

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI APRIL 09, 2019**

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville met at their regularly scheduled meeting on April 9, 2019 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Michael Brooks, Chairman, Ward 4, Jason Camp, Ward 1, Carl Smith Jr., Ward 2, Tom Walker, Ward 3, and Alexis Gregory, Ward 5. Absent from the meeting was Jeremiah Dumas, Ward 6 and 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

Commissioner Brooks announced to the Commission that there was a request by the applicant for EX 19-01 to have his case moved to the first item under new business due to a family matter. There came for consideration the matter of the approval of the motion to approve the Official Agenda of the Planning and Zoning Commission of April 09, 2019 as amended.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, APRIL 09, 2019
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 MARCH 12, 2019
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
 - A. RZ 19-03- REQUEST BY CARPENTER COURT 2019, LP TO REZONE ONE PARCEL FROM C-1 BUSINESS AND R-5 RESIDENTIAL TO R-5 RESIDENTIAL LOCATED AT THE SOUTHEAST CORNER OF THE

INTERSECTION OF LOUISVILLE STREET AND SAND ROAD WITH THE
PARCEL NUMBER 105B-00-001.05

VIII. NEW BUSINESS

- A. EX 19-01 REQUEST FOR AN EXCEPTION FROM BAND SIGN REQUIREMENTS FOR PROPERTY LOCATED AT 114 EAST MAIN STREET IN A T-6 DISTRICT WITH THE PARCEL NUMBER 118P-00-311.00.
- B. CU 19-03 REQUEST FOR CONDITIONAL USE TO ALLOW FOR RESIDENTIAL DWELLING UNITS AS PART OF A PROPOSED MIXED USE DEVELOPMENT LOCATED APPROXIMATELY 1700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE NORTHSIDE OF LYNN LANE IN A C-2 ZONING DISTRICT WITH THE PARCEL NUMBER 201I-00-013.00.
- C. CU 19-04 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A BED AND BREAKFAST INN TO BE LOCATED WITHIN AN EXISTING HOME AT 607 OLD WEST POINT ROAD IN A R-E ZONE WITH THE PARCEL NUMBER 117L-00-001.00.
- D. CU 19-05 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A MOBILE HOME TO BE LOCATED AT 1605 SAND ROAD IN A R-5 ZONE WITH THE PARCEL NUMBER 105 -16-023.01.
- E. EX 19-02 REQUEST FOR AN EXCEPTION TO ALLOW A NONCONFORMING MONUMENT SIGN TO BE PLACED AT 310 RUSSELL STREET IN A T-5 DISTRICT WITH THE PARCEL NUMBER 101D-00-211.00.
- F. RZ 19-03 REQUEST BY SAPERIOR PATTON TO REZONE ONE PARCEL FROM R-1 SINGLE FAMILY TO R-6 MOBILE HOMES LOCATED +- 250 WEST OF THE INTERSECTION OF ROCKHILL ROAD AND BUTLER ROAD WITH THE PARCEL NUMBER 115 -22-001.00.

IX. PLANNER'S REPORT

X. 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 March 12, 2019 received unanimous approval.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 12, 2019

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Camp, the motion to approve the Minutes as amended of March 12, 2019 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 Old Business.

OLD BUSINESS

A. CONSIDERATION OF RZ 19-02- REQUEST BY CARPENTER COURT 2019, LP TO REZONE ONE PARCEL FROM C-1 BUSINESS AND R-5 RESIDENTIAL TO R-5 RESIDENTIAL LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LOUISVILLE STREET AND SAND ROAD WITH THE PARCEL NUMBER 105B-00-001.05

Assistant City Planner Emily Corban introduced the request by Carpenter Court 2019, LP to rezone one split zoned parcel located at the southeast corner of the intersection of Louisville Street and Sand Road with the parcel number 105B-00-001.05. The applicant is seeking to rezone from C-1 Business and R-5 Residential to R-5 Residential based on a manifest error in the ordinance and a public need to correct the error.

11 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 February 13, 2019 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 inquiring about the request.

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

Within 1 mile of the subject property along Louisville Street and Sand Road, there have been two rezonings since the adoption of the 2013 Zoning Map.

- In March of 2018, 288 Sand Road was rezoned from R-5 to R-6.
- In June of 2018, the property on the west side of Louisville Street south of Academy Road was rezoned from R-4 to C-1.

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 lists the subject property's place type as suburban center. Multi-family is listed as a possible use in the suburban center placetype.

Land Use Compatibility: The proposed rezoning would be consistent and compatible with the adjacent land uses in the vicinity. The subject property is bordered to the east and south by a multi-family development.

The Chairman opened up the public hearing.

