



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, NOVEMBER 12, 2019
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 THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF AUGUST 13, 2019
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES OF OCTOBER 08, 2019
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. FP 19-10 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING A 3.9-ACRE PARCEL INTO 28 LOTS LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BENT BROOK LANE AND YELLOW JACKET DRIVE IN AN R-3A ZONE WITH THE PARCEL NUMBER 102H-00-043.00.
 - B. CU 19-10 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A MOBILE HOME TO BE LOCATED ON THE WEST SIDE OF SAND ROAD +/-0.44 MILES SOUTH OF LOUISVILLE STREET IN A R-5 ZONE WITH THE PARCEL NUMBER 105-16-002.01.
 - C. CU 19-09 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A DUPLEX AT 222 YEATES STREET IN A R-2 ZONE WITH THE PARCEL NUMBER 102B-00-033.00.
 - D. PUBLIC HEARING FOR UNIFIED DEVELOPMENT CODE
 - E. PUBLIC HEARING FOR SHORT-TERM RESIDENTIAL USE REGULATIONS
- VIII. PLANNER'S REPORT
- IX. ADJOURN

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI AUGUST 13, 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 August 13, 2019 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Jason Camp, Ward 1, Carl Smith Jr., Ward 2, Lee Harris, Ward 3, Michael Brooks, Chairman, Ward 4, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Dr. Simon Kim, and City Attorney Chris Latimer.

Chairman Mike 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 August 13, 2019 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, AUGUST 13, 2019
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 THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF JULY 9, 2019
- VI. CITIZEN COMMENTS

VII. NEW BUSINESS

- A. CU 19-07 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A RESIDENTIAL USE ON A C-2 COMMERCIAL ZONED PROPERTY LOCATED APPROXIMATELY 700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE SOUTHSIDE OF LYNN LANE WITH THE PARCEL NUMBER 102I-00-002.01
- B. PP 19-06 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR SUBDIVIDING +/- 0.43 ACRE PARCEL INTO 2 LOTS AT 507 WHITFIELD STREET IN A R-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102B-00-150.00
- C. PP 19-07 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR SUBDIVIDING +/- 0.39 ACRE PARCEL INTO 2 LOTS AT 401 SCALES STREET IN A R-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102B-00-150.00
- D. PP 19-08 AND FP 19-07 REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR SUBDIVIDING A +/- 3.81 ACRE PARCEL INTO 2 LOTS AT 313 INDUSTRIAL PARK ROAD IN AN M-1 ZONING DISTRICT WITH THE PARCEL NUMBER 102N-00-004.00

VIII. PLANNER'S REPORT

IX. ADJOURN

After discussion and upon the motion of Commissioner Verdell, duly seconded by Commissioner Harris, the motion to approve the official agenda of the Planning and Zoning Commission for August 13, 2019 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
JULY 09, 2019**

After discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Dumas, the motion to approve the Minutes as amended of July 9, 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 New Business.

NEW BUSINESS

A. CU 19-07 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A RESIDENTIAL USE ON A C-2 COMMERCIAL ZONED PROPERTY LOCATED APPROXIMATELY 700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE SOUTHSIDE OF LYNN LANE WITH THE PARCEL NUMBER 102I-00-002.01

City Planner Daniel Havelin introduced the request by Slade Kraker to allow for a residential use on a C-2 commercial zoned property directly to the west of Maison Deville. The applicant is proposing 8 single family style residential dwelling units. In order to construct a "dwelling single family detached", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart.

The applicant is proposing to construct a cottage court style development on the property. This style of development consists of multiple single-family homes constructed on one parcel. The homes would be platted as a condominium development to allow for each house to be under separate ownership. Common areas would be under the control of the condominium association.

19 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 July 17, 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 calls regarding this request.

The Chairman opened the public hearing.

Slade Kraker, the applicant, and Jason Pepper came forward to speak in favor of the request.

George Barry came forward to express his concerns about the request.

Jay Logan came forward to express his concerns about the request.

Calling for and hearing no other comments, the chairman closed the public hearing.

Commissioner Dumas asked for assistance from the City Attorney in drafting a proposed condition to address some of the citizens' concerns. Attorney Latimer requested a 5-minute recess to draft up a condition.

After the five-minute recess, Chairman Brooks called the meeting back to session and the city attorney read the proposed condition:

The Development Review Committee shall examine the site plan to ensure proper use of mitigative techniques are used to eliminate adverse impacts to neighboring property owners as much as practically feasible.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Verdell, the motion to approve CU 19-07 was approved with the following recommended 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 development shall be limited to a maximum of 8 single family dwelling units.
3. The Development Review Committee shall examine the site plan to ensure proper use of mitigative techniques are used to eliminate adverse impacts to neighboring property owners as much as practically feasible.

B. PP 19-03 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR SUBDIVIDING A +/-20.75 PARCEL INTO 79 LOTS ON THE WEST SIDE OF SOUTH MONTGOMERY ST.+/-330FT SOUTH OF THE INTERSECTION WITH LYNN LANE DIRECTLY SOUTH OF THE MAISON DE VILLE SUBDIVISION IN A R-3A ZONING DISTRICT WITH THE PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00.

City Planner Daniel Havelin introduced the request by Jason Pepper on behalf of Crabtree Properties for Preliminary Plat approval for subdividing a +/- 0.43-acre parcel into 2 lots. The proposed subdivision is named "507 Whitfield Street" and is located in an R-2 zoning district at 507 Whitfield Street. The plat proposal has been reviewed by the Development Review Committee and requested changes were made to the plat. The newly created lot (Lot 2) would be addressed and front McKee Street.

The subdivision has a gross acreage of +/- 0.43 acres with a total of 2 lots. The proposed development has a gross density of 4.65 units per acre. The applicant will submit infrastructure plans to the Development Review Committee upon approval of Preliminary Plat. All easements are provided on the Preliminary Plat. All proposed sidewalks are shown on the plat. There are 9 requested conditions.

After discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Dumas, the motion to approve PP 19-06 was approved with the following recommended 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 R-2 zoning district 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. Applicant shall prepare and submit infrastructure plans in accordance with Appendix B, Article III, Sections 3 & 4 of the City of Starkville's Code of Ordinances
6. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate City staff prior to the commencement of any construction activities at the site.
7. All public utilities shall be in place and any non-conforming conditions noted during final inspection shall be corrected prior to placement on the Planning & Zoning Commission agenda.
8. When a final plat is submitted for review by the City's Development Review Committee, all required improvements must be complete and 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 professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications and the City's ordinances.
9. 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.

**C. PP 19-07 REQUEST FOR PRELIMINARY PLAT APPROVAL FOR
SUBDIVIDING +/- 0.39 ACRE PARCEL INTO 2 LOTS AT 401 SCALES STREET
IN A R-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102B-00-150.00**

City Planner Daniel Havelin introduced the request by Jason Pepper on behalf of Crabtree Properties for Preliminary Plat approval for subdividing a +/- 0.39-acre parcel into 2 lots. The proposed subdivision is named "401 Scales Street" and is located in an R-2 zoning district at 401 Scales Street.

The plat proposal has been reviewed by the Development Review Committee and requested changes were made to the plat. The newly created lot (Lot 1) would be addressed and front Scales Street. The subdivision has a gross acreage of +/- 0.39 acres with a total of 2 lots. The proposed development has a gross density of 5.12 units per acre. The applicant will submit infrastructure plans to the Development Review Committee upon approval of Preliminary Plat. All easements are provided on the Preliminary Plat. All proposed sidewalks are shown on the plat. There are 9 recommended conditions.

After discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Dumas, the motion to approve PP 19-07 was approved with the following recommended 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 R-2 zoning district 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. Applicant shall prepare and submit infrastructure plans in accordance with Appendix B, Article III, Sections 3 & 4 of the City of Starkville's Code of Ordinances
6. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate City staff prior to the commencement of any construction activities at the site.
7. All public utilities shall be in place and any non-conforming conditions noted during final inspection shall be corrected prior to placement on the Planning & Zoning Commission agenda.
8. When a final plat is submitted for review by the City's Development Review Committee, all required improvements must be complete and 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 professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications and the City's ordinances.
9. 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.

D. PP 19-08 AND FP 19-07 REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR SUBDIVIDING A +/- 3.81 ACRE PARCEL INTO 2 LOTS AT 313 INDUSTRIAL PARK ROAD IN AN M-1 ZONING DISTRICT WITH THE PARCEL NUMBER 102N-00-004.00

City Planner Daniel Havelin introduced the request by Willis Owens with Pritchard Engineering on behalf of Heritage Building Corp for Preliminary and Final Plat approval for subdividing a +/-3.81-acre parcel into 2 lots. The proposed subdivision is named "Ms Dept of Rehabilitation Services" and is located in a M-1 zoning district at 313 Industrial Park Road. The subdivision has a gross acreage of +/- 3.81 acres with a total of 2 lots. There are 3 requested conditions.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Smith the motion to approve PP 19-08 was unanimously approved with the following three recommended 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.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Smith the motion to approve FP 19-07 was unanimously approved with the following three recommended 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.
- 4.

PLANNER REPORT

City Planner Daniel Havelin announced to the board that Commissioner Smith is resigning because he is moving to a different ward in the city. City Staff and the Commission thanked Commissioner Smith of Ward 2 for his service to the commission.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on September 10, 2019, 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 Gregory, the motion to adjourn until 5:30 p.m. on September 10, 2019 in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI OCTOBER 8, 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 October 8, 2019 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Jason Camp, Ward 1, Lee Harris, Ward 3, Michael Brooks, Chairman, Ward 4, and Alexis Gregory, Ward 5. Absent from the meeting were Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Attending the Commissioners were City Planner Daniel Havelin, Community Development Director Dr. Simon Kim, and City Attorney Chris Latimer.

Chairman Mike 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 8, 2019 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, OCTOBER 8, 2019
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 THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF AUGUST 13, 2019
- VI. CITIZEN COMMENTS

VII. NEW BUSINESS

- A. FP 19-08 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING 348.81 PARCEL INTO 6 LOTS FOR NORTHSTAR INDUSTRIAL PARK. THE PROPERTY IS LOCATED AT 1629 HWY 389 IN A M-1 ZONE WITH THE PARCEL NUMBER 115-21-007.01, 115-21-007.00, AND 115-21-010.02
- B. FP 19-09 REQUEST FOR FINAL PLAT APPROVAL FOR PHASE I OF THE PORTICO SUBDIVISION ON THE NORTH SIDE OF GARRARD ROAD +/- 660' WEST OF OLD WEST POINT ROAD IN A R-3A ZONING DISTRICT WITH THE PARCEL NUMBER 117C-00-036.01

VIII. PLANNER'S REPORT

- A. PUBLIC HEARING FOR UNIFIED DEVELOPMENT CODE SCHEDULED FOR NOVEMBER 12, 2019

IX. ADJOURN

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Gregory, the motion to approve the official agenda of the Planning and Zoning Commission for October 8, 2019 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
AUGUST 13, 2019**

The minutes were tabled to give staff time to make corrections.

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. FP 19-08 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING 348.81 PARCEL INTO 6 LOTS FOR NORTHSTAR INDUSTRIAL PARK. THE PROPERTY IS LOCATED AT 1629 HWY 389 IN A M-1 ZONE WITH THE PARCEL NUMBER 115-21-007.01, 115-21-007.00, AND 115-21-010.02**

City Planner Daniel Havelin introduced the request for Final Plat by OCEDA for the Northstar Industrial Park. The subdivision consists of approximately 348.81 acres that will be subdivided into 6 lots. The property is located in an M-1 zone.

All easements and dedications are shown on the plat. The road name has been preliminarily approved for use. Electrical service is provided by 4 County Electric. Water and Sewer service is provided by the City of Starkville.

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

Calling for and hearing no other comments, the chairman closed the public hearing.

After discussion and upon the motion of Commissioner Harris, duly seconded by Commissioner Camp, the motion to approve FP 19-08 was approved with the following recommended 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 M-1 zoning 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. 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.
6. 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.
7. 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.
8. Upon acceptance of the Final Plat by the City of Starkville, the requirements of Chapter 98, Article IV, Section 98-83, Paving and Street Construction which requires the developer provide a bond and maintain the public roadways as part of the Subdivision until 85% of the lots have received a certificate of occupancy shall be waived. The City shall accept ownership and maintenance after the final plat is executed

B. FP 19-09 REQUEST FOR FINAL PLAT APPROVAL FOR PHASE I OF THE PORTICO SUBDIVISION ON THE NORTH SIDE OF GARRARD ROAD +/- 660' WEST OF OLD WEST POINT ROAD IN A R-3A ZONING DISTRICT WITH THE PARCEL NUMBER 117C-00-036.01

City Planner Daniel Havelin introduced the request for Final Plat by Crosstown Builders for the "Portico, Phase 1". This request is for Phase I of the subdivision which consists of 18 lots. The property is located in an R-3a zone.

The entire subdivision consists of approximately 11.04 acres with a proposed 51 lots. Phase I is approximately 4.61 acres with 18 lots. The development as a whole has a gross density of 4.62 units per

acre. All easements and dedications are shown on the plat. The road name has been preliminarily approved for use. Electrical, Water, and Sewer service is provided by the City of Starkville.

Trey Poe came forward to speak in favor of the request.

After discussion and upon the motion of Commissioner Camp, duly seconded by Commissioner Harris, the motion to approve FP 19-09 was approved with the following recommended 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-3A zoning 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.
15. The lot size of each lot shall be shown on the final plat.

PLANNER'S REPORT

City Planner Daniel Havelin announced to the board that Commissioner Smith is resigning because he is moving to a different ward in the city. City Staff and the Commission thanked Commissioner Smith of Ward 2 for his service to the commission.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on November 12, 2019, 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 Camp, the motion to adjourn until 5:30 p.m. on November 12, 2019 in 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)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: FP 19-10 Request for Final Plat approval for subdividing a +/- 5.1-acre parcel into 28 lots located at the southeast corner of the intersection of Bent Brook Lane and Yellow Jacket Drive in an R-3A zone with the parcel number 102H-00-043.00.
Date: November 12, 2019

The purpose of this report is to provide information regarding the request by Jay Fowler on behalf of Magnolias at Bent Brook LLC for Final Plat approval for subdividing a +/- 5.1 acre parcel into 28 lots. The proposed subdivision is named "Magnolias at Bent Brook". The proposed subdivision is located in an R-3A zoning district at the southeast corner of the intersection of Bent Brook Lane and Yellow Jacket Drive. On August 7, 2018 the Board of Aldermen rezoned the property from R-1 to R-3A. On September 11, 2018 the Board of Aldermen approved the preliminary plat. Please see attachments 1-6.

Below is information pertaining to R-3A Zoning District

Sec. R. - R-3A single-family, medium-density.

- A. Intent. These districts are intended to be composed of single-family dwellings. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring minimum yard and area standards. R-3A zoning districts shall be more restrictive than the R-3 (multi-family) district but less restrictive than the R-1 (single-family) district.*
- B. Required lot area and width, yards, building areas and height for single-family dwellings:*
 - Front setback: 25 feet*
 - Side setback: 5 feet*
 - Rear setback: 20 feet*
 - Minimum lot area: 5,000 square feet*
 - Minimum width at building line: 50 feet*
 - Maximum building height: 45 feet*
- C. Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.*
- D. Permitted and conditional uses shall be as follows:*
 - 1. The following uses are permitted by right in the R-3A zoning district:*
 - a. Single-family dwelling.*
 - b. Garden.*
 - c. Home occupation.*
 - 2. The following uses are allowed by conditional use in the R-3A 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.*
- E. *Comprehensive plan. The R-3A zoning district shall be considered a medium density residential land use classification allowing a maximum gross density of eight dwelling units per acre, as allowed per Table 32 of the city's comprehensive plan.*

PLAT PROPOSAL:

General Information

The subdivision has a gross acreage of +/- 5.1 acres with a total of 28 lots. The proposed development has a gross density of 5.49 units per acre. Covenants have not been provided to staff at the time of writing this report. Review of the covenants will be required prior to final approval.

Easements and Dedications

All easements and dedications are provided on the final plat except for a possible future sidewalk easement along Yellow Jacket Drive. The private easement south of lot 28 needs to be expanded to 20' to accommodate the full drainage swale and grading. The road will be dedicated to the City. The County has reviewed and approved the proposed road name, Bent Brook Ridge Street. Electrical service will be provided by Starkville Utilities 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.

Findings and Comments

The final 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. This subdivision is not part of any previously platted subdivision, therefore no adversely effected parties.

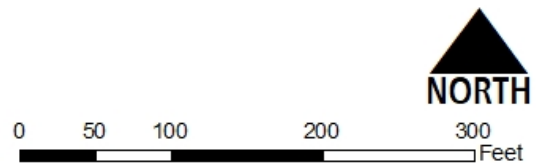
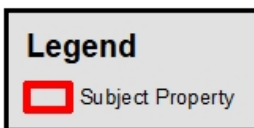
At the time of review of the Final Plat by the Development Review Committee, several items were noted as needing to be addressed prior to finalizing the final plat. The Development Review Committee's comments can be seen in Attachment 6.

REQUESTED CONDITIONS:

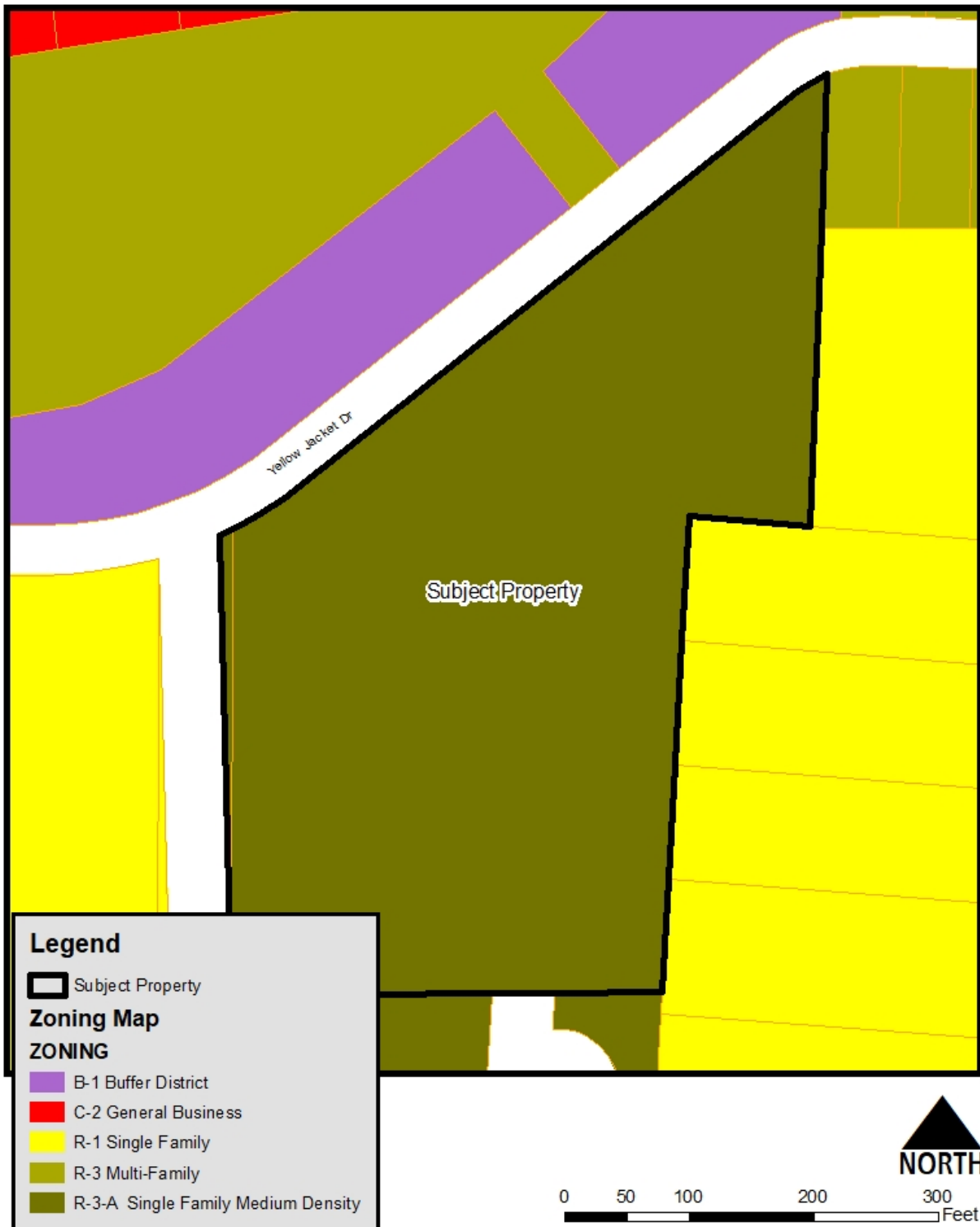
1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-3A zone dimensions.
3. All public utilities are currently in place and meet requirements as verified by the owner and engineer of record.
4. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
5. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities.
6. The covenants shall include provisions for the maintenance of common areas/stormwater management and the City Attorney's standard hold-harmless indemnification clause.

7. 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 final acceptance of the Final Plat.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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 and one (1) copy of the filed plat returned to the City.
14. Before a certificate of occupancy can be issued for any lot, a landscape buffer must be installed on the east side of the subdivision adjacent to pleasant acres per Sec. 112-33. The Type B buffer is required.
15. Before final acceptance occurs, the following site construction items shall be completed:
 - a. Area between the back of curb and the back of the sidewalk should be fully graded to that similar of the proposed sidewalk grade.
 - b. The vertical drop on the south end of Lots 7 & 8 needs to be sloped and stabilized or a wall installed. The construction plans show grading.
 - c. All sidewalks in front of open space and tie ins to the south need to installed. The sidewalks in front of each lot can be bonded until construction on each individual lot is complete.
 - d. All sidewalks along Yellow Jacket Drive need to be completed.
 - e. Keyways will be required at the cul-de-sac at the time of final surface installation.
 - f. The entire site shall be graded and stabilized.
 - g. Crosswalk shall be installed.
 - h. All measures for erosion control shall be installed.
16. Before final acceptance occurs, the following items shall be completed:
 - a. Add area for a notary to sign in the "Certificate of Mortgage Holder" on the Final Plat.
 - b. Add a "Certificate of Engineering Accuracy" to the Final Plat.
 - c. Provide covenants to City Staff for review and acceptance.
 - d. Change the road name, as shown on the Final Plat, for the existing street to "Bent Brook Ridge Street".
 - e. The private drainage easement on the south side of lot 28 needs to be increased to a 20' width.

Attachment1
FP 19-10 Aerial



Attachment 2
FP 19-10 Zoning



Attachment 3
FP 19-10 Aerial with Overlay



Legend

 Subject Property

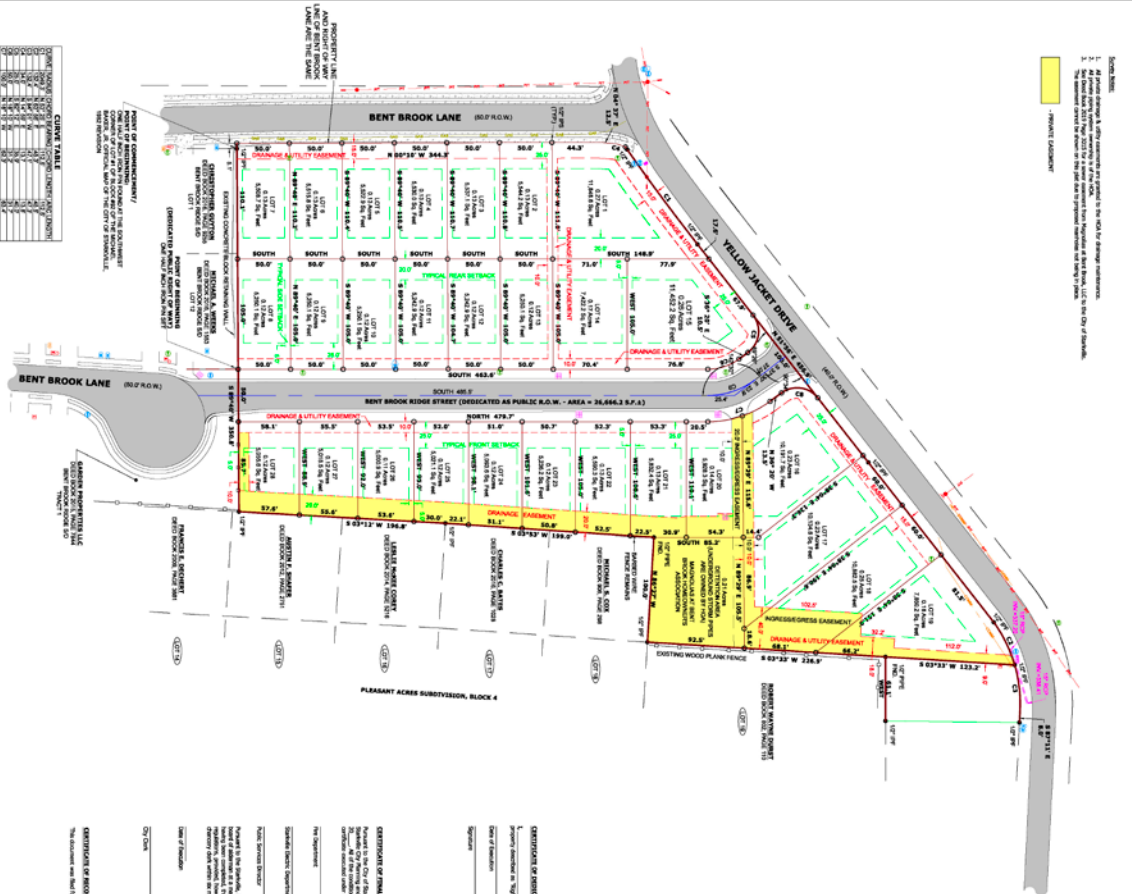


Attachment 4- Final Plat

CLIENT

MAGNOLIAS AT BENT BROOK, LLC

STARKVILLE, MISSISSIPPI



SUCCESS MEASURE:

1. All parties to dispute a controversy shall meet in person, the meeting to be held at the residence of the party who has initiated the dispute.
2. All parties joining online, meeting at the residence of the party who has initiated the dispute, shall be deemed to have agreed to the terms of the dispute resolution process.
3. The statement of the party who has initiated the dispute shall be the basis for the dispute resolution process.

