APPROVED MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION CITY OF STARKVILLE, MISSISSIPPI NOVEMBER 13, 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 November 13, 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, Jason Camp, Ward 1, Carl Smith Jr., Ward 2, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Absent from the meeting was Tom Walker, Ward 3. 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 November 13, 2018 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF MONDAY, November 13, 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. 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. PLANNER'S REPORT

IX. ADJOURN

After discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Gregory, the motion to approve the official agenda as amended of the Planning and Zoning Commission for November 13, 2018 received unanimous approval.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF October 9, 2018

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Camp, the motion to approve the Minutes as amended of October 9, 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 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

This is a request for a reduction in the amount of required fenestration on the first floor of a commercial building in a T-district. The property is located at 621 University Drive in a T-6 District. The applicant is requesting to reduce the requirement from 70% to 51% to allow the building to blend in with the adjacent buildings. 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 calls regarding the request.

No exception shall be approved unless the Planning and Zoning Commission finds the approval would: be consistent with 1.2 Intent and 1.3 Transect Districts ordinance and be consistent with the goals, objectives, and policies of the 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.

The Commissioner opened up the public hearing.

The applicant, Robert Camp, came forward to speak in support 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 Dumas, duly seconded by Commissioner Gregory, the motion to approve EX 18-06 was approved unanimously.

B. CONSIDERATION OF 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

This is a 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" and is located in an R-4A zone. The proposed subdivision is located on the 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.
The proposed development has a gross density of 3.5 units per acre. The covenants have been sent to the City Attorney for review. 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 placed 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.

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

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Verdell, the motion to approve FP 18-13 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 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.

C. CONSIDERATION OF 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

This is 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. 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. 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 an email addressed to the developer against the request following a meeting with representative of the Starkville Central Neighborhood Foundation and the developer (Attachment 5).

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.

The Commissioner opened up the public hearing.

Jason Pepper, representing the applicant, came forward to speak in favor of the request.

Joe Fratesi, representing Starkville Central Neighborhood Foundation, came forward to speak against the request.

Jeremy Murdock came forward to speak against the request.

George Dunn 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 Dumas, duly seconded by Commissioner Camp, the motion to table CU 18-04 until the December 11, 2018 Planning and Zoning meeting was approved unanimously.

D. CONSIDERATION OF 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.

This is a 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 proposed subdivision is named “Jax Corner” and is located in a C-2/R-3 zone.
The subject properties are located at 113 and 103 Hwy 12 West, 720 South Jackson Street, and 15, 17, and 19 Canal Street. In addition to this request, the applicant is also seeking to rezone three of the parcels and a variance from the sidewalk requirements for proposed lot 2.

All easements are provided on the 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.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Smith, the motion to approve PP 18-14 was approved unanimously with the following 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.

E. CONSIDERATION OF 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

The purpose of this report is to provide information regarding the request by Jason Pepper on behalf of 4-J I LP to rezone three parcels on the north side of Canal Street from R-3 to C-2. 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 two phone call requesting information.

A rezoning can only take place if one of the following conditions prevail: Error in the map or Change in Condition with Public Need.
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.
There have also been six rezonings within ½ miles of the subject property 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

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

The Commissioner opened up the public hearing.

Brendan Madison Anderson came forward to speak against the request.
Varissa Curly came forward to speak against the request.
Tyron Stallings came forward to ask 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 Dumas, duly seconded by Commissioner Camp, the motion to approve RZ 18-10 based on error in the map was approved unanimously with the following conditions:

1. That landscape buffer requirements be applied.

PLANNER REPORT

VIII. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on December 11, 2018, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Dumas, duly seconded by Commissioner Smith, the motion to adjourn until 5:30 p.m. on December 11, 2018 in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

_____

Mike Brooks, Commission Chair

_____

Daniel Havelin, City Planner