



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, DECEMBER 10, 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 NOVEMBER 12, 2019
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
 - A. 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.
- VIII. NEW BUSINESS
 - A. CU 19-11 REQUEST FOR CONDITIONAL USE FOR DUPLEXES FOR THREE PROPOSED LOTS THAT FRONT LAFAYETTE STREET LOCATED +- 483 FEET NORTH OF THE INTERSECTION OF LAFAYETTE ST. AND GILLESPIE ST.
- IX. PLANNER'S REPORT
- X. ADJOURN

**UNAPPROVED 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 other 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 chairman closed the public hearing.

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 construct 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

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
Dorothy 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.

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



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: December 10, 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- 7.

BACKGROUND INFORMATION

This case was previously reviewed by the Planning and Zoning Commission on November 12, 2019. At that meeting, the item was tabled due to lack of information. The Commission requested additional information. The applicant provided two drawings of the structure. One drawing shows the floor plan before renovations (see attachment 6) and one drawing showing the current floor plan (see attachment 7).

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:

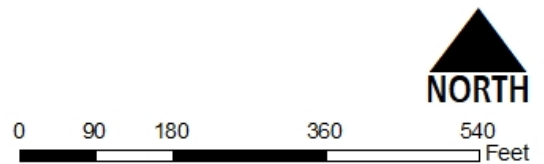
1. The areas designated a dwelling #2 and #3 shall not be used as a habitable space until a building permit has been issued, inspections performed by the building department, and a certificate of occupancy has been issued.