- The applicant, Britton Jones, came forward to speak in favor of the request.

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

After discussion and upon the motion of Commissioner Walker, duly seconded by Commissioner Smith, the motion to approve RZ 19-02 due to change and condition and public need was approved unanimously.

NEW BUSINESS

A. EX 19-01 REQUEST FOR AN EXCEPTION FROM BAND SIGN REQUIREMENTS FOR PROPERTY LOCATED AT 114 EAST MAIN STREET IN A T-6 DISTRICT WITH THE PARCEL NUMBER 118P-00-311.00.

This is a request by MSU's Center for Entrepreneurship and Outreach for an exception from band sign requirements for 114 East Main Street in a T-6 zoning district. The applicant is seeking an exception to allow for larger type band sign than allowed in a T-6 zoning district.

52 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 March 13, 2019 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 about the request.

No Exception shall be approved unless the Planning and Zoning Commission finds the approval would: Be consistent with

- i. § 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.

The comprehensive plan does not address signage specifically in the placetype designation of this property. The placetype is Urban Core. This sign type has not been allowed since the rezoning of the property to T-6 District in 2012.

The Chairman opened up the public hearing.

The applicant, Jeffery Rupp, came forward to speak in favor of the request.

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

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Walker, the motion to approve EX 19-01 was approved unanimously.

B. CU 19-03 REQUEST FOR CONDITIONAL USE TO ALLOW FOR RESIDENTIAL DWELLING UNITS AS PART OF A PROPOSED MIXED-USE DEVELOPMENT LOCATED APPROXIMATELY 1700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE NORTHSIDE OF LYNN LANE IN A C-2 ZONING DISTRICT WITH THE PARCEL NUMBER 2011-00-013.00.

This is a Conditional Use Request by 4/J ILP to allow for the use of “dwelling, multi-family” in a proposed mixed-use development located approximately 1700' west of the intersection of Lynn Lane and South Montgomery on the northside of Lynn Lane in a C-2 zone. The applicant is proposing to place a mixed-use building on the property. The building is proposed to have commercial units downstairs and 4 residential units upstairs. In a future phase, another residential building may be placed on the property and/or a third story may be added for an additional 4 residential units for a total of 8 residential units.

The property is zoned C-2 and in order to construct a “dwelling, multi-family”, a conditional use is required per the City of Starkville's Permitted and Conditional Use Chart.

11 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

March 8, 2019 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.

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, multi-family" could be considered a compatible use with adjacent properties. The property is currently zoned C-2 General Commercial. The 2016 Comprehensive plan has the areas placetype listed as Suburban Corridor. Multi-family housing is a listed land use for Suburban Corridor.

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. None proposed

4. Hazardous waste. No hazardous waste or materials would be generated, used or stored at the site

5. Compliance with applicable laws and ordinances. The applicant is responsible for obtaining all the property permitting required by City and State

One requested condition:

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.

The Chairman opened up the public hearing.

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

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

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Smith, the motion to approve CU 19-03 was approved unanimously with one recommended condition:

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.

**C. CU 19-04 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A
BED AND BREAKFAST INN TO BE LOCATED WITHIN AN
EXISTING HOME AT 607 OLD WEST POINT ROAD IN A R-E
ZONE WITH THE PARCEL NUMBER 117L-00-001.00.**

This is a Conditional Use request by Lee and Jennifer Carson to allow for a bed and breakfast inn to be located within an existing home at 607 Old West Point Road in a R-E zone. The applicant is proposing to operate a bed and breakfast at the property. The property is zoned R-E and in order to construct a "Bed and Breakfast Inn", a conditional use is required per the City of Starkville's Permitted and Conditional Use Chart.

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 March 9, 2019 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 calls requesting information.

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 Bed and Breakfast Inn could be considered a compatible use with adjacent properties. The property is currently zoned R-E. The 2016 Comprehensive plan has the area's placetype listed as suburban single family.
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. None proposed
4. Hazardous waste. No hazardous waste or materials would be generated, used or stored at the site
5. Compliance with applicable laws and ordinances. The applicant is responsible for obtaining all the property permitting required by City and State

One requested condition:

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.

The Chairman opened up the public hearing.

- The applicants, Lee and Jennifer Carson, came forward to speak in favor of the request.
- Bert Montgomery came forward to express his concerns regarding the request.
- David Cross came forward to express his concerns regarding the request.

- Chris Vickers came forward to express his concerns regarding the request.
- Frances McDavid came forward to express her concerns regarding the request.
- A letter against the request written by Risa Bruner was submitted at the table for the record.

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

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner Gregory, the motion to approve CU 19-04 was approved unanimously.