1

MAP LEGEND:



 SANITARY SEWER LINE
 STORM SEWER LINE
 WATER LINE
 OVERHEAD POWER
 UNDERGROUND POWER
 GAS LINE
 UNDERGROUND TELEPHONE
 OVERHEAD POWER & TELEPHONE

100.00'

SPOT ELEVATION
EXISTING CONTOUR
GRAVEL
CONCRETE PAVING
ASPHALT PAVING
HARDWOOD TREE

PRIVATE INLET	MAN HOLE
CLEANOUT	FIRE HYDRANT
UTILITY POLE	WATER VALVE
ELECTRIC SERVICE	WATER METER
GUY ANCHOR	IRON PIN FOUND
AREA LIGHT	IRON PIN SET
PEDESTAL	RIGHT-OF-WAY MARKER
GAS METER	EVERGREEN TREE

[illegible]

By signature of the addressee, kindly indicate the address of the property described as "Right of Way Encroachment" to the City of Danvers, Massachusetts for public use.

City of Danvers _____

Signature: _____

<u>Per Department:</u>	<u>City Engineer</u>
<u>Citywide District Department:</u>	

Date of Installation _____
City/Country _____

1990s Special _____
Meyers, City of Seattle, Washington

Figure 1

Case of Education

James M. Hughes, P.L.S.
No. 123456789012

I hereby certify that I am the author of this work, or one of its authors, and that I have secured the copyright of this engine survey and model.

I request that you register this for me _____ day of _____ 2018.

Steven Lindgren _____ James M. Higgins, P.L.S.

including the use related to activities in the water, and

CHARTER

Name and Title _____ Date _____

1000000

[illegible][illegible][illegible]

EXTENSION OF COMPLETION

I, Shawn Langston, Cheryle Cook, and James W. Rogers, Manufacturer of Largest Sewerage, do hereby certify that we have not received any written notice from the State of Tennessee, Department of Transportation, or any other authority of the State of Tennessee, or any other authority of the State of Tennessee, that we are in violation of the provisions of the Tennessee Code, Title 55, Chapter 1, Part 1, Section 1-101, and that this is an honest statement of the largest sewerage and gas.

I, Shawn Langston, do hereby certify that we have not received any written notice from the State of Tennessee, Department of Transportation, or any other authority of the State of Tennessee, that we are in violation of the provisions of the Tennessee Code, Title 55, Chapter 1, Part 1, Section 1-101, and that this is an honest statement of the largest sewerage and gas.

Witness my hand and seal this _____ day of _____, 2013.

Shawn Langston _____ James W. Rogers, S.E.

CERTIFICATE OF OWNERSHIP

I, the undersigned, do hereby certify that the above copy of the _____ of _____ is a true and correct copy of the original as the same appears on the records of the _____ and is so certified and attested to by me and the undersigned on this _____ day of _____, 19____.

Notary Public and State _____

[illegible]

MAGNOLIAS AT BENT BROOK

STARKVILLE, MISSISSIPPI



Know what's below.
Call before you dig.

*MISSISSIPPI 811 PHONE: 1-800-227-6477

YELLOW JACKET DRIVE
REVISION NUMBER: 0
PROJECT NUMBER: 19-180-C
CONVERGENCE: N/A
FILE NAME: 19-180-FinalPlot
DRAWN BY: PBO/JWP
ONE CALL TICKET: N/A
SHEET: 1 of 1

BEARING BASIS: FOUND MONUMENTS
SWORN CREW MEMBER(S): JASON PEPPER,
CHIP CARLEY & JACE HOBART
SCALE: 1" = 50'
CLASS OF SURVEY: "B"
FIELD DATA COLLECTED: 10/24/2019
DRAWING COMPLETED: 10/24/2019
ALL PINS SET ARE 0.5" DIA. BY 18" LONG REBAR

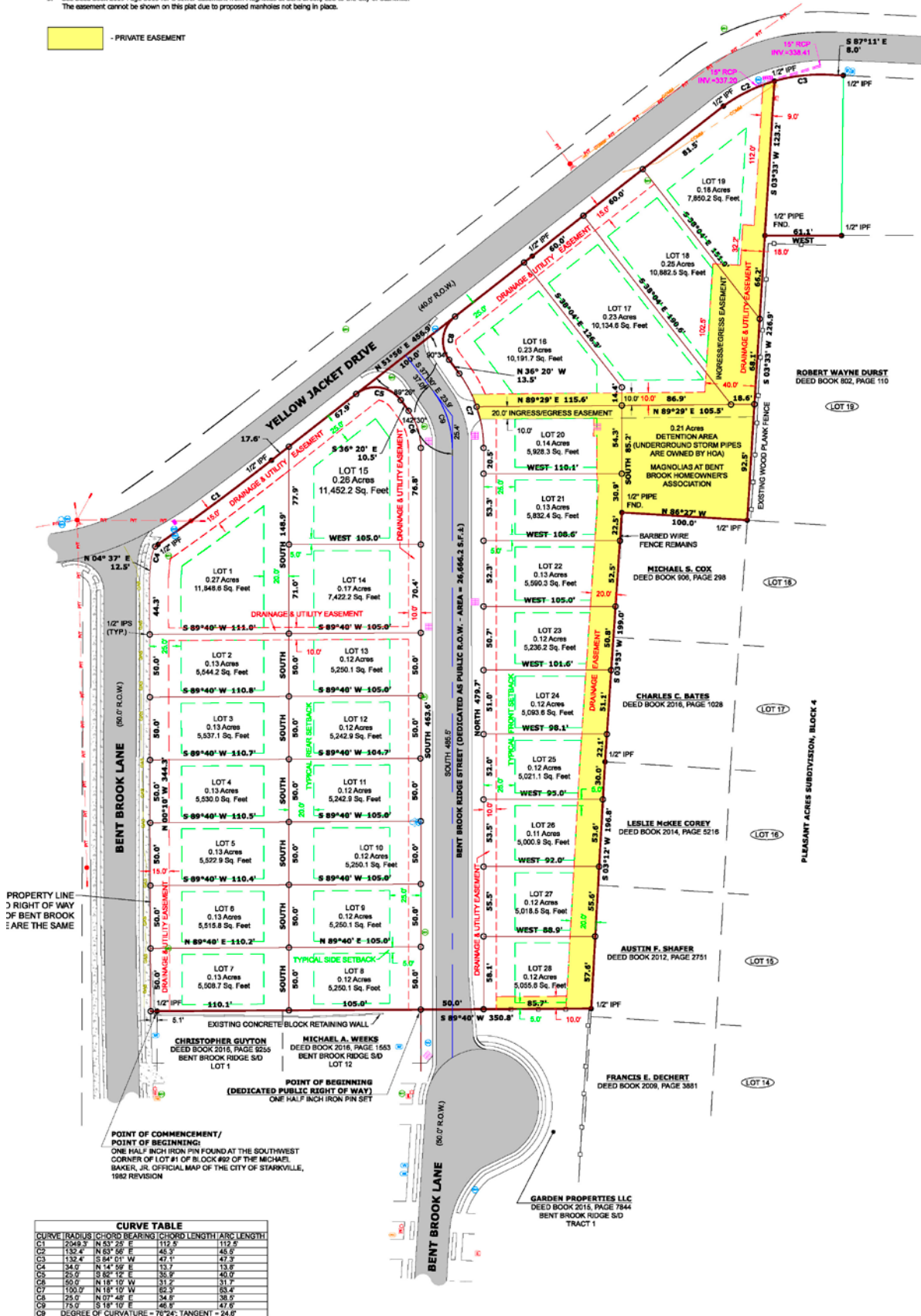


Attachment 5- Enlarged Final Plat

Survey Notes:

1. All private drainage & utility easements are granted to the HOA for drainage maintenance.
2. All private piping system ownership is of the HOA.
3. See Deed Book 2019 Page 2015 for a sewer easement from Magnolias at Bent Brook, LLC to the City of Starville. The easement cannot be shown on this plat due to proposed manholes not being in place.

PRIVATE EASEMENT



Attachment 6- DRC Comments from November 7, 2019



THE CITY OF STARKVILLE DEVELOPMENT REVIEW COMMITTEE

CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

DRC MEMBER COMMENTS

Applicant: Jay Fowler
Case: FP 19-10 Magnolias at Bentbrook
Date: November 7, 2019

The following information is provided to assist you in expediting your plan approval process and is not intended to be a comprehensive list of requirements. These comments are from the Development Review Committee, which represent the various City Departments and area utility providers that are involved in the review of your plans. These comments do not replace any requirements set forth in the City's ordinances.

COMMUNITY DEVELOPMENT

Planning Division

- Daniel Havelin, City Planner: d.havelin@cityofstarkville.org
O: 662.323.2525 ext. 3136
 - Before a certificate of occupancy cannot be issued for any lot until the landscape buffer is installed on the east side of the subdivision adjacent to pleasant acres per Sec. 112-33. A Type B buffer is required.

Development Services Division

- Joyner Williams, Building Official/ ADA Coordinator: jo.williams@cityofstarkville.org
O: 662.323.8012 ext. 3121

Engineering Division

- Edward Kemp, City Engineer: e.kemp@cityofstarkville.org
O: 662.323.2525 ext. 3111

These are items related to the Subdivision improvements and will be required to be repaired/ corrected as part of the final plat.

- It was communicated that there would be a lay-down area for future building sites where there is a current break in the silt fence. A construction entrance meeting city requirements needs to be installed in this location.
- Area between the back of curb and to the back of the sidewalk should be fully graded to that similar of proposed sidewalk grade. There are locations where this has not been done and it needs to be accommodated prior to final plat.
- It will be the developers responsibility to repair all chipped/broken curbs prior to the installation of the final layer of asphalt. This will occur on or around 85% build out. We will discuss this more at DRC.
- There is a vertical drop on the south end of Lots 7 & 8. This needs to be sloped and stabilized or a wall installed. The construction plans show grading. This needs to occur prior to final plat approval.
- GI- 1 is going to be an on-going maintenance issue for the developer and HOA. It is recommended to install something that will not clog as easily such as an open faced inlet. Once this inlet gets clogged, the site does not meet the stormwater ordinance because water flows to the south and may inundate properties or the Bent Brook HOA pond. When a site visit was performed, this inlet was completely covered with debris.
- All sidewalks in front of open space and tie ins to the south need to occur prior to final plat. The sidewalks in front of each lot can be completed with the house

construction. Specifically, the area in front of 243 Bent Brook needs to be completed and stabilized prior to final plat.

7. All sidewalks along Yellowjacket need to be completed prior to final plat. The location of the silt fencing along the roadway has caused a dangerous situation for pedestrians as there is no shoulder and no opportunity for peds to walk other than in the road. The sidewalk needs to be installed along with the roadway ditch graded and stabilized. It is currently full of mud and not fully draining. Silt fence needs to be installed behind new sidewalk per the approved plans.
8. Keyway will be required at the culdesac at the time of final surface installation.
9. Area just north of wooden fence on Lot 28 is not graded per plans. It is approx. a 1:1 slope and will further erode unless sloped appropriately and stabilized.
10. Lots of erosion and reeling occurring in front of Lots 20-23. This area needs to be stabilized.
11. Rear drainage swale in NE corner of Lot 28 is too steep. Need to regrade according to plans and stabilize.
12. Lots of sedimentation in JB-1. Periodic checks will be made throughout lot construction. Owner/developer will be responsible for maintenance and clean out.
13. Need to install crosswalk
14. Small area of Yellowjacket that has been damaged. This needs repair and edge striping replaced.
15. As previously mentioned, there is alot of sediment build up in the drainage ditch along Yellowjacket. This needs to be cleaned out and restabilized. There are areas which will not drain and are holding water due to sedimentation, specifically the west side. Several areas where there is no positive drainage. The upstream areas are contributing to this issue so that obviously needs to be addressed in conjunction with the clean up.
16. Proposed sidewalk as shown on the plans is going to block the drainage and cause an area to pond water. Need a plan of how this will be accommodated prior to construction of the walk.
17. Segmented retaining wall and landscape shelf not installed.
18. We will need certified as-builts per previous email to Developer's attorney
19. We need all test reports as discussed in the pre-con and email correspondence
20. We will need a digital copy of the certified as-builts and final plat after all revisions are made.
21. These items are in addition to those already provided by the City inspector, Mr. Chris Black.

These are the comments related to the Final Plat:

1. There is a curve missing in the description in NW corner of lot 1
2. The ROW should have radii in them at curve in north end of roadway. And at the intersection with Yellow Jacket Drive
3. Differentiate on the plat the difference between public utility and drainage easements and private easements. All easements associated with underground system, rear yard drainage on east side should be private.
4. There should also be a private drainage easement on south side of Lot 28
5. There should be a note on the plat referencing the private easements are granted to the HOA for drainage maintenance. This should be reflected in the covenants also
6. Show on the final plat the "private piping system". Indicate the ownership is of the HOA. This should be reflected in the covenants also
7. Need a copy of covenants. It should reference underground stormwater management, maintenance and ownership. It should reference private easements and private piping system and inlets along with maintenance and ownership. It should reference street signage if there is to be any custom signage.
8. The roadway on the plat references Bent Brook Drive and has the existing street as Bent Brook Lane. Are these supposed to be the same?
9. Need Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, degree of curvature, and all required curve data
10. Need certificate of Engineering Accuracy
11. Need the Surety for non-required sidewalks and final layer of asphalt along with Performance agreement.
12. Need the name of the mortgagee of the property or the fact that there is no mortgagee

CITY SERVICES

Sanitations & Environmental Services Department:

- Calvin Ware: calvin.ware@cityofstarkville.org
O: 662.323.2652

Fire Department:

- Stein McMullen, Fire Marshall: smcmullen@cityofstarkville.org
O: 662.323.1212 ext.12 M: 662.418.3359
- Mark McCurdy, Fire Marshall: mmccurdy@cityofstarkville.org
O: 662.323.1212 ext. 21 M: 662.769.0037

Police Department:

- Mark Ballard, Captain: mballard@cityofstarkville.org
M: 662.769.4404

PUBLIC UTILITIES

Starkville Utilities- Water and Sewer

- Jacob Forrester, Assistant Manager: jforrester@starkvilleutilities.com
M:662.722.0238
- Andrew Nagel: anagel@starkvilleutilities.com
O: 662.323.3133
- Vincent McKenzie, P.E.: vmckenzie@starkvilleutilities.com
O: 662-323-3133 ext. 131

Starkville Utilities- Electric

- Jason Horner, System Engineer: jhorner@starkvilleutilities.com
M: 662.323.3133 ext. 114

4-County Electric

- Greg Lewis: lewisg@4county.org
O: 662.245.0748

PRIVATE UTILITIES

Atmos Energy

- Rita Holley, Project Specialist: rita.holley@atmosenergy.com
O: 601.624.5295

AT&T

- Charles Green, Manager- OSP Planning & Engineering Design: cq1227@att.com
O: 662.329.6215
M: 662.570.8298

Maxxsouth

- Tonya Thompson, Regional General Manager: tonya.thompson@maxxsouth.com
O: 662.816.7831
- Emily Miles, Business Account Executive: emily.miles@maxxsouth.com
O: 662.341.5787



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 19-10 Request for Conditional Use to allow for a mobile home to be placed on property located on the west side of Sand Road +/-0.44 miles south of Louisville Street in a R-5 zone with the parcel number 105-16-002.01.
Date: November 12, 2019

The purpose of this report is to provide information regarding the Conditional Use Request by Robert and Emma Evans on behalf of the Starkville-Oktibbeha County School District to allow for a mobile home to be placed on property located on the west side of Sand Road +/-0.44 miles south of Louisville Street in a R-5 zone with the parcel number 105-16-002.01. Please see attachments 1- 2.

BACKGROUND INFORMATION

The applicant is seeking a Conditional Use to place a mobile home on the subject property. The property is zoned R-5 zone and in order to construct a "Mobile Home", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart.

Scale and intensity of use.

The proposed use is similar to the scale and intensity of use of other properties on the street.

On- or off-site improvement needs.

There are no off-site improvements being proposed.

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-5	vacant
East	R-5	vacant
South	R-5	vacant
West	R-5	vacant

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

The following uses are permitted by right in the R-5 zoning district:

1. Accessory dwelling unit
2. Assisted Living Facility
3. Dwelling, live/work
4. Dwelling, single family, detached
5. Dwelling, multi-family
6. Dwelling, 3-4 family
7. Personal Care/Group Home
8. Family Child Care
9. Parks & Recreation, Passive
10. Business Offices

The following uses are allowed by conditional use in the R-5 zoning district:

1. Bed & Breakfast Inn
2. Boarding/Rooming House
3. Dormitory
4. Dwelling, 2-family
5. Fraternity/Sorority House
6. Manufactured Homes
7. Mobile Homes
8. Community Services
9. Education Facilities
10. Government Facilities
11. Institutional and Health Care Facilities
12. Parks & Recreation, Active
13. Places of Worship
14. Public Spaces
15. Utilities
16. Conference/Convention Center
17. Eating & Drinking Establishments
18. General Retail & Services
19. Parking Lots & Garage
20. Personal Services

NOTIFICATION

3 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 25, 2019 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls regarding this request.

ANALYSIS

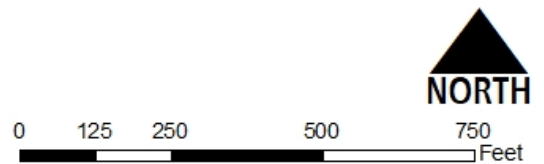
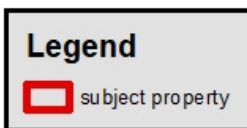
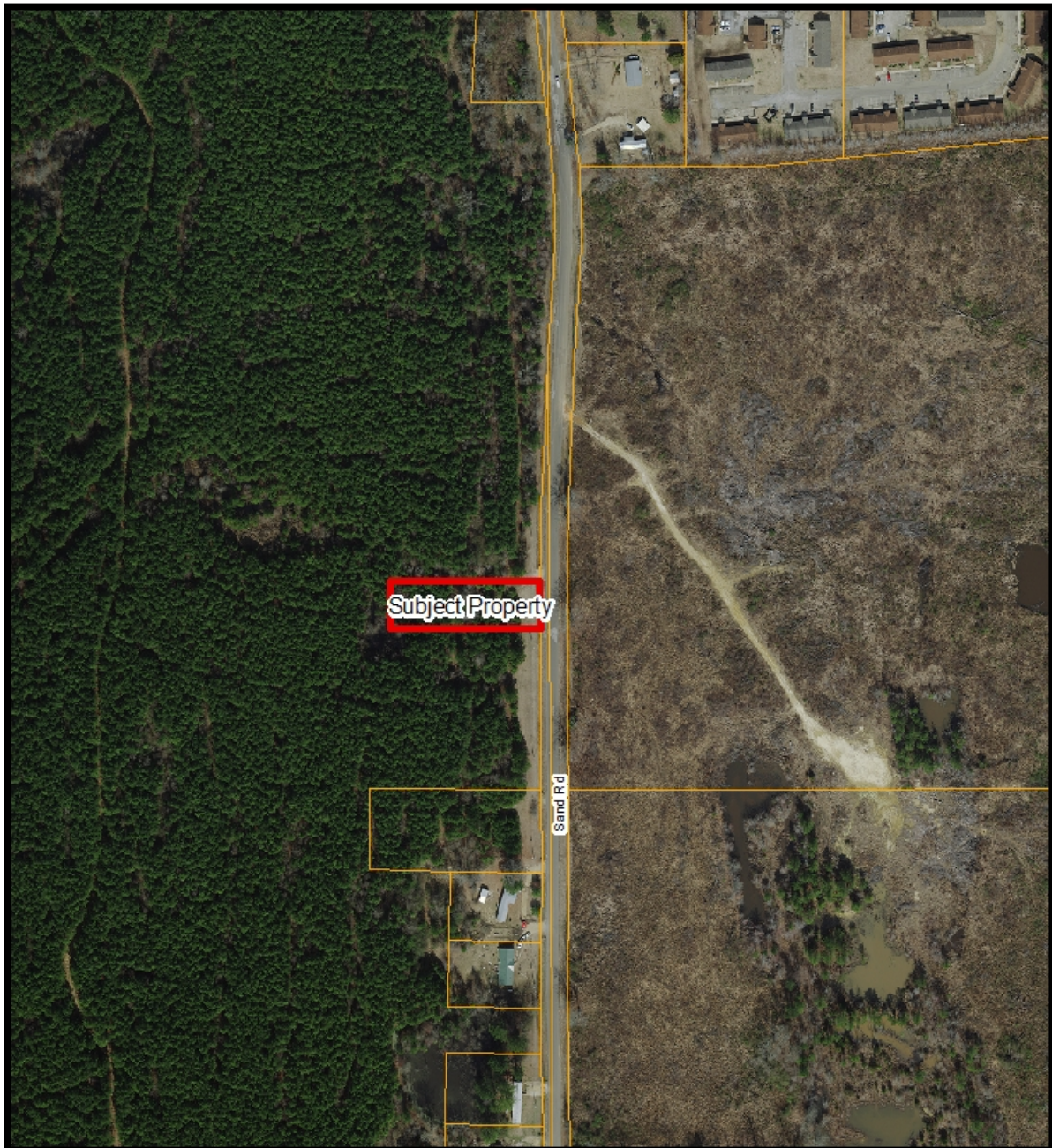
Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

1. **Land use compatibility.** The proposed use as a "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 Rural Neighborhood.
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 and will be required to seek a Certificate of Occupancy prior to the commencement of business operations at the site.

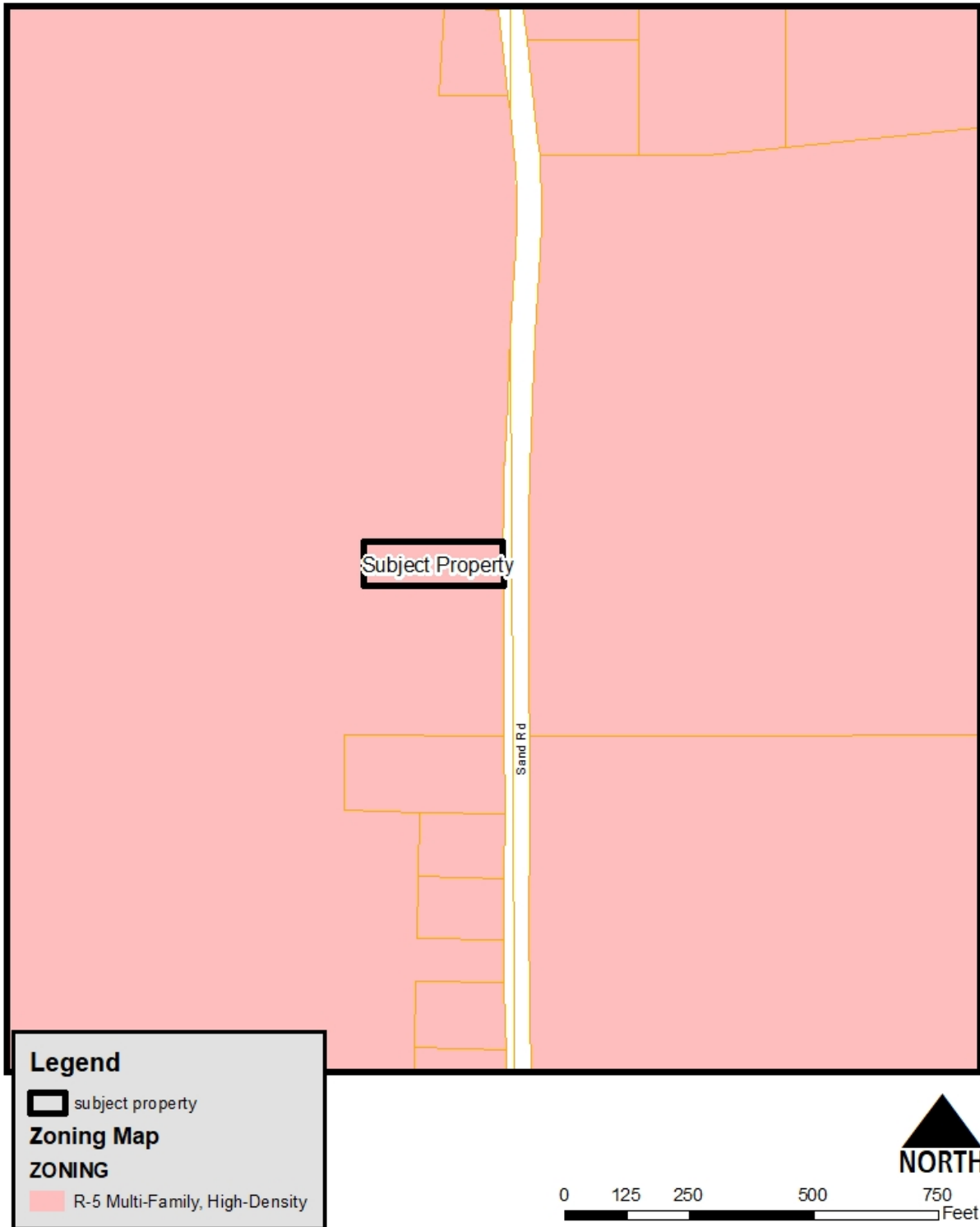
Requested Conditions:

1. The applicant shall have six months from time of Conditional Use approval to begin the permitting process with the City.

Attachment 1
CU 19-10 Aerial



Attachment 2
CU 19-10 Zoning





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 19-09 Request for Conditional Use to allow for a duplex at 222 Yeates Street in a R-2 zone with the parcel number 102B-00-033.00
Date: November 12, 2019

The purpose of this report is to provide information regarding the Conditional Use Request by Glenn Heath for a conditional use to allow for a duplex at 222 Yeates Street in a R-2 zone with the parcel number 102B-00-033.00. Please see attachments 1- 5.

BACKGROUND INFORMATION

The applicant is seeking a Conditional Use to allow for a duplex on the subject property. The property is 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 applicant has already completed work on two additional dwelling units on the property. Dwelling #2 was added on the south side of the existing house in a storage area adjacent to the carport. Dwelling #3 was added as an addition to the rear of existing house. The applicant did not apply for a building permit prior to finishing the construction on dwelling #2. Dwelling #3 was under construction at the time that the Building Department became aware of the project. No inspections by the Building Department have been performed on either dwelling #2 or #3 as required by city ordinance.

Dwelling #2 would be allowed to remain as a conditional use if classified as a “dwelling, 2-family”. Dwelling #3 would not be permitted use. The addition of a third dwelling unit changes the classification to a “3 & 4 family dwelling” which is not allowed in an R-2 Zone. The applicant was informed that one of the dwellings would have to be removed or converted into a non-habitable space as determined by the Building Department. The applicant stated the dwelling #3 would be converted into storage. If conditional use approval is given by the Board of Aldermen, the applicant will need to obtain a building permit and allow for city inspections on the work that has already been completed.

TIMELINE

August 19, 2019:

City Staff received a report that two additional units had been added to a dwelling at 222 Yeates Street without going through the proper approval and permitting processes.

August 20, 2019:

Upon inspection, it was discovered that construction had been done without a building permit, inspections, or approval by the Board of Aldermen. A stop-work order was placed on the subject property. The following work had already been performed:

1. The conversion of the carport storage area into a separate dwelling.
2. The construction of an addition behind the existing structure.

After researching the property, it was discovered by Planning Department the dwelling #2 was already in use. The property was listed as having one bedroom and one bath on www.airbnb.com. The existing house was also listed on www.airbnb.com as having three bedrooms and one bath.

On November 8, 2019 the existing house and dwelling #2 were still listed on www.airbnb.com. The existing house is currently listed as having four bedrooms and two baths. It is suspected that dwelling #3 is now being used as a habitable space without permits or being inspected and was completed while under a stop work order.

Scale and intensity of use.

The applicant has not provided any drawings or plans for the proposed use.

On- or off-site improvement needs.

There are no off-site improvements being proposed. Additional parking is required for the additional bedrooms.

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-unit home
East	C-2	Single-unit home
South	R-2	Single-unit home
West	R-2	Single-unit home

**ALLOWED USES UNDER THE PERMITTED AND CONDITIONAL USECHART
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

26 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 10, 2019 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls about the request.

ANALYSIS

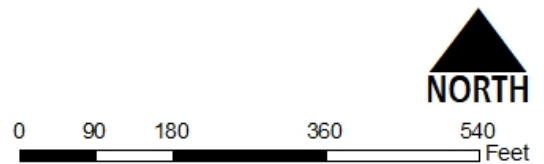
Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

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. There is a multiplex at 204 Yeates St. and an accessory dwelling at 206 Yeates St. 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.** There is not adequate parking to park 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 not currently in compliance with *Chapter 26-Building and Building Regulations* or *Appendix A- Zoning*.

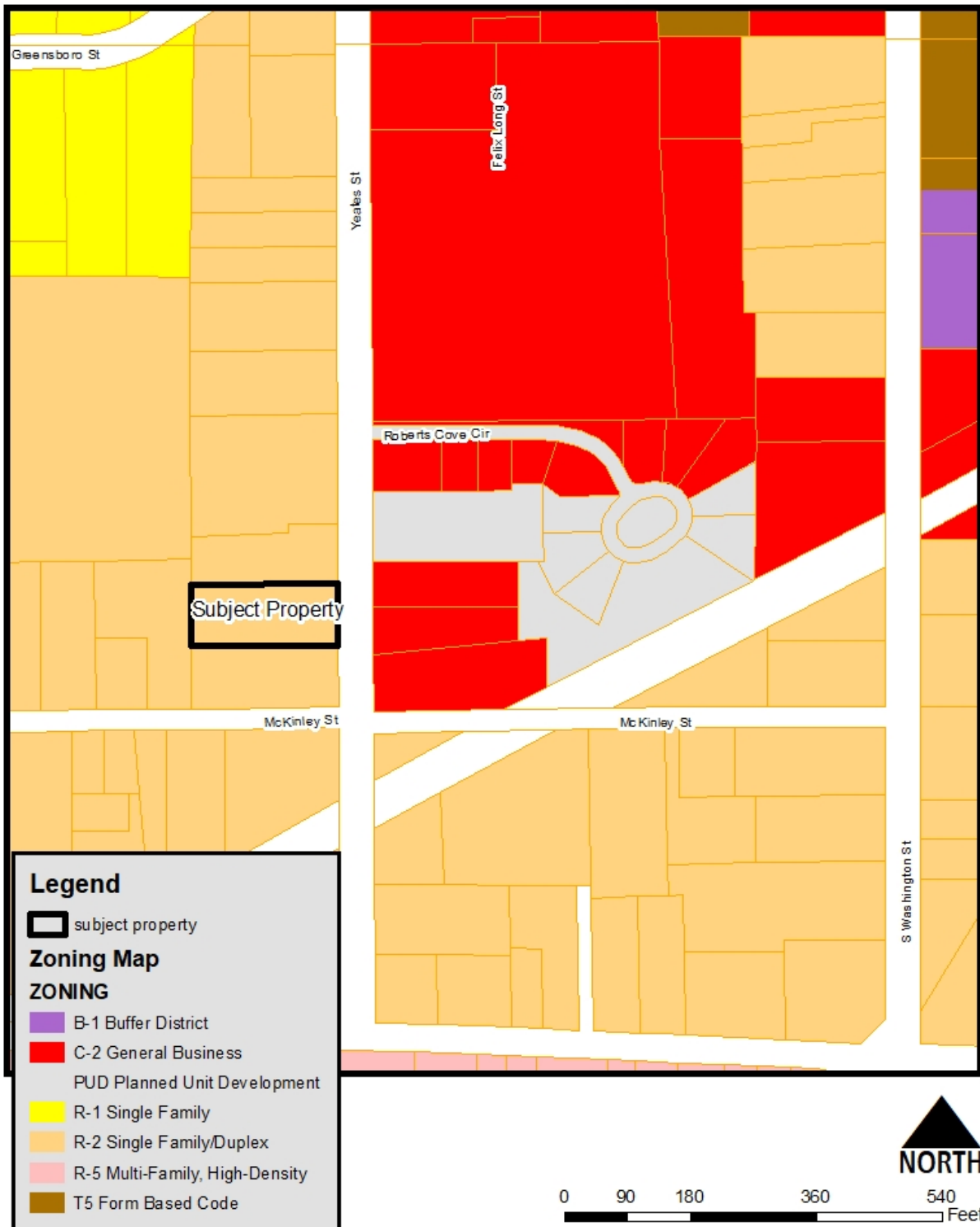
Requested Conditions:

1. The areas designated a dwelling #2 and #3 shall not be used as a habitable space until a building permit has been issued, inspections performed by the building department, and a certificate of occupancy has been issued.

Attachment 1
CU 19-09- Aerial



Attachment 2
CU 19-09- Zoning



Attachment 3- Front of existing building



Attachment 4- interior photos of existing structure and dwelling unit #2



Attachment 5- Construction of dwelling unit #3







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: Public Hearing for Unified Development Code
Date: November 12, 2019

This is the first of three public hearing on the Unified Development Code. This is a comprehensive update to all development and zoning requirements in the City. The document is comprised of 18 sections and can be view in its entirety at link below. There have been two public input sessions held for Draft 1 and Draft 2. The current version is Draft 3. The next two public hearings will be held by the Board of Aldermen on December 3rd and 17th on 2019.

Unified Development Code link:

<https://www.cityofstarkville.org/DocumentCenter/View/3009/DRAFT-3-11-7-19>

Draft Zoning Map link:

<https://www.cityofstarkville.org/DocumentCenter/View/3014/UDC-Zoning-Map-Draft-30-11-7-19>



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: Public Hearing for Short-Term Residential Rental
Date: November 12, 2019

This is the first of three public hearing on the Short-Term Residential Rental regulations. If adopted, this section will be added to Section 13 Use Regulations of the Unified Development Code. There have been two public input sessions held. The next two public hearings will be held by the Board of Aldermen on December 3rd and 17th on 2019.

13.9.9. Short-Term Residential Rental

This section intends to provide standards for short-term rentals to allow for rentals of residences or dwelling units, while at the same time providing specific requirements to prevent the commercial exploitation of these properties.

A. Definition: Short-Term Residential Rental means less than 30-days occupancy of a residential dwelling unit for a fee. Recreational vehicles cannot be used as a Short-Term Residential Rental. Examples of Short-Term Residential Rentals shall include but not be limited to: AirBnB, weekend rentals, and gameday rentals. Long-Term Residential Rentals, 30 days or more, shall be governed by the Residential Landlord and Tenant Act (Mississippi Code Annotated, Title 89, Chapter 8).