Attachment 1
CU 19-09- Aerial

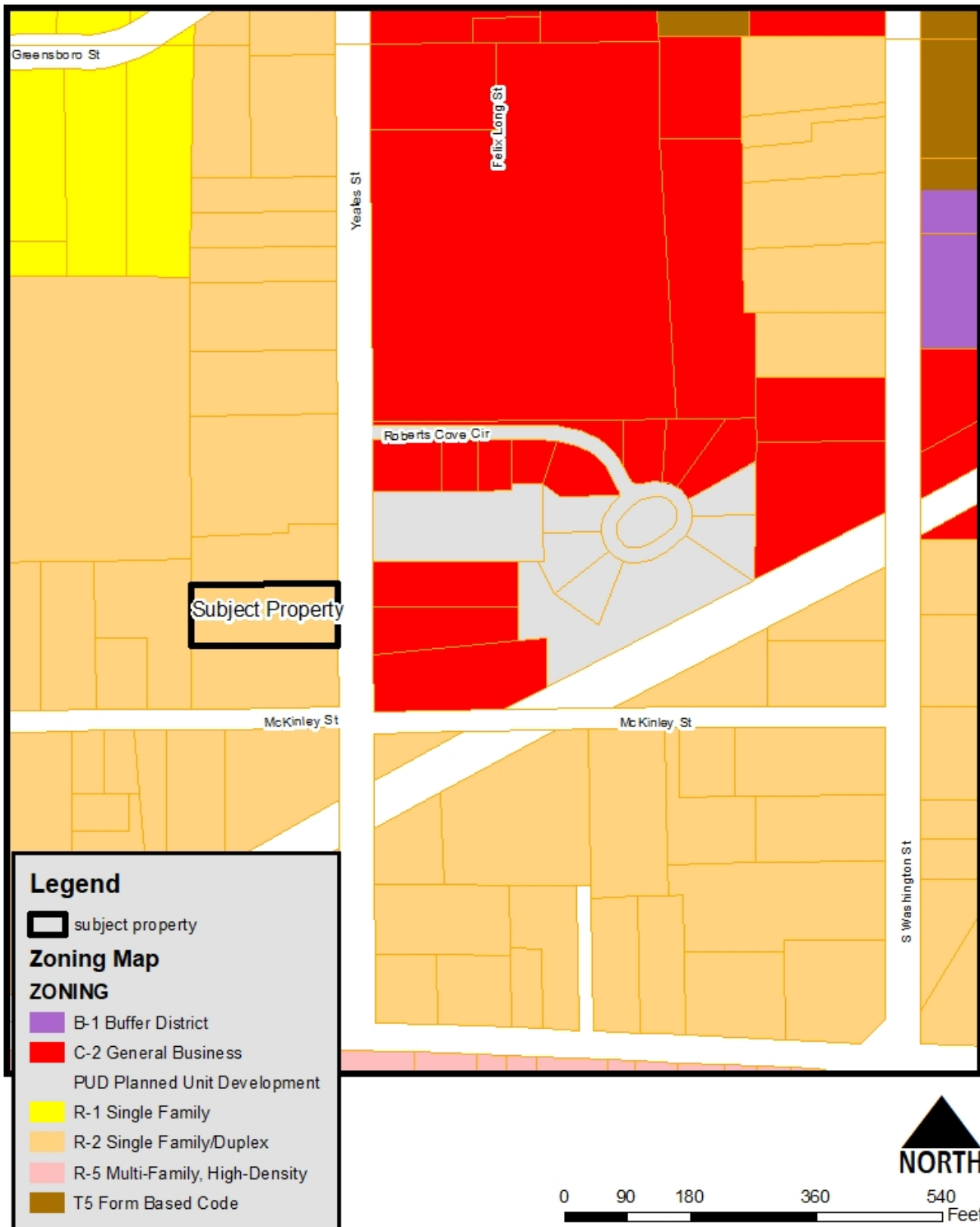


Legend

 subject property



Attachment 2
CU 19-09- Zoning



Attachment 3- Front of existing building



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

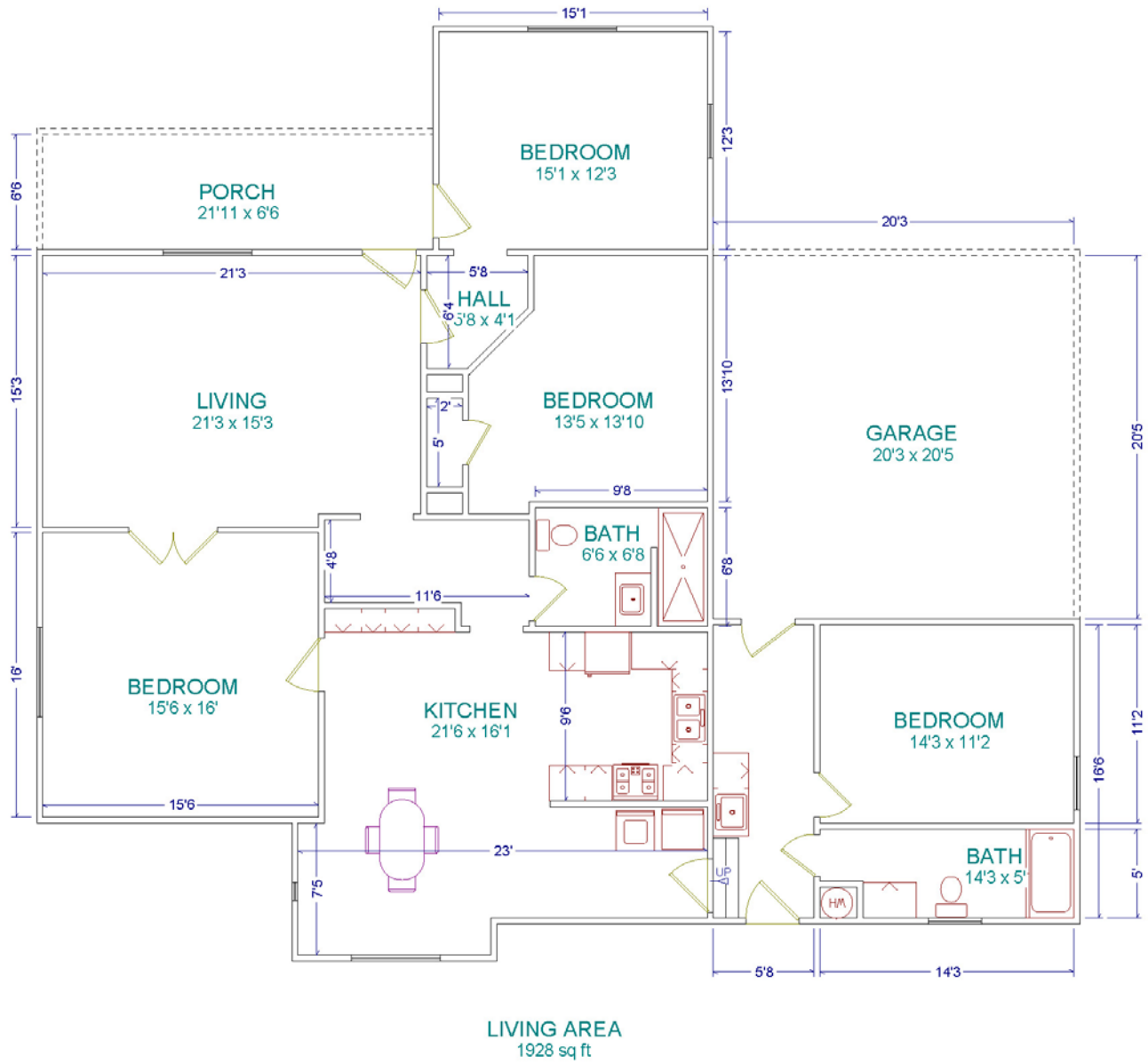


Attachment 5- Construction of dwelling unit #3

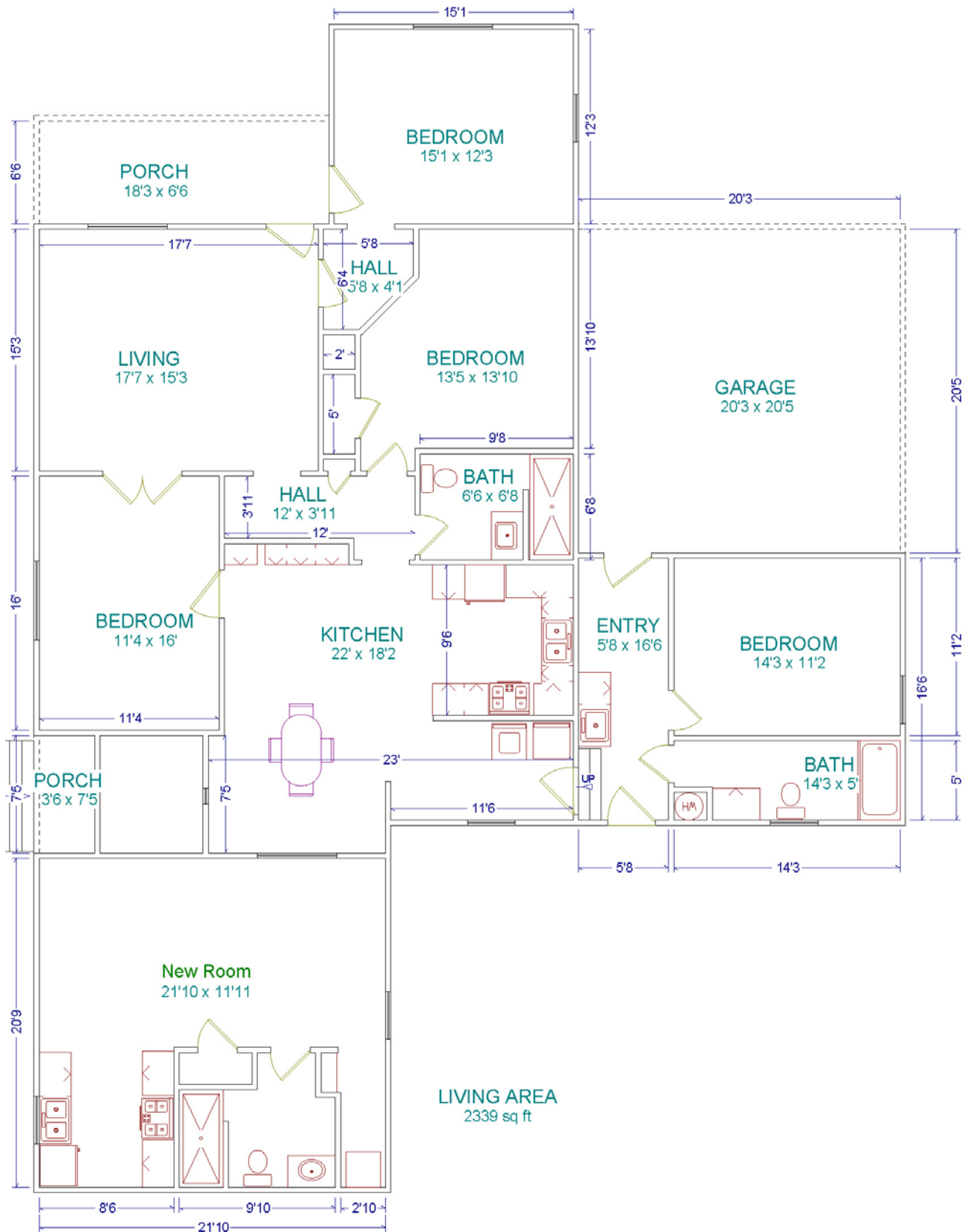




Attachment 6-Floor Plan Before Renovations



Attachment 7- Floor Plan After Renovations





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 19-11 Request for Conditional Use to allow for duplexes for three proposed lots that front Lafayette Street located +- 483 feet north of the intersection of Lafayette St. and Gillespie St.
Date: December 12, 2019

The purpose of this report is to provide information regarding Conditional Use Request by Jim Defoe to allow for duplexes for three proposed lots that front Lafayette Street located +- 483 feet north of the intersection of Lafayette St. and Gillespie St. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant is seeking a Conditional Use to duplexes for three proposed lots that front Lafayette Street located +- 483 feet north of the intersection of Lafayette St. and Gillespie St. The proposed lots would need to be subdivided from the 306 South Jackson Street. The house at 306 South Jackson Street is listed as Mississippi Landmark. The applicant has obtained a Certification of Removal of Mississippi Landmark Designation from Mississippi Department of Archives & History for the area bordering South Lafayette Street for the 3 proposed lots (See Attachment 4). 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 subdividing of the property would also need to be approved prior to any construction on the site.

Scale and intensity of use.

The applicant has provided a conceptual site plan which seems to meet the City's land development requirements and is proportionate to the area. The applicant met with the Development Review Committee on November 21, 2019.

On- or off-site improvement needs.

Sidewalks will be required for all three proposed lots. A complete preliminary and final plat review will be conducted by the Development Review Committee to insure compliance with land development regulations.

On-site amenities proposed to enhance the site.

The applicant is proposing to park the duplexes with a shared one way driveway with parking in the rear.

Site issues.

The northwest corner of the property is indicated as a flood zone "A" on the FEMA's National Flood Hazard Layer (NFHL) Viewer.

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

Direction	Zoning	Current Use
North	R-2	Multi-Unit Dwelling
East	R-2	Single Unit Dwelling
South	R-2	Single Unit Dwelling
West	R-2 and C-2	Single Unit and Duplex Dwelling

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

R-2

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

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

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

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

NOTIFICATION

27 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 November 19, 2019 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call inquiring 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. The 2016 Comprehensive plan has the areas placetype listed as traditional neighborhood-existing.
2. **Sufficient site size and adequate site specifications to accommodate the proposed use.** The site is adequately sized to accommodate the proposed use.
3. **Proper use of mitigative techniques.** 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 occupying the dwellings.

Requested Conditions:

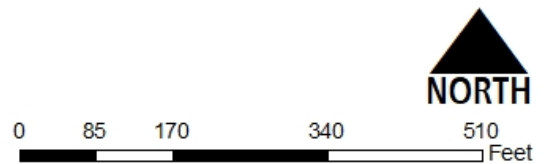
1. The applicant shall have six months from time of Conditional Use approval to begin the subdivision process.

Attachment 1
CU 19-11- Aerial

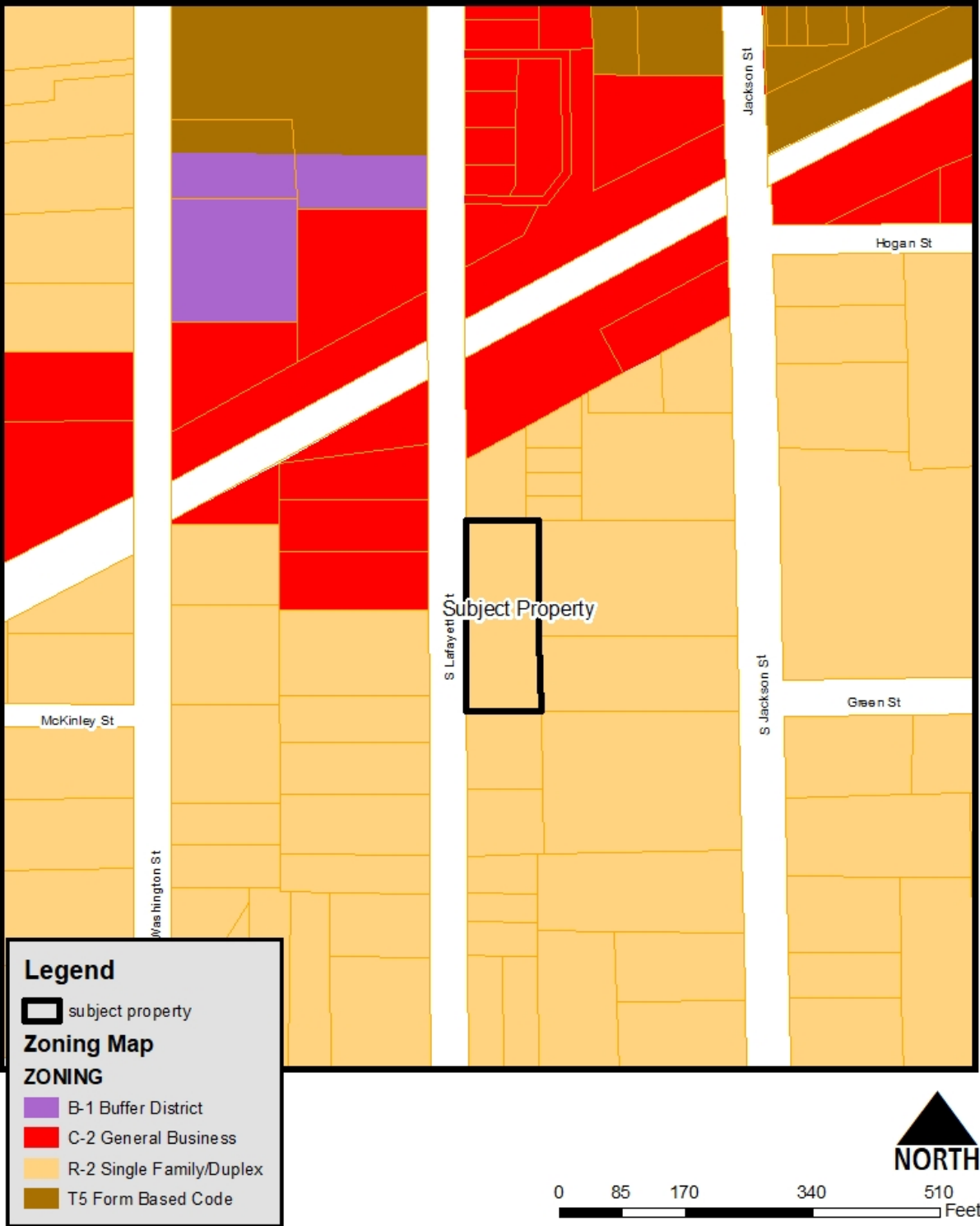


Legend

 subject property



Attachment 2
CU 19-11- Zoning



[illegible]

Attachment 4- Certification of Removal of Mississippi Landmark Designation



Book:2019 Page:6038-6040
Deed
RCD: 08/27/2019 a 10:09:23 AM
Oktibbeha County, MS
Sharon Livingston Chancery Clerk

Prepared by:
Katherine Anderson
Mississippi Landmarks Administrator
Mississippi Dept. of Archives & History
P. O. Box 571
Jackson, MS 39205
601-576-6912

Return to:
Katherine Anderson
Mississippi Landmarks Administrator
Mississippi Dept. of Archives & History
P. O. Box 571
Jackson, MS 39205
601-576-6912

STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA

CERTIFICATION OF REMOVAL OF MISSISSIPPI LANDMARK DESIGNATION

This certification is for the purpose of the removal of Mississippi Landmark designation for the property commonly known as Parcel No. 2 of the Magruder-Newsome House property. Parcel No. 1, on which the house is located, retains its Mississippi Landmark designation. Said removal of designation of Parcel No. 2 is made in accordance with provisions of the Mississippi Antiquities Law, Section 39-7-15, *et seq.* of the *Mississippi Code of 1972*, as amended. Mississippi Landmark designation is removed by:

State of Mississippi
Board of Trustees, Mississippi Department of Archives and History
P.O. Box 571, Jackson, MS 39205
(601) 576-6850

The said removal of Mississippi Landmark designation is for Parcel No. 2, located on the following described real property situated and located in the city of Starkville, Oktibbeha County, Mississippi, more particularly described in Exhibit A, page 3.

I hereby certify the removal of Mississippi Landmark designation by the Board of Trustees of the Mississippi Department of Archives and History in accordance with provisions of the Mississippi Antiquities Law, Section 39-7-15, *et seq.* of the *Mississippi Code of 1972*, as amended.

Katie Blount

Katie Blount, Secretary
Board of Trustees
State of Mississippi
Department of Archives and History

8-16-19

Date

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority, the within named Katie Blount, who acknowledged that he had signed and delivered the foregoing instrument on the day and year therein mentioned as his act and deed.

Given under my hand and seal of office this 16th day of August, A.D. 2019.



Cynthia Marie Minor-Butler
NOTARY PUBLIC

My Commission Expires:

EXHIBIT A

PARCEL NO. 2:

Commence at the intersection of the South right of way of the Illinois Central Gulf Railroad Company and the West Boundary of South Jackson Street, said Point also being the Northeast corner of Block 55 of the City of Starkville, Mississippi, as shown on the 1974 Official Property Map, and thence run Southerly along the West Boundary of South Jackson Street

2006 9393
Recorded in the Above
Deed Book & Page
12-18-2006 04:41:38 PM

for 275 feet to the Southeast corner of Lot 2, thence Westerly along the Common Boundary of Lots No. 2 and 4, Block 55, for 248.6 feet to the Point of Beginning.

From this Point of Beginning, continue Westerly along the common boundary of Lots No. 2 and 4, Block 55, for 121.4 feet to the East boundary of Lafayette Street; thence South along the East boundary of Lafayette Street for 245.4 feet to the Northwest corner of Lot No. 6; thence Easterly along the common boundary of Lots No. 4, 6, and 7 for 114.0 feet; thence North 1 degree 40 minutes East for 100 feet; thence South 86 degrees 30 minutes East for 5 feet; thence North 1 degree 34 minutes East for 152.4 feet to the Point of Beginning.

The above parcel is part of Lot 4, Block 55, of the City of Starkville, lies within Section 3, Township 18 North, Range 14 East, Oktibbeha County, Mississippi, and contains 0.65 acres.

