2 TO R-3A WITH THE PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00.

VIII. PLANNER'S REPORT

IX. ADJOURN

After discussion and upon the motion of Commissioner Walker, duly seconded by Commissioner Gregory, the motion to approve the official agenda as amended of the Planning and Zoning Commission for October 9, 2018 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
SEPTEMBER 11, 2018**

After discussion and upon the motion of Commissioner Smith duly seconded by Commissioner Gregory, the motion to approve the Minutes as amended of September 11, 2018 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Calling for and receiving no other comments, the Commission moved to New Business.

NEW BUSINESS

**A. CONSIDERATION OF PP 18-15 FP 18-11 REQUEST FOR PRELIMINARY PLAT
AND FINAL PLAT APPROVAL FOR SUBDIVIDING A 0.76 ACRE LOT INTO 2
LOTS ON AZALEA LANE IN A R-5 ZONE WITH THE PARCEL NUMBER 102N-
00-020.00**

This is a request by Starkville Area Habitat for Humanity for Final Plat approval for subdividing 1 lot into 2. The proposed subdivision is named "Azalea Subdivision, NO. 1". The proposed subdivision is located in a R-5 zone. The proposed subdivision is located on the west side of Azalea Lane with the parcel number 102N-00-020.00. This subdivision is part of development plans to construct one single family residence on each lot.

All easements are provided on the final plat. There are no proposed roadway dedications on the plat. Electrical service is provided by Starkville Utilities. Potable water and sanitary sewer utility services is provided by the City. Staff has 3 requested conditions that are in your packet.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Walker, the motion to approve PP 18-15 and FP 18-11 was approved unanimously with the following conditions:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The applicant shall provide one paper copy of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.
3. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

B. CONSIDERATION OF RZ 18-08 A REQUEST TO REZONE ALL OF A 19.63 ACRES PARCEL LOCATED ON THE WEST SIDE OF SOUTH MONTGOMERY STREET +/- 330FT SOUTH OF THE LYNN LANE INTERSECTION FROM R-1/C-2 TO R-3A AND A PORTION OF 1 PARCEL LOCATED ON SOUTH SIDE OF LYNN LANE +/- 960FT WEST OF THE INTERSECTION WITH SOUTH MONTGOMERY STREET FROM C-2 TO R-3A WITH THE PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00.

This is a request by Andy Fornea to rezone several parcels. Parcel 1 is owned by the Valentine W R Estate, located on the west side of South Montgomery Street approximately 330ft south of the intersection with Lynn Lane directly south of the Maison De Ville subdivision, with the parcel numbers 102I-00-005.00 and 102I-00-006.00. The request is to rezone from C-2 General Business and R-1 Single Family to R-3A Single Family.

Parcel 2 is owned by William Labon Richmond V, Sean Crumpton Richmond, and Dallas Carroll Richmond, and is located on the south side of Lynn Lane, approximately 960ft west of the intersection with S. Montgomery St. with the parcel number 102I-00-002.00. The request is to rezone 200' of the eastern most portion of the southern portion of the parcel from C-2 General Business to R-3A Single Family Residential.

63 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 September 13, 2018 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received three phone calls for information and three phone calls against the request. Staff has also received 13 letters against the request (attachment 6) and 2 letters for the request (attachment 7). A petition against the request was received by email on October 4, 2018. The petition contains 196 signatures (attachment 5).

Approximately 40% of the property owners directly adjacent to the east side of the subject properties are signatories of the petition against the request (see attachment 9 for calculations). Per § 17-1-17., of the Mississippi Code of 1972, as amended, a three-fifths (3/5) favorable vote by the Board of Aldermen will be required to approve the rezoning request.

A rezoning can only take place if one of the following conditions prevail
Error in the map: There is no Error

Or Change in conditions with public need

There has been eight Rezoning's since 2013 within ½ mile of the subject property.

1. The subdivision now known as Bent Brook Ridge on Yellow Jacket Road was rezoned from R-1 to R-3A in February of 2014.
2. The Cottages at Starkville Station on Lincoln Green was rezoned from R-5 to R-4A in April of 2014.
3. The former site of a mobile home park directly south of Starkville High School on Louisville Street was rezoned from R-6 to R-5 in December of 2014.
4. Riddle Run development on Lynn Lane was rezoned from R-1 to R-3 in July of 2015.
5. The property located to the east of Academy Hill Subdivision on Academy Road was rezoned from R-3A to C-2 in January of 2017
6. The property on the west side of Louisville Street south of Academy Road was rezoned from R-4A to C-1 in June of 2018.
7. The former Josey home at 300 Yellow Jacket Drive was rezoned from R-1 to R-3A in August of 2018.
8. The property located at 901 and 903 Louisville Street was rezoned from C-1 to R-5 in October of 2018

The proposed rezoning would generally be consistent with the goals, objectives and policies found in the City's Comprehensive Plan. The subject properties placetype is listed as Traditional Neighborhood- new.

The proposed rezoning would be consistent and compatible the adjacent land uses in the vicinity. The subdivision immediately to the north, Maison de Ville, is an R-3 development similar to what is being proposed for the subject properties.

The Commissioner opened up the public hearing:

Henry Minor, representing the applicant, came forward to present his case, speaking in favor of the applicant.

Bobby Crosland came forward to speak against the request.

Pickett Wilson, representing the Sherwood Forest neighborhood, came forward to speak against the request.

Tom Freeman, representing the Maison de Ville neighborhood, came forward to speak in favor of the request.

Larry Otis came forward to speak against the request.

Henry Minor came forward to answer questions regarding 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 Dumas, the motion to approve RZ 18-08 was approved 3-2 with Commissioner Camp and Commissioner Gregory being the dissenting votes based on change in condition and public need with the following self-imposed conditions by the applicant:

1. Limit the total number of lots on the subject property to 79 lots.
2. Access from South Montgomery Street into the neighborhood shall be right-in and right-out only.
3. Developer must provide a linear park varying in width from 40 to 55 feet along South Montgomery Street, leaving existing trees located within the linear park, and have an ornamental black metal fence along properties adjacent to South Montgomery Street.

PLANNER REPORT

Assistant City Planner Emily Corban reminded commissioners of the training opportunity for planning commissioners at the upcoming Mississippi-Alabama American Planning Association State Conference that will be held on October 10-12 in Oxford, MS. Two Commissioners have been registered.

VIII. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on November 13, 2018, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Gregory, duly seconded by Commissioner Dumas, the motion to adjourn until 5:30 p.m. on November 13, 2018 in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: EX 18-06 Request for an exception from fenestration requirements for 621 University Drive project in a T-6 District with the parcel number 101D-00-007.00
Date: November 13, 2018

The purpose of this report is to provide information regarding the request by Camp Brothers Real Estate LLC for an exception from the fenestration requirements for 621 University Drive project in a T-6 District with the parcel numbers 101D-00-007.00. Please see attachments 1- 4

BACKGROUND INFORMATION:

The applicant is seeking an exception to allow for a reduction in the amount of fenestration required on the first floor of a commercial building. The first floor of any building with a commercial use in a T-6 District is required to be a minimum of 70% fenestrated. The applicant is requesting a reduction in the amount of fenestration required to allow building design to blend in with adjacent buildings in the cotton district. The applicant is requesting that only +/-51% of the first floor be fenestrated (attachment 3).

NOTIFICATION:

20 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 October 15, 2018 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone call against the request.

CODE SECTION REQUESTING EXCEPTION FROM:

APPENDIX A, SEC. T. – TRANSECT DISTRICTS, § 2 – GENERAL TO ALL TRANSECT DISTRICTS

2.4 BUILDING FORM

- (a) Permitted building heights, measured in number of Stories, are specified on Table 3.*
- (b) Height limits do not apply to Attics or raised basements, masts, belfries, clock towers, chimney flutes, water tanks, or elevator bulkheads.*
- € Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Use, which shall be a minimum of 11 feet with a maximum of 25 feet.*
- (d) Attics shall not exceed 14 feet in height.*
- € The footprint of any Outbuilding shall not exceed 576 square feet.*

(f) The habitable living area of an Accessory Unit within an Outbuilding shall not exceed 576 square feet.

(g) Permitted Encroachments into the Setbacks of any Lot or into the Public Frontage of any Thoroughfare are specified on Table 3.

(h) All Facades shall be Fenestrated with clear glass no less than 30% of the first Story.

(i) Building with a first floor Commercial Use shall be Fenestrated with clear glass no less than 70% of the first Story.

(j) Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.

(k) Fenestration percentages shall be calculated as the total combined area of window glazing (lights or panes within each window's casing) divided by the total area of the facade for the target Story of a building.

(l) All openings, including porches, Galleries, Arcades and windows shall be square or vertical in proportion, excluding windows required for Commercial Uses by Sec. T – 2.4(i).

EXCEPTION REQUEST REQUIREMENTS:

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts

1.5 EXCEPTION AND VARIANCE

(a) There are two types of permitted deviations from the requirements of this Section:

i. Exception

a. Requests for Exception shall only be permitted as specifically indicated in this Section.

b. To apply for an Exception, the applicant shall provide the following:

i. The specific Exception(s) requested including citation from this Section and why the Exception is being sought.

ii. Maps, text, drawings and/or statistical data related to the requested Exception(s).

c. No Exception shall be approved unless the Planning and Zoning Commission finds the approval would:

i. Be consistent with § 1.2 Intent and 1.3 Transect Districts of this Section,

ii. and be consistent with the goals, objectives and policies of the City of Starkville's Comprehensive Plan.

d. Any decision regarding an approval or denial of an Exception shall state, in writing, the reasons for the approval or denial.

e. If the Planning and Zoning Commission denies any requested Exception, the applicant may appeal the decision to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall review the application de novo.

ii. Dimensional Variance

- a. *A Dimensional Variance shall be processed pursuant to Chapter 2 – Administration, Article VI – Board of Adjustments & Appeals, Section 2 – 176 Variances and the Board of Adjustments & Appeals of the City of Starkville’s Code of Ordinances.*
- (b) *Exceptions shall be advertised and noticed in the same fashion as conditional uses in the City’s Code of Ordinances in accordance with Appendix A, Article VI, Section 1.*

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts

1.2 INTENT

- (a) *Regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole.*
- (b) *Infrastructure, landscape and buildings shape the public realm, the spatial definition of which can be understood as a continuum from weak to strong.*
- € *Transect Districts organize the individual characteristics of infrastructure, landscape and buildings into distinct physical environments, with the overall character of each differing from one another.*
- (d) *Distinct physical environments provide a choice in living arrangement for citizens with differing physical, social, and emotional needs.*
- € *Mixed Uses within Transect Districts and individual buildings provides access to daily needs within close proximity to dwellings so that residents may choose to work, recreate, and shop within walking distance to their home.*

1.3 TRANSECT DISTRICTS

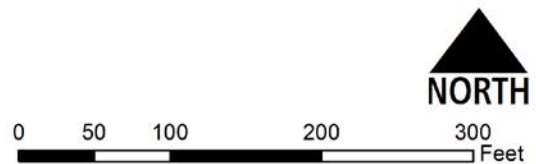
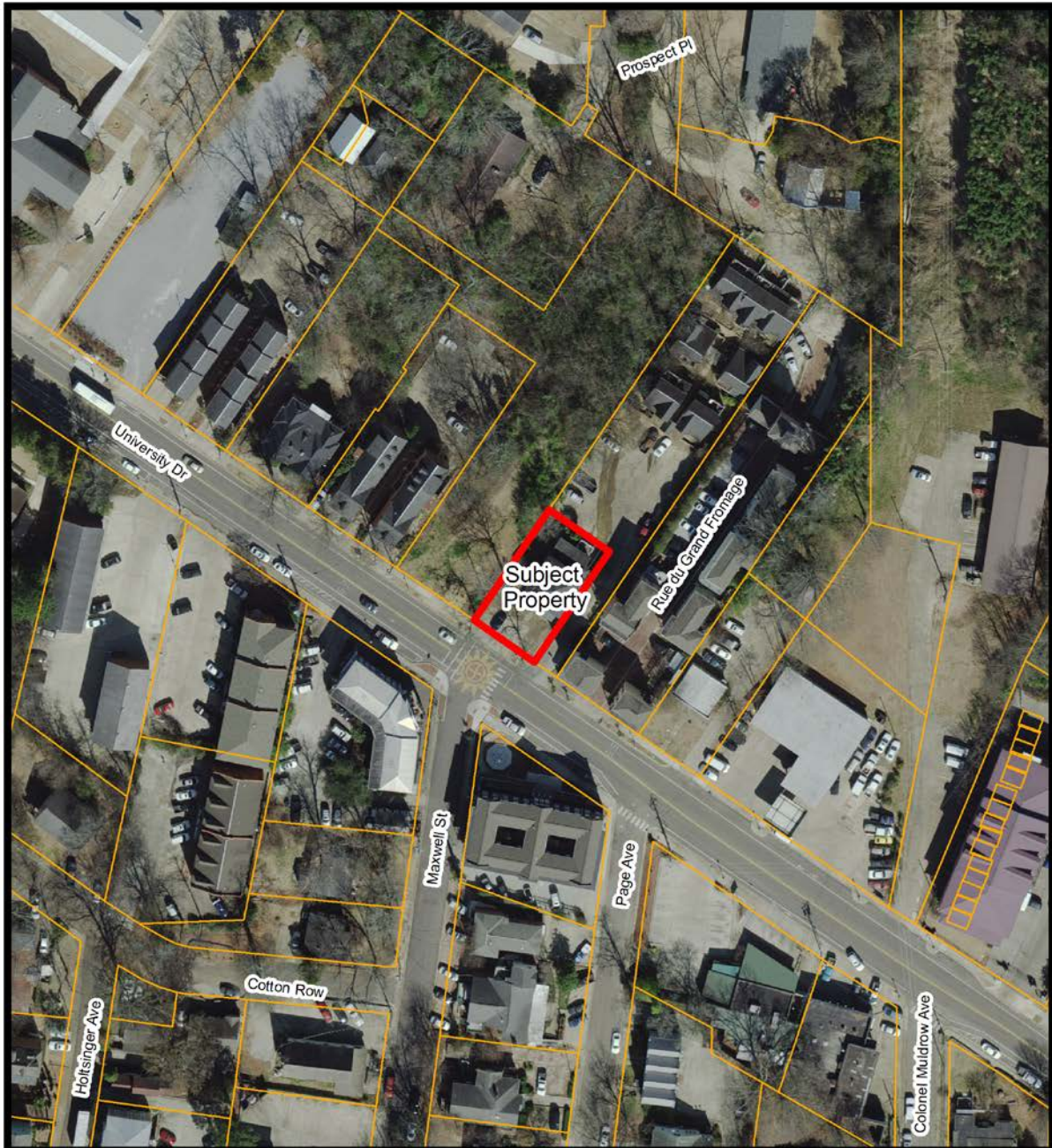
- (a) *The following Transect Districts are established under the provisions of this Section and are illustrated on Table 1:*
 - i) *T1 District – Reserved for Future*
 - ii) *T2 District – Reserved for Future*
 - iii) *T3 District – Reserved for Future*
 - iv) *T4 District*
 - v) *T5 District*
 - vi) *T6 District*
 - vii) *Civic District*
- (b) *The T1 District consists of land approximating a wilderness condition, including land unsuitable for development due to topography, hydrology, or vegetation.*
- € *The T2 District consists of sparsely settled lands in open or cultivated states with little spatial definition, if any.*
- (d) *The T3 District consists of lightly settled lands and is primarily residential in character, where deep setbacks and limited Lot coverage creates only a minimal level of spatial definition of outdoor spaces.*

- € *The T4 District consists of moderately settled lands, is primarily residential in character, but permits an appropriate level of Mixed Use. Moderate setbacks and Lot coverage by buildings creates an increased sense of spatial definition.*
- (f) *The T5 District consists of heavily settled lands and is primarily Mixed-Use in character. Shallow setbacks, high Lot coverage, and multi-level buildings creates strong spatial definition of outdoor spaces.*
- (g) *The T6 District consists of the most intensely settled lands and is mixed-use in character. Multi-storied buildings positioned at the front Lot Line, no Setbacks, and maximum Lot coverage by buildings creates the strongest definition of outdoor space of all Districts.*
- (h) *The Civic District consists of open spaces and public buildings dedicated to arts, culture, education, recreation, local government, and/or municipal parking Uses that serve as necessary components of any community.*

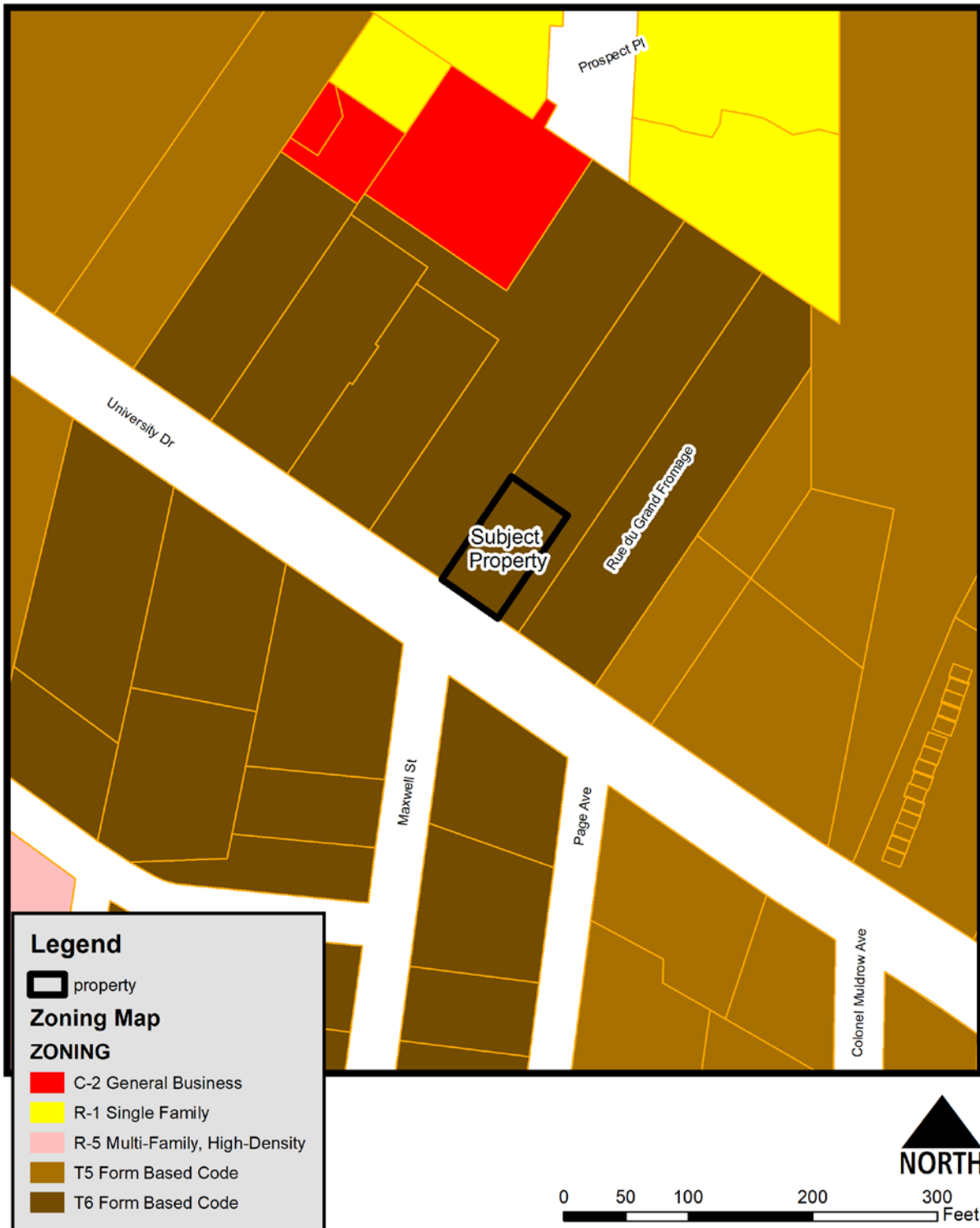
CONSISTENCY WITH COMPREHENSIVE PLAN:

The proposed exception would generally be consistent with the goals, objectives, and policies of the City of Starkville's Comprehensive Plan. The 2016 Comprehensive Plan lists the property's placetype as Urban Corridor.

Attachment 1
EX 18-06 Aerial



Attachment 2
EX 18-06 Zoning



Attachment 3- Building Elevations

1st Floor with glass garage doors



70% Fenestration

1st floor with french doors



+/- 51% Fenestration

THE PLAN

PLACE TYPES: URBAN AREAS

URBAN CORRIDORS

Urban Corridors

Locations

Hwy. 182 adjacent to Downtown, University Dr., and Russell St.

Spatial Form

Linear following associated streets

Land Uses

Mixed use, including high-density residential

Density / Intensity

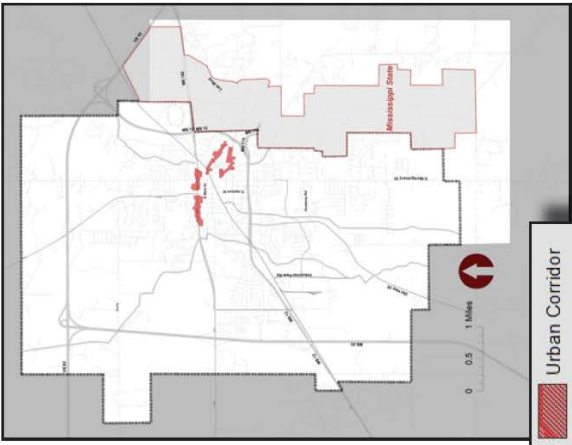
High density / intensity

Development Form

Buildings fronting streets, parking behind or below buildings, a connected street network with on-street parking, public spaces of various types (as applied to 182/MLK, it should be less urban due to the existing patterns)

Street Types

Avenues



Urban Corridor

STARKVILLE COMPREHENSIVE PLAN: 2016

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THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: FP 18-13 Request for Final Plat approval for subdividing +/-9.36 acre parcel into 51 lots on the west side of the intersection of South Montgomery and Kerkling Drive in a R-4A zone with the parcel number 105 -15-007.00
Date: November 13, 2018

The purpose of this report is to provide information regarding the request by Saunders Ramsey on behalf of Live Adelaide, LLC for Final Plat approval for subdividing a +/-9.36 acre parcel into 33 lots. The proposed subdivision is named "Adelaide, Phase II". The proposed subdivision is located in an R-4A zone. The proposed subdivision is located on west side of the intersection of South Montgomery and Kerkling Drive. The Preliminary Plat was approved by the Board of Aldermen on April 18, 2017. Please see attachments 1-5.

Below is information pertaining to R-4A

Sec. S. - R-4A single-family, high-density.

- A. Intent. The intent of this zoning district is to permit single-family residential development and associated uses in a high quality setting, according to a unified plan. The uses and standards in this district are intended to promote flexibility and innovation in site design, enhance the environmental quality and attractiveness of the community, and to assure the compatibility of the proposed development with adjacent land uses. The R-4A zoning district shall be highly suitable for compact, infill development or redevelopment of existing parcels of land to prevent sprawl and to encourage sustainable development within the city. R-4A zoning districts shall be more restrictive than the R-4 (zero lot line/cluster development) district but less restrictive than R-1 (single family) district.*
- B. Conditions to be met by single-family, high-density (R-4A) developments.*
- 1. District regulations. Every R-4A development erected and maintained under the provisions of this article shall comply with all regulations established in this section.*
 - 2. Site plan and improvements. A site plan for an R-4A development shall show and there shall be provided the following:*
 - a. Drainage. Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and proper design of finished grades.*
 - b. Circulation and parking. Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking area(s), and landscaped separation spaces between pedestrian and vehicular ways.*
 - c. Open space. A minimum of 20 percent of the gross land area within an R-4A district shall be designated as open space for the use and enjoyment of its owners, occupants and their guests. Open space area includes both private and common areas within the R-4A development project site. Required open space*

may be used for active recreational activities such as walking, jogging, swimming pools, golf, tennis and other court games; or passive recreational uses such as sitting, scenic viewing or picnics. Open space areas shall be attractively landscaped and may contain water features, benches, gazebos, gardens, planting strips, trails, tennis courts, or other recreational or landscaping amenities. Streets, driveways and parking areas shall not be considered part of this open space.

- d. *Responsibility for common open space.* Nothing in this section shall be construed as a responsibility of the city, either for maintenance or liability of the following which shall include, but not be limited to, any private open areas, parks, recreational facilities, and a "hold harmless" clause shall be incorporated in the covenants running with the land to this effect.
- e. *Utilities to be located underground.* Any R-4A development shall specify that all utilities shall be constructed underground.
- f. *Size of area.* Although there is not a minimum size, the area proposed for development shall be large enough to permit and accommodate an R-4A development. Building setbacks are to be determined by the development proposal upon approval. An R-4A approval shall not be granted if, in the opinion of the planning and zoning commission, the proposed development would have a direct negative or adverse impact on the surrounding area.

C. *Requirements for site plans of proposed R-4A developments.*

- 1. *Application.* An application for approval of an R-4A proposal shall be filed with the city planner and shall contain the following information: address, and interest of any others represented by the applicant; the concurrence of the owner(s) of the entire land are included in the proposal and all encumbrances of such land; evidence that the applicant and/or owners intend to develop the land along with a written narrative expressing the character of the proposed development.
- 2. *Site plans.* An application for an R-4A development is to be accompanied by a site plan which must include both maps and a written narrative. Adjacent properties impacted by the development are to be identified. The following data may be required with the preliminary submission:
 - a. *Existing topography of the site.*
 - b. *Drainage within the project and adjacent area, if impacted.*
 - c. *Existing and proposed land uses and existing zoning.*
 - d. *Existing property lines.*
 - e. *Circulation system including walks, curb-cuts, ingress and egress drives, driveways.*
 - f. *Parking areas.*
 - g. *Areas proposed to be dedicated or reserved for parks, playgrounds and common areas.*
 - h. *Approximate location of all buildings, structures, and other improvements, including walkways.*

- i. *Graphic presentation representative of the proposed structures and improvements.*
 - j. *A tentative development schedule including timing and scope of any proposed phasing.*
 - k. *Any proposed restrictive covenants or homeowner association agreements governing the maintenance and continued protection of the proposed development.*
- D. *Review and approval process of proposed R-4A developments.*
 - 1. *Review process. Upon receipt of an application for approval of a site plan for an R-4A development, properly and completely made out, the city planner shall distribute copies to the development review committee for review and recommendations. Recommendations from the development review committee shall be forwarded to the planning and zoning commission for a public hearing. The planning and zoning commission shall hold a public hearing and interested parties notified in the same manner as for other rezoning hearings. Following the public hearing, the planning and zoning commission shall transmit its recommendation of approval or disapproval to the mayor and board of aldermen, including any conditions of approval, which may include a performance bond.*
 - 2. *Final approval. Final approval of a proposed R-4A development shall rest with the mayor and board of aldermen. The recommendations of the planning and zoning commission and the development review committee shall be considered and any conditions of approval may be amended, revised or stricken as determined. The approved site plan shall be binding and shall control the issuance of permits and/or certificates.*
 - 3. *Revisions or amendments to an R-4A development site plan. Revisions or amendments to approved R-4A site plans which result in a reduction of the number of approved dwelling units/density, as well as an increase in open space, shall be allowed, upon review and approval by the city planner. Any proposed increase in dwelling units/density, or a decrease in open space, shall require a submittal of the revised site plan to the city planner in the same manner as prescribed for a new application.*
 - 4. *Appeal. Any person aggrieved by a decision of the planning and zoning commission in approving or disapproving an application for an R-4A development proposal under this article may within ten days from the date of such decision, file a written request to the mayor and board of aldermen and there upon the mayor and board of aldermen shall proceed to review the proposal in the same manner prescribed for other rezoning applications.*
- E. *Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.*
- F. *Permitted and conditional uses shall be as follows:*
 - 1. *The following uses are permitted by right in the R-4A zoning district:*
 - a. *Single-family dwelling.*
 - b. *Garden.*
 - c. *Home occupation.*

2. *The following uses are allowed by conditional use in the R-4A zoning district:*

- a. Church or place of worship.*
- b. Golf course, not including commercial driving ranges; need not be enclosed within structure.*
- c. Public utilities.*
- d. Recreational facilities.*

G. Comprehensive Plan. The R-4A zoning district shall be considered a high density residential land use classification allowing a maximum gross density of 15 dwelling units per acre, as allowed per Table 32 of the city's comprehensive plan.

(Ord. No. 2008-9, § II, 11-4-08)

PLAT PROPOSAL:

General Information

The subdivision has a gross acreage of +/- 9.36 acres with a total of 33 lots. The proposed development has a gross density of 3.5 units per acre. The covenants have been sent to the City Attorney for review.

Easements and Dedications

All easements and dedications are provided on the final plat. The roadways will be dedicated to the City. The County has reviewed and approved of the proposed road name. Electrical service will be provided by 4 County and will be place underground. Potable water and sanitary sewer utility services will be provided by the City. Street numbers have been assigned for construction permitting and utility assignments.

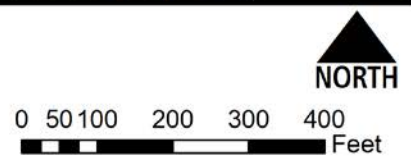
Findings and Comments

The final plat is a Class "C" survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended. This subdivision is not part of any previously platted subdivision, therefore no adversely effected parties.

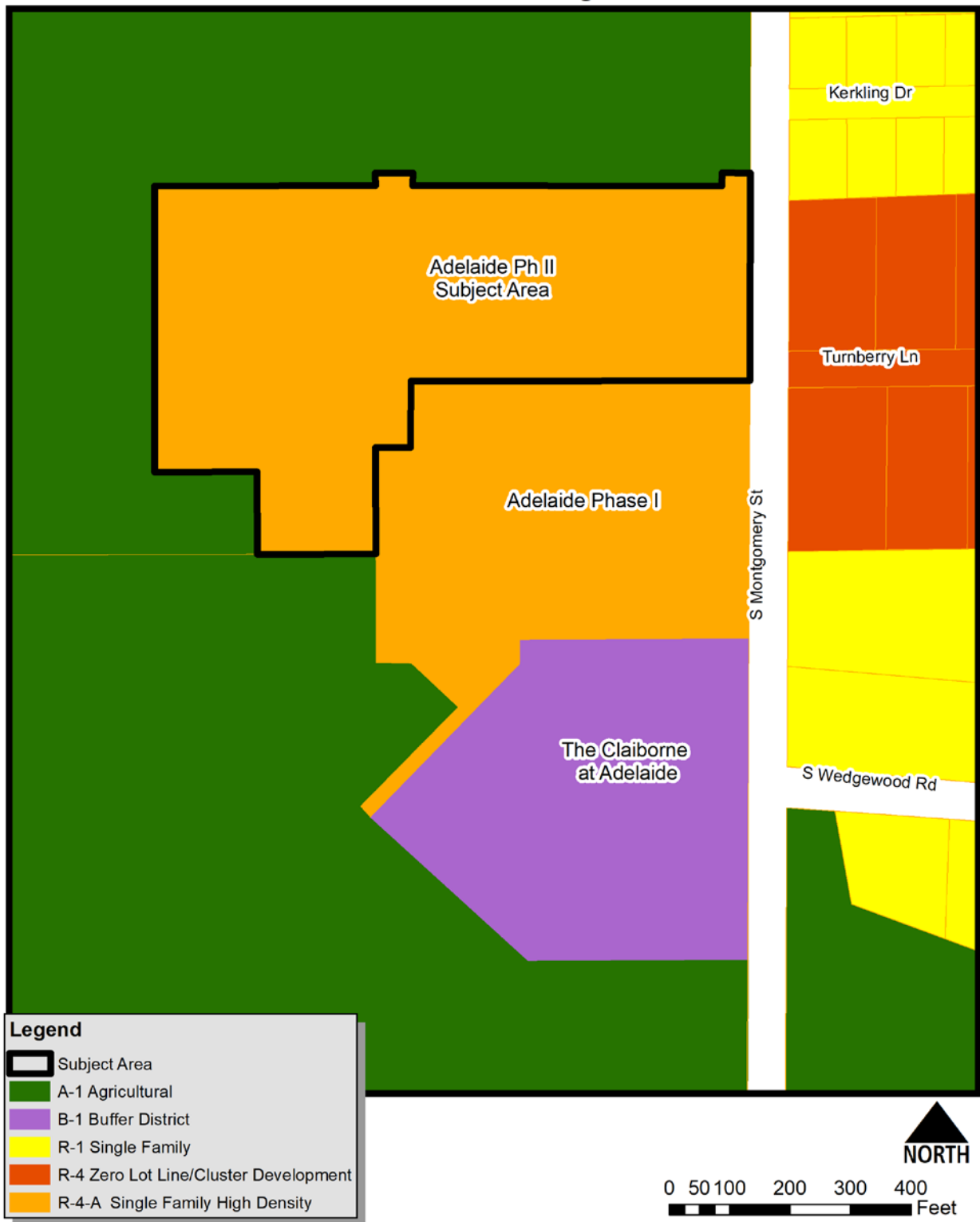
REQUESTED CONDITIONS:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4A dimensions.
3. All public utilities are currently in place and meet requirements as verified by the owner and engineer of record.
4. Erosion control vegetation shall be established on all disturbed areas.
5. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
6. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.
7. The covenants shall include provisions for the maintenance of common areas/stormwater management and the City Attorney's standard hold-harmless indemnification clause.
8. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other infrastructure improvements shall be provided prior to approval by the Mayor and Board of Aldermen.
9. Financial assurance for the cost of the final layer of asphalt shall be determined by and provided to the City Engineer prior to approval by the Mayor and Board of Aldermen.
10. The roadways shall not be accepted by the City until at least 85% of all lots located on have been developed and received Certificates of Occupancy. The performance agreement shall remain in effect until such time.
11. The applicant shall execute the standard performance agreement ("developer contract") for the financial guarantee of the completion of the final requirements for acceptance of the streets and utilities and the Board of Aldermen shall authorize the Mayor to execute same.
12. 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.
13. 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.
14. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

Attachment 1
FP 18-13 Aerial



Attachment 2
FP 18-13 Zoning

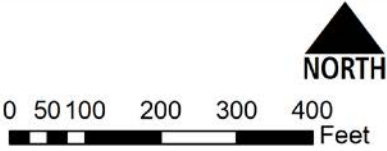


Attachment 3
FP 18-13 Plat Overlay



Legend

 Subject Area



LIVE ADELAIDE, LLC

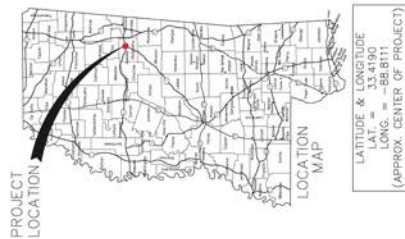
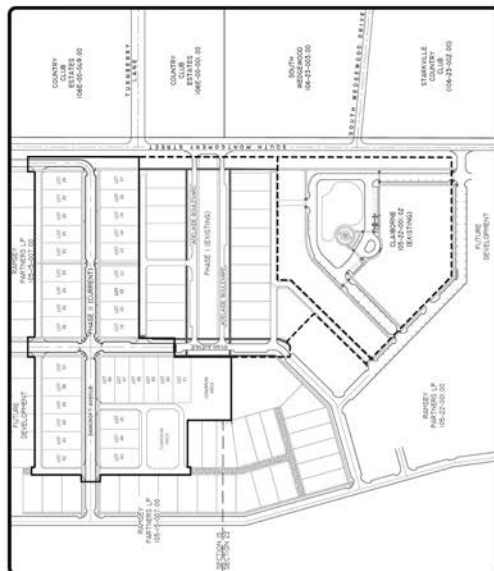
SAUNDERS RAMSEY, MANAGER 622-648-9010

SANDY RAMSEY, MANAGER 662-341-1321

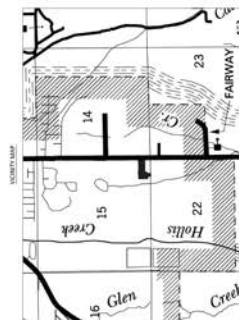
1305 SOUTH MONTGOMERY STREET

STARKVILLE, MS 39759

liveadelaide@gmail.com



NOTE
● INDICATES APPROXIMATE LOCATION OF PROJECT

[illegible]

NEEL-SCHAFFER
Solutions you can build upon

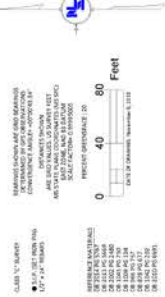
www.peel-schoffer.com

912 Lynn Lane

Starkville, MS 39759

USUAL DESCRIPTION OF ADVANCE PHASE

NE $\frac{1}{4}$ OF SECTION 22 AND THE SE $\frac{1}{4}$ OF SECTION 15 T-18-N, R-14-E
STARKVILLE, OKTIBBEHA COUNTY, MISSISSIPPI
(SHEET 2 OF 2)

[illegible][illegible]

LEGAL DESCRIPTION OF (PUBLIC) RIGHT OF WAY

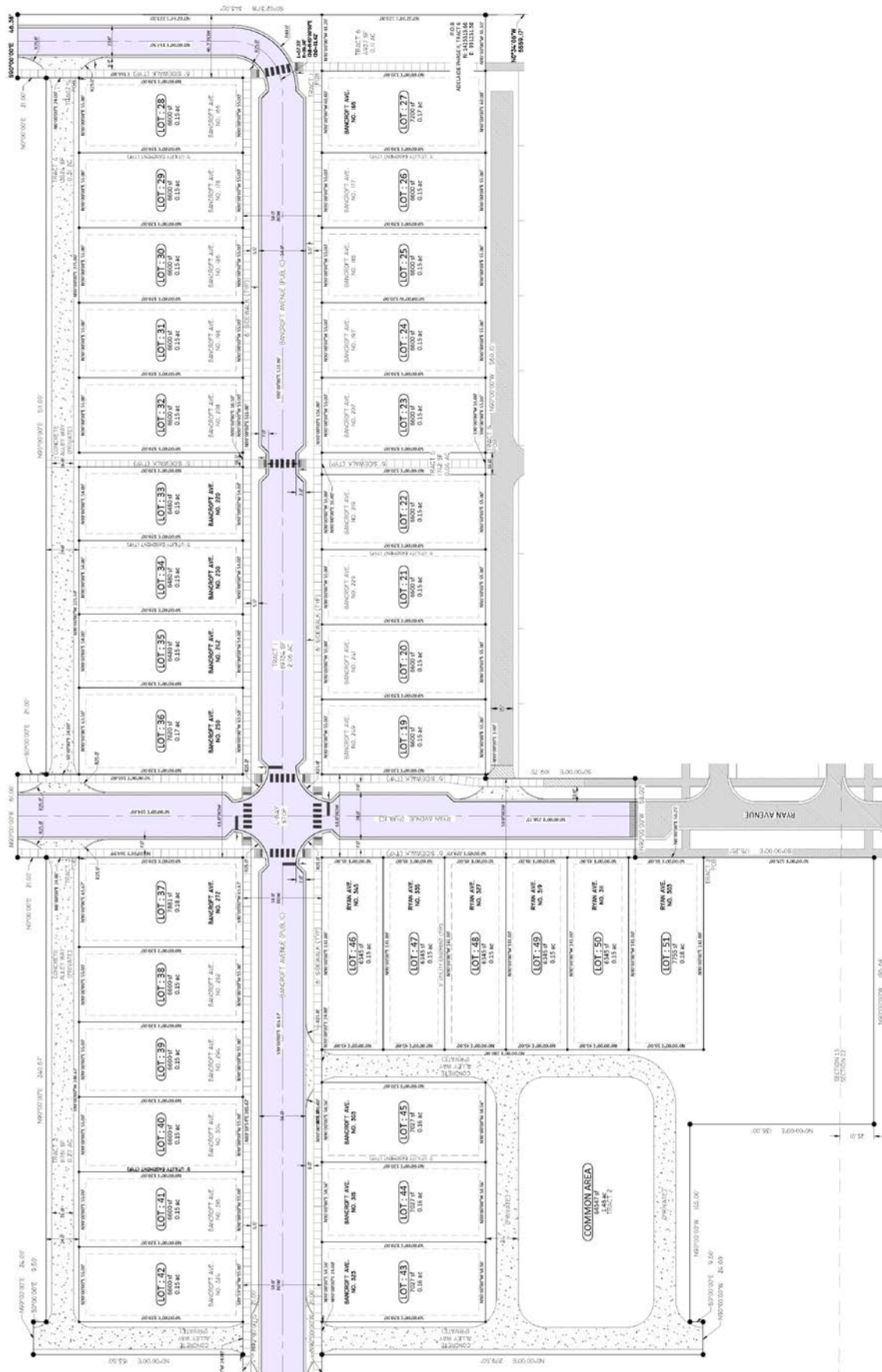
UNIT 1. The following are the names of the 1000 students who were selected to participate in the 1992-1993 study. Each name is followed by a number indicating the school to which the student was assigned. The schools are listed in the following table. The numbers in parentheses indicate the number of students who were assigned to each school.

Permitted to the State, Municipal, Subnational Legislatures, this document was given approval by the mayor and board of aldermen as meeting with the conditions of _____ of _____.

_____ All of the conditions of approval having been complied, this document is hereby approved, and this certificate attests to the authority of the board of aldermen, president, however, this approval is subject to the approval of the State, Municipal, Subnational Legislatures within six months hereafter.

Date of Execution _____ Type of Seal _____

SOUTH MONTGOMERY STREET





THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: CU 18-04 Request for Conditional Use by Jason Pepper on behalf of Fowler
Construction to allow for duplexes to be constructed on 2 properties along Louisville and
Scales Street with the property numbers 102B-00-051.00 and 102B-00-052.00
Date: November 13, 2018

The purpose of this report is to provide information regarding a Conditional Use Request by Jason Pepper on behalf of Fowler Construction to allow for duplexes to be constructed on 2 properties at 314 Louisville Street and 300 Scales Street with the property numbers 102B-00-051.00 and 102B-00-052.00. Please see attachments 1- 5.

BACKGROUND INFORMATION

The applicant is seeking a Conditional Use to construct 5 duplexes after subdividing the 2 properties 314 Louisville Street and 300 Scales Street into 5 lots. The properties are zoned R-2 and in order to construct a “dwelling, 2-family”, a Conditional Use is required per the City of Starkville’s Permitted and Conditional Use Chart. The subject properties are currently two separate lots. The applicant is also proposing to subdivide the two lots into five lots in the near future. The applicant has also submitted a variance request from the front setback requirements for all five proposed lots and the rear setback of one lot. The request is to reduce the front setback requirement from 25’ to 10’ and the rear setback from 35’ to 15’ to allow for parking in the rear.

Scale and intensity of use.

The applicant has provided a conceptual site plan which seems to meet the City’s land development requirements and is proportionate to the area. The applicant is proposing to build 5 duplexes fronting Scales and Louisville Street.

On- or off-site improvement needs.

A complete site plan review will be conducted by the Development Review Committee to ensure compliance with land development regulations prior to issuing of permits. Sidewalks will have to be provided if not existing and improved if existing but do not meet current standards.

On-site amenities proposed to enhance the site.

There are no amenities being proposed.

Site issues.

There are no known site issues regarding the intended use of the site.

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	R-2	Single family
East	R-2	Single family
South	R-2	Single family
West	R-2	Single family

ALLOWED USES UNDER THE PERMITTED (PU) AND CONDITIONAL USE (CU) CHART

R-2

The following uses are permitted by right in the R-2 zoning district:

1. Dwelling, live/work
2. Dwelling, single family, detached
3. Parks & Recreation, Passive

The following uses are allowed by conditional use in the R-2 zoning district:

1. Accessory Dwelling unit
2. Bed & Breakfast Inn
3. Dwelling, 2-family
4. Personal Care/Group Home
5. Community Services
6. Family Child Care
7. Education Facilities
8. Government Facilities
9. Parks & Recreation, Active
10. Places of Worship
11. Public Spaces

NOTIFICATION

28 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 October 15, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one letter addressed to the Planning and Zoning Commission against this request from Starkville Central Neighborhood Foundation (Attachment 4). Staff was also copied on a email address to the developer against the request following a meeting with representative of the Starkville Central Neighborhood Foundation and the developer (Attachment 5).

ANALYSIS

Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

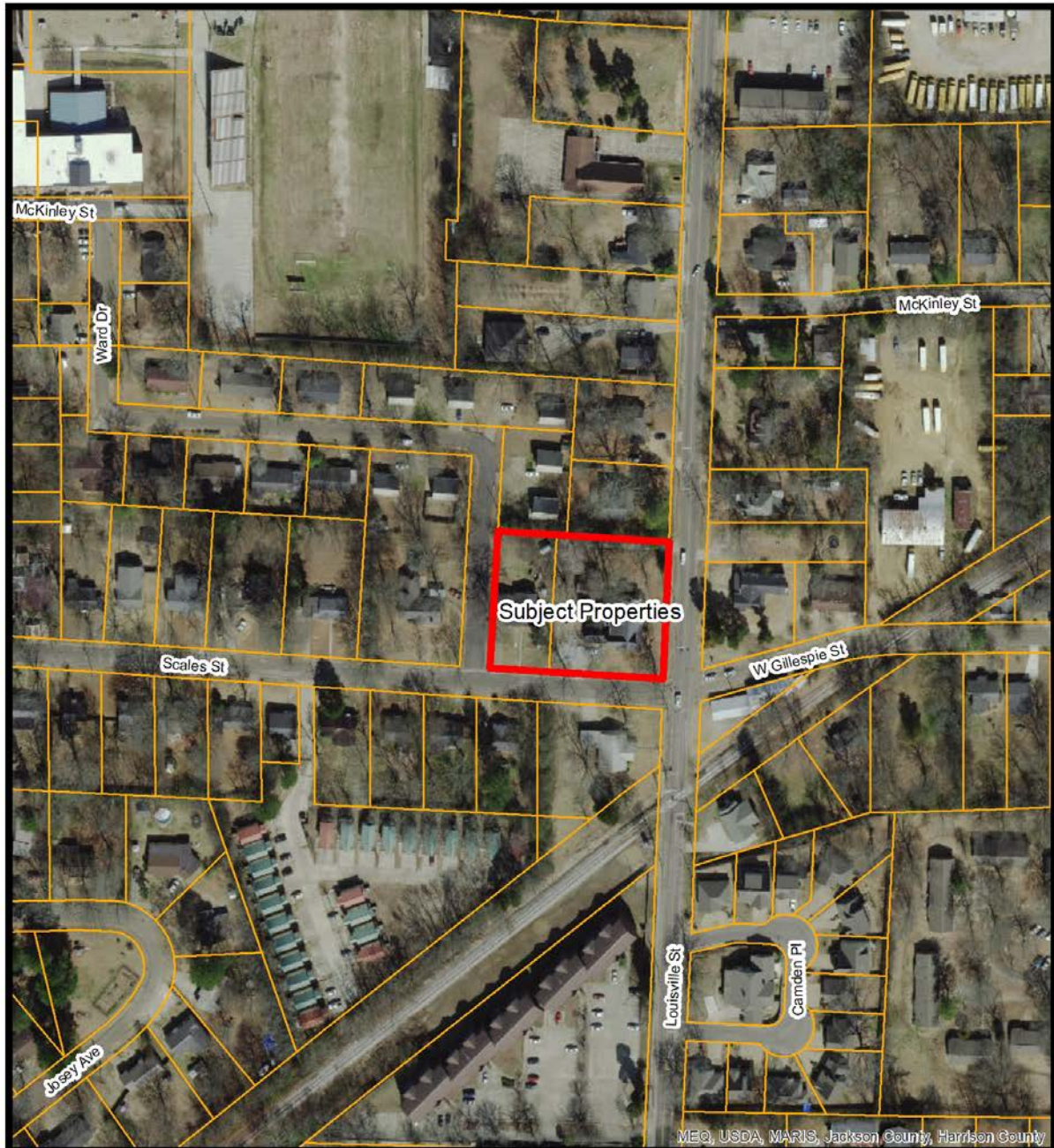
1. **Land use compatibility.** The proposed use as a "dwelling, 2-family" could be considered a compatible use with adjacent properties. The property is currently zoned R-2. The 2016 Comprehensive plan has the areas placetype listed as traditional neighborhood- existing
2. **Sufficient site size and adequate site specifications to accommodate the proposed use.** The site is adequately sized to accommodate the proposed use.

3. **Proper use of mitigative techniques.** The developer is proposing to place the parking in the rear of the building to minimize the impact to the neighborhood.
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 the City and State and will be required to seek a Certificate of Occupancy prior to the occupancy of any structure built on the site.

Requested 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.
2. The applicant shall obtain a Certificate of Occupancy prior to the occupation of any dwelling 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.

Attachment 1
CU 18-04 Aerial



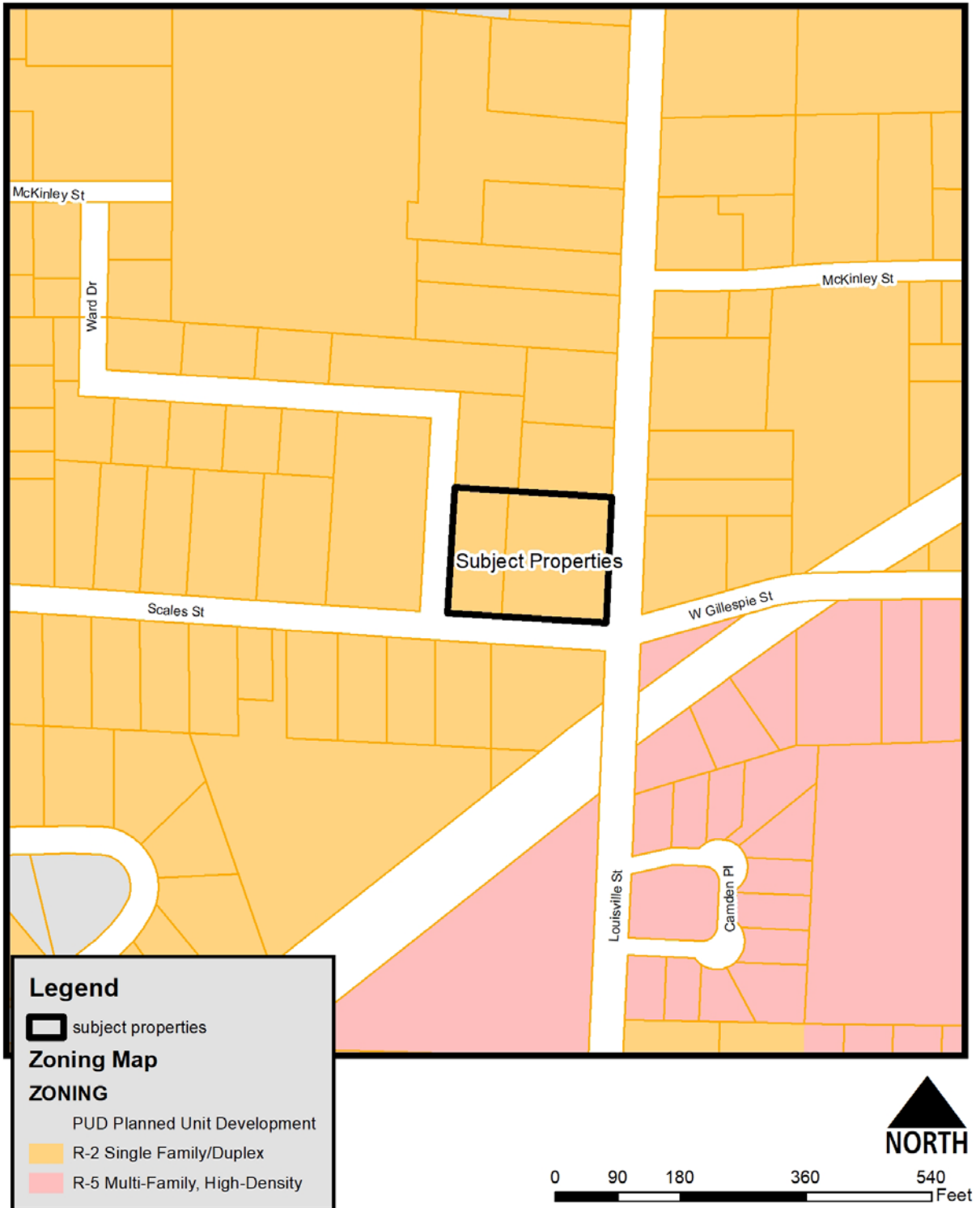
Legend

 subject properties

0 90 180 360 540
Feet



Attachment 2
CU 18-04 Zoning



Site plan showing five lots (LOT 1 to LOT 5) with dimensions and street names. LOT 1 is 10.00' wide. LOT 2 is 15.00' wide. LOT 3 is 10.00' wide. LOT 4 is 10.00' wide. LOT 5 is 10.00' wide. The plan also shows a 'PREVIOUS STRUCTURE' on LOT 3, a 'WARD DRIVE' (10.23' wide), and 'LOUISVILLE STREET' and 'SCALES STREET'.

Attachment 4- Letter Against

Starkville Central Neighborhood Foundation

Encouraging people to live, work & play in Starkville's historic neighborhoods.

October 25, 2018

City of Starkville Planning and Zoning Commission
110 W. Main Street
Starkville, MS 39759

Dear Starkville Planning and Zoning Commission Members,

The Starkville Central Neighborhood Foundation (SCNF) is a membership-based organization that was founded in 2004 and promotes, supports, and engages in the improvement and preservation of Starkville's traditional neighborhoods. Specifically, the SCNF is concerned with the historic homes and neighborhoods of central Starkville, including the Greensboro, Overstreet, Downtown, and Nash Street National Register Districts.

On behalf of the SCNF Board of Directors (Board), I am writing to express our thoughts and concerns regarding the proposed Conditional Use and Variance requests associated with the parcels located at 314 Louisville Street and 300 Scales Street (CU 18-04 and VA 18-10, respectively). The SCNF feels that it is extremely important that new development in our traditional neighborhoods add to the fabric and character of the existing neighborhoods and not detract from the area. On Monday, October 22, 2018, members of the SCNF Board had the opportunity to meet with representatives from Fowler Construction and city staff to discuss the potential development project. At that meeting, a copy of the site plan for the proposed development project was provided (*see the attached site plan*).

Unfortunately, based on the proposed site plan provided at that meeting, we are currently unable to support the conditional use and variance request because of the scale/density of the proposed development and the subsequent issues this density creates. (*For a more detailed explanation of our concerns regarding the proposed site plan, see the attached email sent to Fowler construction on 10.24.18 following our meeting*). To be clear, as an organization, the SCNF is not opposed to duplexes on this site, however we are opposed to the number of duplexes proposed in the attached site plan.

As an organization we believe that the central neighborhoods contribute to Starkville's charm and are vital to the long-term success of our community. As such, it is critical to ensure that infill development in our central neighborhoods occur in such a manner as to promote and enhance the character of the area. With that in mind, we would like to offer the following seven conditions that would help create a site plan that is more appropriate for the site and the neighborhood.

1. A maximum of **three** buildings may be constructed on the overall site.
2. All buildings shall have a minimum setback of 25 feet and a maximum setback of 40 feet in keeping with the typical setbacks of the surrounding neighborhood.
3. All duplex buildings must face the most appropriate roadway (Louisville Street, Scales Street, or Ward Drive) and provide a major access point into the residence from the roadway.
4. All buildings facades shall follow the guidelines outlined in the Standards for Starkville's Historic District manual and include appropriate features (which could include windows, entrances, balconies, etc.) to ensure they mimic the pattern of the neighborhood.



Starkville Central Neighborhood Foundation

Encouraging people to live, work & play in Starkville's historic neighborhoods.

5. All parking areas shall be located at the rear of the buildings and visibility from the roadways shall be minimized and screened whenever possible.
6. A minimum of 25% of the existing mature canopy trees (DBH: 16"+) shall be preserved and adequately protected during the construction process.
7. All utility equipment (A/C units, water meters, etc.) shall be located out of view from the major roadways.

We respectfully ask that as you consider the Conditional Use request for this site that you incorporate the conditions and concerns outlined above to ensure that we do not allow a development pattern and style that is out of context for the area.

Thank you for your consideration regarding this extremely important matter.

Respectfully,



Joseph N. Fratesi
President



Attachment 5- Post Meeting Response Against

3ma - Louisville / Scales Street Development

10/24/18, 2:54 PM



Starkville Central Neighborhood Foundation <historicstarkville@gmail.com>

Louisville / Scales Street Development

1 message

Starkville Central Neighborhood Foundation <historicstarkville@gmail.com>

Wed, Oct 24, 2018 at 9:05 AM

To: brent@fowlerconstruction.net

Cc: d.havelin@cityofstarkville.org, e.corban@cityofstarkville.org, l.spruill@cityofstarkville.org, jeremy@sig.msstate.edu, joefratesi@gmail.com

Brent-

On behalf of the Starkville Central Neighborhood Foundation (SCNF), I want to thank you for taking the time to meet with Jeremy and me regarding the proposed development at the corner of Louisville and Scales Street. We appreciate you taking the time to explain your concept for the proposed development.

We also appreciate you providing us with a copy of your preliminary concept plans for the development. We were pleased to see that there were several aspects of the concept plan that we are supportive of. It is critical to us that infill development front the major streets like the surrounding properties, which has been considered in the early renditions of your plan. The architectural style of the buildings should also mimic the general eras present in the existing neighborhood, which based on our conversation, you intend to follow.

Many of the early design concepts are leading toward something that the neighborhood could support. However, after having time to review the concept plan and reflect upon our meeting, there remain several concerns that prevent the SCNF from supporting the current design concept. Most of the concerns are related to the extreme density proposed and the subsequent issues created by that density.

- **Density.** The proposed plan is just too intensive/dense for this site and much greater than the surrounding area. For nearly 130 years only 1-2 structures occupied this property. The current proposal has a density which is much more intensive than anything in the neighborhood with 5 structures housing approximately 30 residents. This is a drastic increase in density for the site and the neighborhood. This level of intensity is out of context for the surrounding properties which are composed mostly of single-family detached housing. To be clear, we do not oppose duplexes on the site, however, we are opposed to the number of duplexes proposed.
- **Scale.** Subdividing 2 parcels into 5 in an effort to allow higher density development creates a concept that is completely out of scale for the historic neighborhood. Developing 5 two-story buildings with large parking lots will resemble an apartment complex similar to what the neighborhood feared with the initial R-5 zoning request. An infill development in the middle of a historic single-family neighborhood should not give the appearance of a housing complex.
- **Setbacks.** We have concerns with the proposed variances to the building setback requirements. While we appreciate your desire to front the buildings on Louisville and Scales Street and to locate the parking in the rear of the buildings (which is where the parking needs to be), decreasing the building setback to 10' would be completely out of character with all existing buildings along Louisville and Scales Street. The average setbacks for buildings along Louisville and Gillespie/Scales is 35 feet. The current site plan shows the buildings with a much closer setback and having buildings of the proposed size located this close to the right of way would be extremely out of context for the area.
- **Parking.** Developing 5 structures housing 30 residents generates a significant parking need for the site. Attempting to build a parking lot large enough to accommodate 30 automobiles on a property that likely accommodated less than 6 is also extremely out of context for the neighborhood. For reference, a 30-space

parking lot is larger than what is currently available in the Starkville Library parking lot and the shopping center that houses Deep South Pout and Rooney's Barber Shop. We are very supportive of the fact that the parking areas need to be located along the rear or center of the property away from the street, but the scale of the parking is too large for the area.

- **Tree Removal.** While we understand that the future development of this particular site with anything other than single family residential use will require the loss of some of the mature vegetation, the proposed site plan would result in the removal of all mature vegetation on site. Identifying a development style and layout that would allow for the retention of some of the existing mature trees would help to maintain the historic and residential character of the site and be more fitting of the name "The Oaks" as you mentioned.

It is extremely important that the new development at the corner of Louisville and Scales Street adds to the fabric of the existing neighborhood rather than detracts from the area. Several factors will help ensure that the development contributes to the neighborhood. These factors include building setbacks, building form, scale, parking, architectural style, and landscaping. The easiest method for ensuring that these factors mimic the existing pattern is to simply copy the surrounding patterns, which the current site plan fails to do.

Unfortunately, due to the scale/density of development you are proposing for this particular site, we have major concerns and are unable to support the proposed development as currently designed. A decrease in density from 5 buildings to 2-3 buildings, internal parking areas, utility equipment (A/C units, water meters, etc.) located out of view, and buildings with a setback and scale similar to the surrounding homes would create a site plan appropriate for our neighborhood. It is our hope that the conceptual site plan is modified so that it is more appropriate for the site and the neighborhood.

If you have any questions about our concerns, please feel free to contact either Jeremy or myself.

Joe Fratesi, SCNF President – joefratesi@gmail.com

Jeremy Murdock, SCNF Vice-President – jeremy@sig.msstate.edu



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: PP 18-14 Request for Preliminary Plat approval for subdividing and reconfiguring several lots into 2 lots at 113 and 103 Hwy 12 West, 720 South Jackson Street, and 15, 17, and 19 Canal Street in a R-3/C-2 zone with the parcel number 102H-00-019.00, 102H-00-020.00, 102H-00-020.01, 102H-00-020.02, 102H-00-025.00, 102H-00-024.00, 102H-00-023.00, 102H-00-022.00, and 102H-00-021.00.
Date: November 13, 2018

The purpose of this report is to provide information regarding the request by Jason Pepper on behalf of 4-J I LP and Joel Josey for Preliminary Plat approval for subdividing and reconfiguring several lots into 2 lots. The total land acreage is +/- 1.84-acres. Proposed Lot 1 is shown as having an acreage of +/- 0.74 and Lot 2 is shown as having an acreage of +/- 1.1. The proposed subdivision is named "Jax Corner". The proposed subdivision is located in R-3 and C-2 zones. The subject properties are located at 113 and 103 Hwy 12 West, 720 South Jackson Street, and 15, 17, and 19 Canal Street. The applicant is also applying for a rezoning request from R-3 to C-2 for part of the subject properties based on error in the zoning map. Please see attachments 1-4.

Below is information pertaining to R-3 residential and C-2 business (general business) zoning district regulations.

Sec. E. - R-3 residential zoning regulations.

These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 districts:]

1. *See chart for permitted uses.*
2. *See chart for uses which may be permitted as a special exception.*
3. *Required lot area and width, yards, building areas and height for residences:*
 - (a) *Minimum lot area, one-family dwelling: 5,000 square feet.*
 - (b) *Minimum lot area, duplex dwelling: 7,000 square feet.*
 - (c) *Minimum lot area, triplex dwelling: 9,000 square feet.*
 - (d) *Minimum lot area, fourplex dwelling: 11,000 square feet.*
 - (e) *Minimum lot width at the building line:*

One-family dwelling: 50 feet.

Duplex, triplex or fourplex: 70 feet.

- (f) Minimum depth of front yard: 25 feet.*
 - (g) Minimum depth of rear yard: 20 feet.*
 - (h) Minimum width of each side yard: Five feet.*
 - (i) Maximum height of structure: 45 feet.*
4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

- 1. *See chart for uses permitted.*
- 2. *See chart for uses which may be permitted as an exception.*
- 3. *Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.*
- 4. *Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
- 5. *Maximum height of building or structures: 45 feet.*
- 6. *Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
- 7. *Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*
- 8. *All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) *The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) *The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-*

architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.

- c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
- 9. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2014-4, 9-16-14)

PLAT PROPOSAL:

General Information

The subdivision has a gross acreage of +/- 1.84 acres with a total of 2 lots. The applicant will be required to submit infrastructure plans to the Development Review Committee upon approval of the Preliminary Plat.

Easements and Dedications

All easements are provided on the Preliminary Plat. The Applicant shall meet the requirements of the electrical service provider, Starkville Utilities. The Applicant shall meet the requirements of the potable water and sanitary sewer utility services provider.

Findings and Comments

The preliminary plat is a Class "B" survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended. The applicant shall provide documentation if the subject area is part of a previously platted subdivision. If it is a part of a previously platted subdivision, the applicant shall provide names of the persons to be adversely affected thereby or directly interested therein and provide written proof from each party agreeing to the alteration.

REQUESTED CONDITIONS:

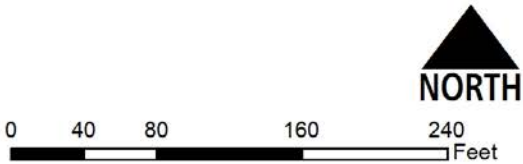
1. The preliminary plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The preliminary plat shall meet the minimum requirements for C-2 zone dimensions.
3. Approval of the preliminary plat shall be tentative, pending the submission of the final plat, as specified in Appendix B, Article IV, Section 3 of the City of Starkville's Code of Ordinances.
4. Approval of the preliminary plat shall be valid for one year, per Appendix B, Article III, Section 2(6)(b) of the City of Starkville's Code of Ordinances.
5. A final plat review and approval shall be required prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.

Attachment 1
PP 18-14- Aerial

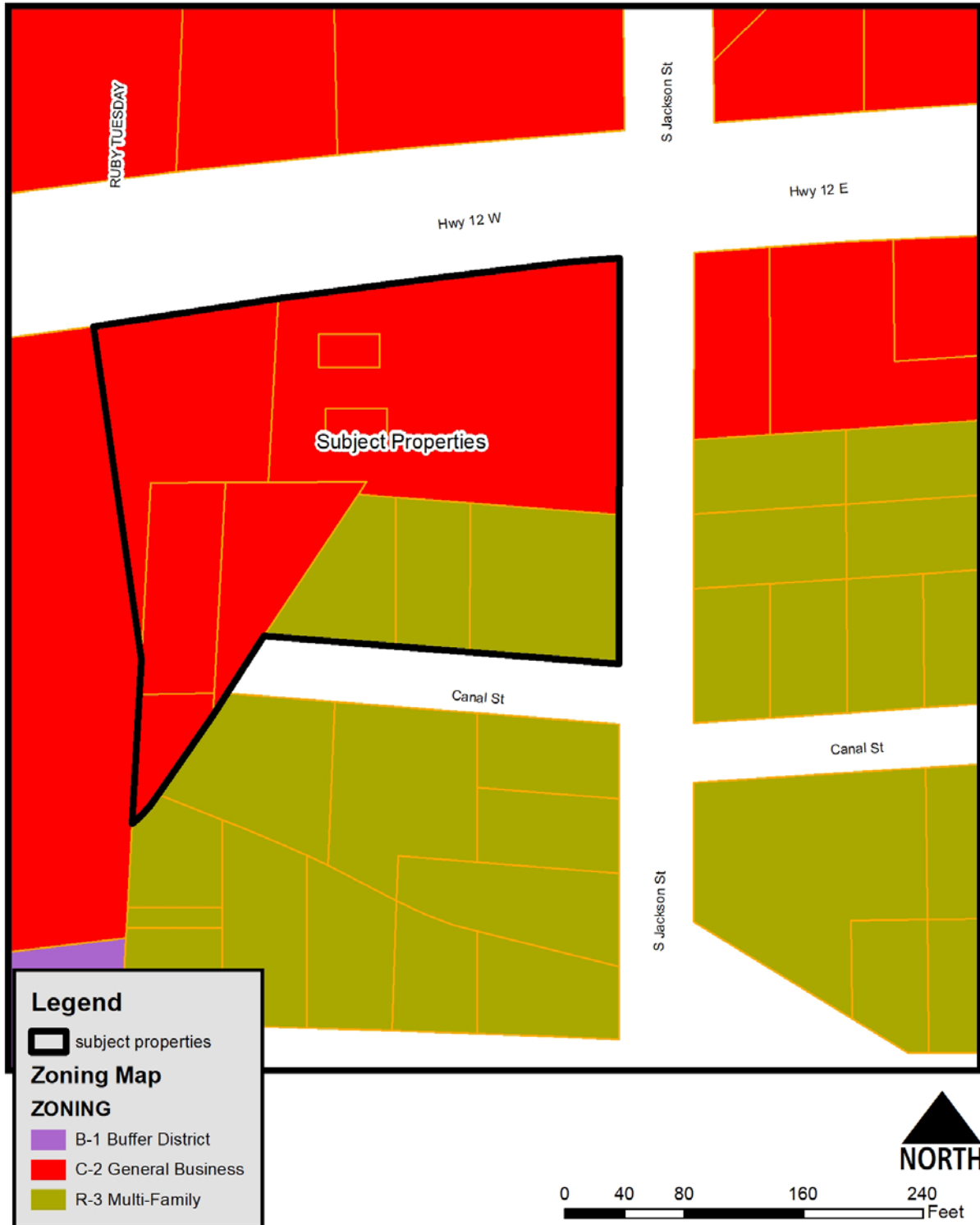


Legend

 subject properties



Attachment 2
PP 18-14- Zoning



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[illegible]



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
 CITY HALL, 110 WEST MAIN STREET
 STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
 Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: RZ 18-10 Request to Rezone 3 parcels lot located north side of Canal Street from R-3 to C-2 with the parcel numbers 102H-00-023.00, 102H-00-022.00, and 102H-00-021.00
Date: November 13, 2018

The purpose of this report is to provide information regarding the request by Jason Pepper on behalf of 4-J I LP to rezone 3 parcels located on the north side of Canal Street from R-3 to C-2 with the property #102H-00-023.00, 102H-00-022.00, and 102H-00-021.00. Please see attachments 1-3.

BACKGROUND INFORMATION:

The applicant is seeking to rezone from R-3 to C-2 based on a manifest error in the ordinance and a public need to correct the error. The applicant is also proposing to subdivide the property.

Zoning Change Subject Property				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
102H-00-023.00	C-2	R-3	R-3	x
102H-00-022.00				
102H-00-021.00				
Zoning Change Adjacent Properties				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
North	C-2	C-2	C-2	C-2
East	R-3	R-3	R-3	R-3
South	R-3	R-3	R-3	R-3
West	C-2	C-2	C-2	C-2
Zoning and land uses adjacent to the subject property				
Direction	Zoning	Current Use		
North	C-2	Commercial- Restaurant		
East	R-3	Residential- Single Family		
South	R-3	Residential- Single Family		
West	C-2	Residential- Vacant		

NOTIFICATION:

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 October 15, 2018 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call requesting information.

REZONING REQUEST:

The subject property rezoning request is from R-3 Multi-family to C-2 General Business. The differences between zones are:

Current Zoning District:***Sec. E. - R-3 residential zoning regulations.***

These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 districts:]

1. *See chart for permitted uses.*
2. *See chart for uses which may be permitted as a special exception.*
3. *Required lot area and width, yards, building areas and height for residences:*
 - (a) *Minimum lot area, one-family dwelling: 5,000 square feet.*
 - (b) *Minimum lot area, duplex dwelling: 7,000 square feet.*
 - (c) *Minimum lot area, triplex dwelling: 9,000 square feet.*
 - (d) *Minimum lot area, fourplex dwelling: 11,000 square feet.*
 - (e) *Minimum lot width at the building line:*
 - One-family dwelling: 50 feet.*
 - Duplex, triplex or fourplex: 70 feet.*
 - (f) *Minimum depth of front yard: 25 feet.*
 - (g) *Minimum depth of rear yard: 20 feet.*
 - (h) *Minimum width of each side yard: Five feet.*
 - (i) *Maximum height of structure: 45 feet.*
4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

Proposed Zoning District:

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. *Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.*
4. *Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
5. *Maximum height of building or structures: 45 feet.*
6. *Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
7. *Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*
8. *All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) *The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) *The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
 - c) *The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
9. *All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a*

period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

(Ord. No. 2014-4, 9-16-14)

Permitted and Conditional Uses:

R-3

The following uses are permitted by right in the R-2 zoning district:

1. Dwelling, live/work
2. Dwelling, single family, detached
3. Dwelling, 3 & 4-family
4. Dwelling, 2-family
5. Parks & Recreation, Passive

The following uses are allowed by conditional use in the R-2 zoning district:

1. Accessory Dwelling unit
2. Bed & Breakfast Inn
3. Manufactured Home
4. Personal Care/Group Home
5. Community Services
6. Family Child Care
7. Education Facilities
8. Government Facilities
9. Parks & Recreation, Active
10. Places of Worship
11. Public Spaces

C-2

The following uses are permitted by right in the C-2 zoning district:

1. Accessory dwelling unit
2. Assisted Living Facility
3. Bed & Breakfast Inn
4. Boarding/Rooming House
5. Dormitory
6. Personal Care/Group Home
7. Child Care
8. Government Facilities
9. Institutional and Health Care Facilities
10. Parks & Recreation, Active
11. Parks & Recreation, Passive
12. Public Spaces
13. Transportation
14. Utilities
15. Business Offices
16. Conference/Convention Center
17. Eating & Drinking Establishments

18. Funeral Home
19. General Retail & Services
20. Personal Services
21. Recreation and Entertainment, Indoor
22. Vehicular Sales & Service
23. Visitor Accommodations & Services
24. Trades & Skilled Services
25. Warehousing & Distribution
26. Wholesale Services

The following uses are allowed by conditional use in the C-2 zoning district:

1. Dwelling, live/work
2. Dwelling, single family, detached
3. Dwelling, multi-family
4. Dwelling, 3 & 4-family
5. Dwelling, 2-family
6. Fraternity/Sorority House
7. Manufactured Home
8. Community Services
9. Education Facilities
10. Places of Worship
11. Wireless Communication Towers
12. Car Title Loan, Payday Advance or Loan Business
13. Parking Lots & Garages
14. Recreation and Entertainment, Outdoor
15. Manufacturing, light
16. Farm Support

STATE REZONING CRITERIA

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. **Error:** There is a Manifest Error in the ordinance and a Public Need to correct the error:
 - The applicant states that there is an apparent error in the map with the change in zoning between the 1960s-1970s Map and 1982-1991 Map.
2. **Change in conditions:** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

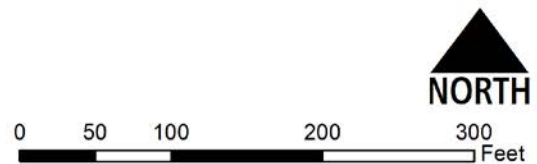
There have been six Rezoning with a ½ mile of the subject properties since 2013.

- Garden Properties LLC (Bentbrook Subdivision) - Rezoned from R-1 to R-3a in December of 2013
- The Cottages at Starkville Station- Rezoned from R-5 to R-4a in April of 2014
- Sonic Restaurant- R-3 to B-1 in April of 2014
- CAW Properties LLC (former site of mobile home park south of Starkville High School)- Rezoned from R-6 to R-5 in December of 2014
- 712 South Montgomery Street- Rezoned from R-1 to R-3 in July 2015
- 300 Yellow Jacket Drive- Rezoned from R-1 to R-3a in August of 2018

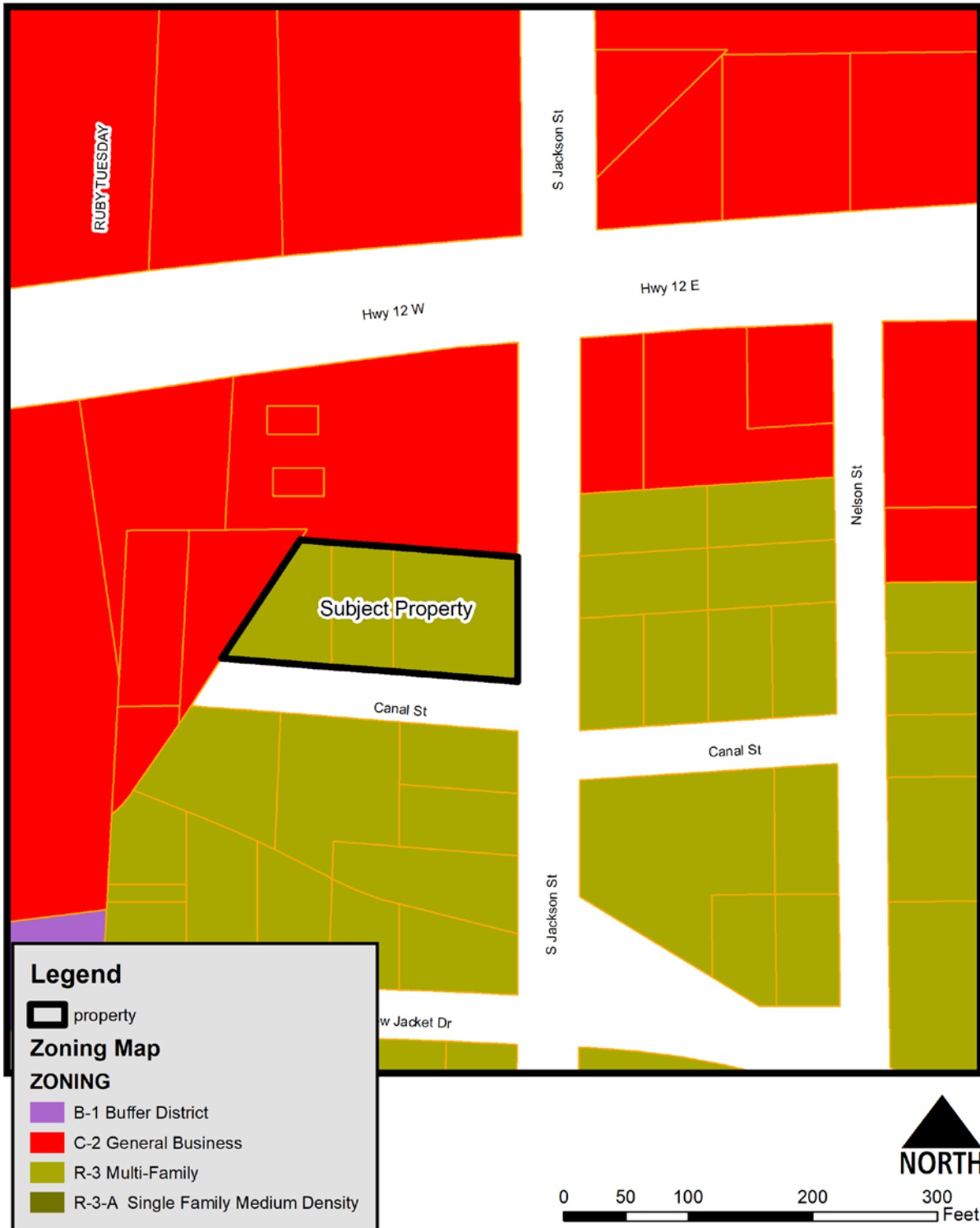
Consistency with Comprehensive Plan: The proposed rezoning would generally be consistent with the goals, objectives and policies found in the City's Comprehensive Plan. The 2016 Comprehensive Plan list the placetype as Suburban Corridor.

Land Use Compatibility: The proposed rezoning would be consistent and compatible with some of the adjacent land. The land use to the north is commercial. The proposed lot subdivision would add the subject properties to the properties to the north.

Attachment 1
RZ 18-10 Aerial



Attachment 2
RZ 18-10 Zoning



THE PLAN

PLACE TYPES: SUBURBAN AREAS

CORRIDORS

Suburban Corridors

Locations

Segments of Hwy. 12, Old Hwy. 25, Hwy. 182, and Stark Rd.

Spatial Form

Linear along primary roads

Land Uses

Primarily commercial, particularly retail and dining with drive-thru windows, as well as office and multi-family housing

Density / Intensity

Moderate density / intensity

Development Form

Auto-oriented form with low-rise buildings fronting parking lots, but softened with generous landscaping

Street Types

Boulevards and Avenues