**D. CU 19-05 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A
MOBILE HOME TO BE LOCATED AT 1605 SAND ROAD IN A R-
5 ZONE WITH THE PARCEL NUMBER 105 -16-023.01**

This is a Conditional Use request by Diane Jordan to allow for a mobile home to be located at 1605 Sand Road in a R-5 zone. The applicant is proposing to place a mobile home on the subject property. The property is zoned R-5 and in order to place a “mobile home”, a Conditional Use is required per the City of Starkville’s Permitted and Conditional Use Chart.

5 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 March 21, 2019 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 about the request.

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 “mobile home” could be considered a compatible use with adjacent properties. The property is currently zoned R-5. The 2016 Comprehensive plan has the areas placetype listed as traditional neighborhood new.
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. None proposed
4. Hazardous waste. No hazardous waste or materials would be generated, used or stored at the site
5. Compliance with applicable laws and ordinances. The applicant is responsible for obtaining all the property permitting required by City and State.

The Chairman opened up the public hearing.

- The applicant, Diane Jordan, came forward to speak in favor the request.

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

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Gregory, the motion to approve CU 19-05 was approved unanimously.

**E. EX 19-02 REQUEST FOR AN EXCEPTION TO ALLOW A
NONCONFORMING MONUMENT SIGN TO BE PLACED AT 310
RUSSELL STREET IN A T-5 DISTRICT WITH THE PARCEL
NUMBER 101D-00-211.00.**

This is a request by Richard Myers and Mitch Stripling for an exception to allow a nonconforming monument sign to be placed at 310 Russell Street in a T-5 District. The applicant is proposing to place an internally lit monument type sign with digital letters. T-5 districts do not allow for site signage, internally lit signage, or digital message boards. An exception from the type, the lighting, and use of a message board is required for approval. Table 8 shows the available sign types for a T-5 district. 11 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 March 19, 2019 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 about the request.

No Exception shall be approved unless the Planning and Zoning Commission finds the approval would: Be consistent with

- iii. § 1.2 Intent and 1.3 Transect Districts of this Section,
- iv. and be consistent with the goals, objectives and policies of the City of Starkville's Comprehensive Plan.

The comprehensive plan does not address signage specifically in the placetype designation of this property. The placetype is Urban Core. This sign type has not been allowed since the rezoning of the property to T-5 District in 2012.

The Chairman opened up the public hearing.

The applicant Mitch Stripling came forward to speak in favor of the request.
Kirk Christie came forward to speak in favor of the request.

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

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Walker, the motion to approve EX 19-02 was approved unanimously.

F. RZ 19-03 REQUEST BY SAPERIOR PATTON TO REZONE ONE PARCEL FROM R-1 SINGLE FAMILY TO R-6 MOBILE HOMES LOCATED +/- 250 WEST OF THE INTERSECTION OF ROCKHILL ROAD AND BUTLER ROAD WITH THE PARCEL NUMBER 115 - 22-001.00.

This is a request by Superior Patton seeking to rezone one parcel from R-1 single family to R-6 mobile homes located +/- 250 west of the intersection of Rockhill Road and Butler Road. The applicant is seeking to rezone from R-1 to R-6 based on change in condition with public need.

10 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 March 18, 2019 and a sign was posted on the property concurrent with publication of the notice. As of this date, one letter against the request was hand delivered to the Planning Department on April 4, 2019 with the signatures of three property owners in the area.

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:

Error: There is no apparent error.

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.

Since 2012 there has been one rezoning along Rockhill Road north of Highway 82 (+/- 0.7 miles).

- August 2012 1646 Rockhill Road was rezoned R-1 to R-M based on error

Consistency with Comprehensive Plan: The 2016 Comprehensive Plan has the area listed as an Optional District. The Optional District list out four uses for the place type: Commercial Option, Industrial Option, Traditional Neighborhood Development Option, and Conservation Subdivision Development Option. The zoning classification of R-6 does not have any permitted uses other than single family detached dwelling that fit into any of the use types for Optional District.

Land Use Compatibility: The proposed rezoning could be considered consistent and compatible the adjacent land uses in the vicinity. There are three mobile homes located directly to the south of the property and one single family home to the east.

The Chairman opened up the public hearing.

- The applicant Saperior Patton came forward to speak in favor of the request.
- May Bell came forward to speak against the request.

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

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Gregory, the motion to approve RZ 19-05 based on change in condition and public need was approved unanimously with one condition.

1. Only one mobile home will be allowed on the property.

PLANNERS REPORT

City planner Daniel Havelin introduced the new community development director Dr. Simon Kim to the planning commission.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on May 14, 2019, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Camp, duly seconded by Commissioner Gregory, the motion to adjourn until 5:30 p.m. on May 14, 2019 in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner