

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI November 12, 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 November 12, 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, Vicki West, 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, 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 November 12, 2019 as presented.

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 +/- 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.
- B. 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.
- 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

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve the official agenda of the Planning and Zoning Commission for November 12, 2019 received unanimous approval.

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

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve the Minutes as amended of August 13, 2019 Planning and Zoning Commission received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
OCTOBER 8, 2019**

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Verdell, the motion to approve the Minutes as amended of October 8, 2019 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

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

NEW BUSINESS

A. 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.

Assistant City Planner Emily Corban introduced the request by Jason Pepper 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" and located in an R-3A zoning district at the southeast corner of the intersection of Bent Brook Ridge Street 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.

The subdivision has a gross acreage of +/- 5.1 acres with a total of 28 lots with gross density of 5.49 units per acre. 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, Water, and Sewer service is provided by the City of Starkville.

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. Staff has 16 requested conditions

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

Calling for and hearing no other comments, the Commission moved into deliberation.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Verdell, the motion to approve FP 19-10 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 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.

B. 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.

Assistant City Planner Emily Corban introduced the 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. The applicant is requesting to place a mobile home on the subject property. In order to place a "Mobile Home", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. 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 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 this request.

Appendix A, Article 6, 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.

The Chairman opened up the public hearing.

The applicants Robert and Emma Evans 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 Camp, duly seconded by Commissioner Harris, the motion to approve CU 19-10 was approved with the following recommended condition:

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

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.

Assistant City Planner Emily Corban introduced the 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. 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.

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.

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.

The Chairman opened up the public hearing.

The applicant Glenn Heath came forward to speak in favor of the request.

Ben Lang came forward to speak against the request.

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

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Verdell, the motion to table CU 19-09 until the applicant can come back with the following items for the Commission to review the request:

1. Floor plans that show the original house plans
2. A proposed parking diagram
3. Floor plan showing the proposed modifications and requested duplex configuration

Commissioner Camp had to leave the meeting.

D. PUBLIC HEARING FOR UNIFIED DEVELOPMENT CODE

City Planner Daniel Havelin gave the Planning Commission a presentation with a brief overview of the Unified Development Code. After the presentation, the chairman opened up the public hearing for the unified development code.

The following individuals came forward to express their opinions to the Planning Commission:

Jerome Nettles
Ken Nixon
Jason Pepper
David Josey
Jason Sharp

E. PUBLIC HEARING FOR SHORT-TERM RESIDENTIAL USE REGULATIONS

Community Development Director Dr. Simon Kim gave the Commission a brief presentation on the proposed short-term residential use regulations. After the presentation, the chairman opened up the public hearing for the short-term residential rental regulations.

The following individuals came forward to express their opinions to the Planning Commission:

Jerome Nettles
Dorthy Watkins
Juliet Tang
David Buchanan
Kane Overstreet
Julie B
Bonnie O'Neil
Bert Montgomery
Hamp Beatty

After discussion and upon the motion of Commissioner Harris, duly seconded by Commissioner West, the motion to table the short-term residential rental use regulations failed with a vote 2 to 3 with Commissioners Dumas, Commissioner Gregory, and Chairman Brooks voting against and Commissioner Verdell abstaining. The motion to table the item failed.

PLANNER'S REPORT

Assistant City Planner Emily Corban announced to the Planning Commission that she sent out an email to all of the Commission members to schedule a work session with the planning Commission to discuss the optional district regulations in further detail.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on December 10, 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 Dumas, the motion to adjourn until 5:30 p.m. on December 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