B. Parking: Parking shall be allowed only on-site.

C. Loading: There shall be no commercial loading zones on the property.

D. Applicability:

1. Short-Term Residential Rental is Permitted without Additional Standards at:

MU-9 - Multiple Dwelling Unit
MU-20 - Multiple Dwelling Unit
CN - Commercial Neighborhood
C - Commercial
T-4 - Form-based District
T-5D - Downtown Form-based District
T-5C - Corridor Form-based District
T-5U - University Form-based Districts
O-C - Optional Commercial Development

2.Short-Term Residential Rental is Permitted with Additional Standards under this Section in:

RN - Rural Neighborhood

SD-2 - Suburban Detached

SD-6 - Suburban Detached

TN-N - Traditional Neighborhood New

TN-E - Traditional Neighborhood Existing

CR - Commercial Rural

O-TND - Optional District Traditional Neighborhood Development

O-CD - Optional Conservation Development

O-E - Optional Existing

3.Short-Term Residential Rental is not Permitted at:

I - Industrial Use District

S-M - Special District - Medical

S-I - Special District - Institutional

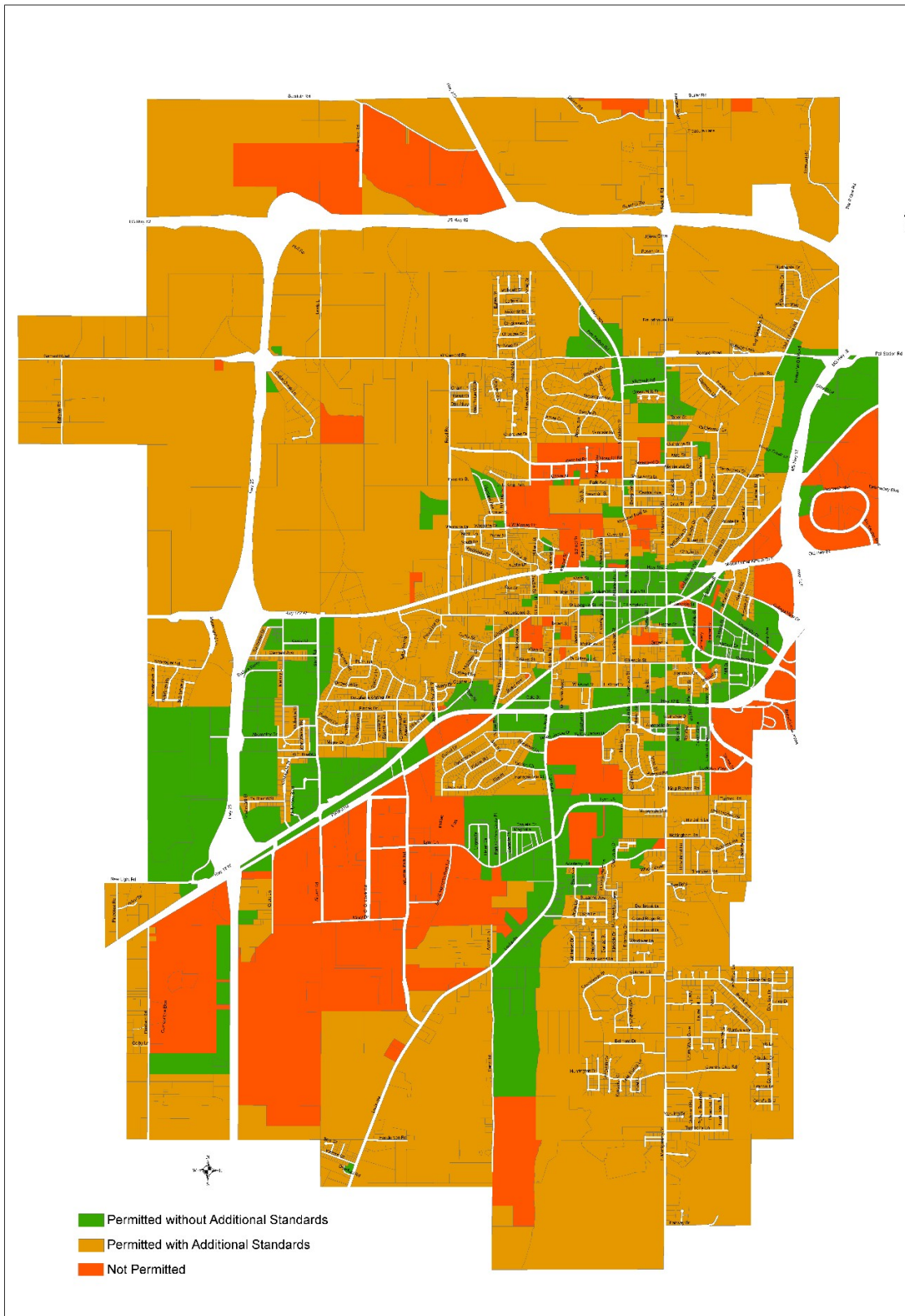
S-E - Special District - Educational

O-I - Optional Industrial Development

4.Exception: Any condominiums and apartments, legally approved by the City, are permitted to utilize Short-term Residential Rentals without Additional Standards.

5.Short-Term Rental Map:

Short Term Residential Rental



E. Grandfathering Provision: Short-Term Residential Rentals existing on or before December 31, 2019, shall be allowed to continue, without a limit on the number of units. This grandfathering provision will only be applicable to the owners who acquired the permit/license prior to December 31, 2019, and not be applicable if the ownership of the property changes after December 31, 2019.

F. Additional standards:

- 1. Permit Application:** Short-Term Residential Rental providers shall acquire a “Short- Term Residential Rental Permit”, which will also serve as a “business privilege license”ⁱ, by providing addresses of the units, paying an annual fee of twenty dollars (\$20) per each unit of businessⁱⁱ, and acknowledging the “additional standards” below. Such permit/license fees shall be increased per Mississippi Code Annotated Sec. 27- 17-9 if the business has more than three (3) employees. The penalty for operating a short-term rental without a permit/license shall be a fine of five hundred dollars (\$500.00) per violation per day.
- 2. Short-Term Residential Rental Permit:** The City Planner shall review and approve Short-Term Rental permits, ensuring that the additional standards are fully addressed and implemented. Upon approval of the permit, the City Clerk’s office will issue the business privilege license.
- 3. Permit Notification:** Within ten (10) days of the approval of a Short-Term Rental permit, the City will send notice to all adjoining property owners. Alternatively, the permit holder may choose to install a yard sign for 2 weeks, informing of the usage of the property for Short-term Residential Rentals. The costs of the permit notification shall be paid by the permit holder.
- 4. Registry of Approved Short-term Residential Rentals:** To ensure that the residents are informed, the Starkville Community Development Department shall publish a map of Approved Short-term Residential Rentals on the City’s website and update it periodically as needed with the addresses and permit numbers.
- 5. Disclaimer:** Nothing in this subsection shall be construed to permit any commercial or residential use not otherwise allowed by the specific zoning designation.
- 6. Permit Revocation:** In the event the City receives three (3) complaints with which citations of either code enforcement or police are issued about a property within a twelve (12) month period, the permit will be automatically revoked for one (1) year from the date of the third (3rd) citation issued.
- 7. Number of Allowed Parking:** The number of motor vehicles shall be limited to the number of permanent parking spots allowed on the property by the City’s parking ordinance. Any advertisement of the property and any rental contract must contain language that specifies the allowed “motor vehicle limit” on the property. Exterior sign(s) advertising short-term rentals shall not be permitted on properties located in residential zoning districts.
- 8. Permit Limitations:** An owner of residential dwelling unit(s) may

acquire up to two (2) permits from the city. The permit will expire automatically if the ownership changes.

9. Notification to the City: The permit holder shall provide a list of local contacts who reside in Starkville, are authorized to represent the owner(s), and can be reached anytime day or night and immediately take corrective action in the event any issues are reported.

10. Notification to Renter/Tenant: The permit holder shall provide to guests a notification of essential information that includes:

- i. The permit holder's twenty-four (24) hour contact information;
- ii. A local responsible party's twenty-four (24) hour contact information if the owner is not within the city limits when guests are renting the premises;
- iii. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
- iv. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

11. Safety features: Each permit holder shall provide, in the premises, working smoke detectors and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with applicable Code of Ordinance requirements, including but not limited to Building and Fire Codes.

12. Other Requirements: The permit holder shall comply with any and all applicable state laws and report taxes as required by law.

ⁱ Miss. Code Ann. Sec. 27-65-23.1 defines 'any businesses furnishing one or more rooms intended or designed for dwelling, lodging or sleeping purposes that at any one time will accommodate transient guests' as a 'hotel or motel' use, and require them to pay sales taxes.

ⁱⁱ Miss. Code Ann. Sec. 27-17-9(2)(a) calls for an annual privilege license of \$20 per year for businesses with 3 or fewer employees.