

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI December 10, 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 December 10, 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, Michael Brooks, Chairman, Ward 4, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6, and Tommy Verdell Jr., Ward 7. Absent from the meeting was Lee Harris, Ward 3. Attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Emily Corban.

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 December 10, 2019 as presented.

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 10, 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

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Verdell, the motion to approve the official agenda of the Planning and Zoning Commission for December 10, 2019 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
NOVEMBER 10, 2019**

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve the Minutes as amended of November 10, 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.

OLD BUSINESS

Commissioner Dumas motioned to move item CU 19-09 from the table and into new business which was seconded by Commissioner Verdell, and approved unanimously by the Commission.

NEW 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.

City Planner Daniel Havelin 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 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.

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 Ben Heath 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 Gregory the motion to approve CU 19-09 was approved with the following recommended conditions:

1. Create an interior door between dwelling #1 and dwelling #3.
2. Remove exterior door and porch area on north side of dwelling #3.
3. Remove all kitchen related equipment in dwelling #3.
4. 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.

B. 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.

City Planner Daniel Havelin introduced the Conditional Use Request by Jim Defoe for a conditional use to allow for a duplex on each of the three proposed lots at 306 South Jackson Street. 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. If the Conditional Use is approved, the property will need to be subdivided. The new lots will front and be accessed from South Lafayette Street.

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 sign 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.

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 "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.

The Chairman opened up the public hearing.

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

Kate Ware came forward to express concerns with the request.

Charles Ware came forward to express concerns with the request.

Billy Coates came forward to express concerns with the request.

Dan Craig came forward to express concerns with 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 Gregory, the motion to approve CU 19-11 was approved unanimously with the following recommended conditions:

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

City Attorney Chris Latimer entered the meeting.

PLANNER'S REPORT

City Planner Daniel Havelin updated the commission on the next steps in the Code Rewrite. Assistant City Planner Emily Corban asked that the Commission have a meeting in January, regardless if there are items on the agenda, to go over new procedures and processes under the new development code if it passes.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on January 14, 2020, 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 Verdell, the motion to adjourn until 5:30 p.m. on January 14, 2020 in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner