



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, JULY 14, 2020
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 JUNE 9, 2020 (page 3)
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. FP 20-01 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING AND RECONFIGURING SEVERAL LOTS INTO 4 LOTS LOCATED NORTH OF THE INTERSECTION OF UNIVERSITY DRIVE AND PAGE AVENUE IN A T-5U ZONING DISTRICT WITH THE PARCEL NUMBERS 101C-00-002.00, 101C-00-001.00, 101D-1-001.00, 101D-00-002.00, 101D-00-003.00, AND 101D-00-004.00 (page 9)
 - B. FP 20-02 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING AND RECONFIGURING 2 LOTS THAT ARE A COMBINED +/-0.69-ACRE INTO 2 LOTS AT 400 NORTH JACKSON STREET IN A TN-E ZONE WITH THE PARCEL NUMBER 118I-00-103.00 AND 118I-00-104.00. (page 27)
 - C. SE 20-09 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA K APPROXIMATELY 2,035 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT. (page 35)
 - D. SE 20-10 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS G&H APPROXIMATELY 1,632 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT. (page 43)

- E. SE 20-13 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS N&O APPROXIMATELY 3,727 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT. (page 51)
- F. SE 20-12 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A "RECREATIONAL VEHICLE PARKS" AND "MINI-STORAGE" FACILITY ON THE WEST SIDE OF LOUISVILLE STREET APPROXIMATELY 800 FEET (0.15 MILES) NORTH OF WARRIOR DRIVE IN A R-N ZONING DISTRICT. (page 59)
- G. UE 20-01 REQUEST FOR USE EXCEPTION TO ALLOW FOR A "PLACE OF WORSHIP" AT 708 TAYLOR ROAD SUITE B & C IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102E-00-196.02. (page 65)

VIII. ADJOURN

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI JUNE 9, 2020**

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held their regularly scheduled meeting on June 9, 2020 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present was Michael Brooks, Chairman, Ward 4. Joining the meeting via Google Meets virtual meeting platform were Kim Moreland, Ward 1, Vicki West, Ward 2, Jeremiah Dumas Ward 6, and Tommy Verdell Jr., Ward 7. Kelly Prather, Ward 3 joined the meeting via Google Meets at 5:50pm. Alexis Gregory, Ward 5 was absent from the meeting. Physically present attending the Commissioners was City Planner Daniel Havelin. Attending the meeting via Google Meets virtual meeting platform were 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 Official Agenda of the Planning and Zoning Commission of June 9, 2020 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, June 9, 2020
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 MAY 12, 2020

VI. CITIZEN COMMENTS

VII. NEW BUSINESS

- A. SE 20-06 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A 32-UNIT TOWNHOUSE DEVELOPMENT ON TWO LOTS AT THE NORTHEAST CORNER OF GUEST DRIVE AND MALLORY LANE IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43
- B. SE 20-07 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA B APPROXIMATELY 330 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.
- C. SE 20-08 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA M APPROXIMATELY 2,259 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT

VIII. ADJOURN

After discussion and upon the motion of Commissioner Verdell, duly seconded by Commissioner Moreland, the motion to approve the official agenda of the Planning and Zoning Commission for June 9, 2020 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE
MEETING OF MAY 12, 2020**

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Moreland, the motion to approve the minutes as amended of the Planning and Zoning Commission for May 12, 2020 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. SE 20-06 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A 32-UNIT TOWNHOUSE DEVELOPMENT ON TWO LOTS AT THE NORTHEAST CORNER OF GUEST DRIVE AND MALLORY LANE IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43

This is a request by Willis Owens of Pritchard Engineering on behalf of Charlie Morgan to allow for a townhome development in a C zoning district on the northeast corner of Guest Drive and Mallory Lane. The Use Chart requires a Special Exception for "townhouse/row house" in a C zoning district. The proposed development consists of total 32-unit townhome on 2 lots. Each lot is approximately 0.98 acres. The maximum density of townhome units is 20 units per acre. The proposed development has a density of 16.33 units per acre. All proposed townhome units consist of 2 bedrooms.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 41 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on May 3, 2020. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response from the notifications.

The applicant requested that additional standard 13.3.5.D.2 requiring street facing main entrances be removed as an additional standard.

In the staff report, 1 condition addressing the applicant's request was presented.

1. The additional standard 13.5.5.D.2 requiring street facing main entrances be removed as a requirement under the additional standards.

Chairman Brooks opened the public hearing to citizen comments.

Willis Owens came forward to speak in favor of the request.

Calling for and receiving no additional comments, Chairman Brooks closed the public hearing and opened the item up for discussion.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Prather, the motion to approve SE 20-06 with the following condition received unanimous approval:

1. The additional standard 13.5.5.D.2 requiring street facing main entrances be removed as a requirement under the additional standards.

B. SE 20-07 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA B APPROXIMATELY 330 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

This is a request by Angela Williams on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a manufactured home on the west side of Sand Road in Area B approximately 330 feet south of Louisville Street. The Use Chart requires a Special Exception for "Dwelling, Manufactured and Modular Home" in a R-N zoning district. The home site area is shown as 198' wide at the road with a total square footage of 40,326. The required minimum lot area for the use is 40,000 square feet. The required setbacks are as follows: front 30 ft, rear 25 ft, and side 10 ft. There are currently no other dwellings on the home site area.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 8 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on May 20, 2020. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response from the notifications.

Commissioner Prather joined the meeting at 5:50pm via Google Meets in time to hear the presentation and participate in the discussion.

Chairman Brooks opened the public hearing to citizen comments.

Brittany Young came forward to speak in favor of the request.

Calling for and receiving no additional comments, Chairman Brooks closed the public hearing and opened the item up for discussion.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner West, the motion to approve SE 20-07 received unanimous approval.

C. SE 20-08 REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA M APPROXIMATELY 2,259 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT

This is a request by Nakesha Taylor on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a manufactured home on the west side of Sand Road in Area M approximately 2,259 feet south of Louisville Street. The Use Chart requires a Special Exception for "Dwelling, Manufactured and Modular Home" in a R-N zoning district. The home site area is shown as 100' wide at the road with a total square footage of 40,347. The required minimum lot area for the use is 40,000 square feet. The required setbacks are as follows: front 30 ft, rear 25 ft, and side 10 ft. There are currently no other dwellings on the home site area.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 36 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on May 21, 2020. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response from the notifications.

Chairman Brooks opened the public hearing to citizen comments.

Nakesha Taylor came forward to speak in favor of the request.

Calling for and receiving no additional comments, Chairman Brooks closed the public hearing and opened the item up for discussion.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Prather, the motion to approve SE 20-o8 received unanimous approval.

ADJOURN

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

Michael 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)
Subject: FP 20-01 Request for Final Plat approval for subdividing and reconfiguring several lots into 4 lots located north of the intersection of University Drive and Page Avenue in a T-5U zoning district with the parcel numbers 101C-00-002.00, 101C-00-001.00, 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, and 101D-00-004.00
Date: July 14, 2020

The purpose of this report is to provide information regarding Final Plat request by Adam Ingram of TTL, Inc on behalf of The Vista - Starkville for the "The Vista" subdivision. Please see attachments 1- 5.

BACKGROUND INFORMATION

- The Preliminary Plat was approved by the Board of Aldermen on October 17, 2017 with 9 conditions. The conditions of approval for the preliminary plat are as follows:
 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. 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.
 3. 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.
 4. 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
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. Recommendation of approval of the Preliminary Plat is contingent upon the approval of the variance request for street width and lot width for the subject properties.

- A Variance from street width, sidewalk placement, lot dimensions, and building height was approved by the Board of Aldermen on October 17, 2017.
- The Development Review Committee approved the infrastructure plan on April 13, 2018.

GENERAL INFORMATION

- The proposed subdivision is located north of the intersection of University Drive and Page Avenue in a T-5U zoning district. The subdivision process was started prior the effect date of the Unified Development Code. Therefore, the subdivision is being reviewed under the previous code with the previous zoning designation was T-5.
- The gross acreage is +/- 7.34 with a total of 4 lots. The acreage for each proposed lot is as follows: Lot 1 (0.84 ac), Lot 2 (1.29 ac), Lot 3 (1.23 ac), and Lot 4 (1.19 ac).
- All easements and dedications are provided on the final plat.
- The roadways will be dedicated to the City. Existing Camp Avenue has been improved and expanded. Two new roads, North Page Avenue and Vista Avenue, have been constructed.
- Street numbers have been assigned for construction permitting and utility assignments. The addressing for each lot is as follows: Lot 1 (705 University Drive), Lot 2 (175 Camp Avenue), Lot 3 (90 Camp Avenue), and Lot 4 (190 North Page Avenue).
- Golden Triangle Planning and Development has reviewed proposed road name and has no issues.
- Electrical, water, and sanitary service will be provided by Starkville Utilities.
- An encroachment agreement and maintenance agreement have been submitted to Staff for review.
- 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.
- The applicant has indicated that this subdivision is not part of any previously platted subdivision, therefore no adversely effected parties.

FINAL PLAT INFORMATION

- Approval of a final plat by the Mayor and Board of Aldermen shall be denoted by the issuance of a letter of final plat approval and required signatures on the final plat. One (1) paper copy, a digital copy as a Portable Document Format (PDF), and AutoCAD file of the approved final plat shall be retained in the Planning Department's files. The final plat shall be filed with the office of the chancery clerk of Oktibbeha County within sixty (60) days or the plat shall be void. A deposit in the amount of two hundred dollars (\$200) shall be required to guarantee the return of one (1) signed copy of the final plat to the city planner.
- If the final plat approval is recommended conditionally, the conditions and reasons therefore shall be stated, and if necessary, the Planning and Zoning Commission or Mayor and Board of Aldermen may require that the subdivider submit a revised final plat.
- If denied by the Planning and Zoning Commission or the Board of Aldermen, the reasons for such action shall be stated, and if possible, recommendations should be made on the basis of which the proposed subdivision could be recommended for approval. A denied final plat may be resubmitted to the Planning and Zoning Commission and the Mayor and Board of Aldermen after the suggested changes have been made.

- Whenever a subdivider has been issued a notice of final plat approval from the Mayor and Board of Aldermen, the staff shall be authorized to execute a certificate of final plat approval on the plat upon certification by the City Clerk that the City has received both of the following:
 - o An executed development agreement for any outstanding improvements between the subdivider and the city to install the required improvements.
 - o An approved form of surety as approved by the City Attorney to complete the improvements and installations for the subdivision shall be in compliance with these rules and regulations. Such surety shall not exceed two hundred percent (200%) of the estimated cost of the improvements.

ANALYSIS

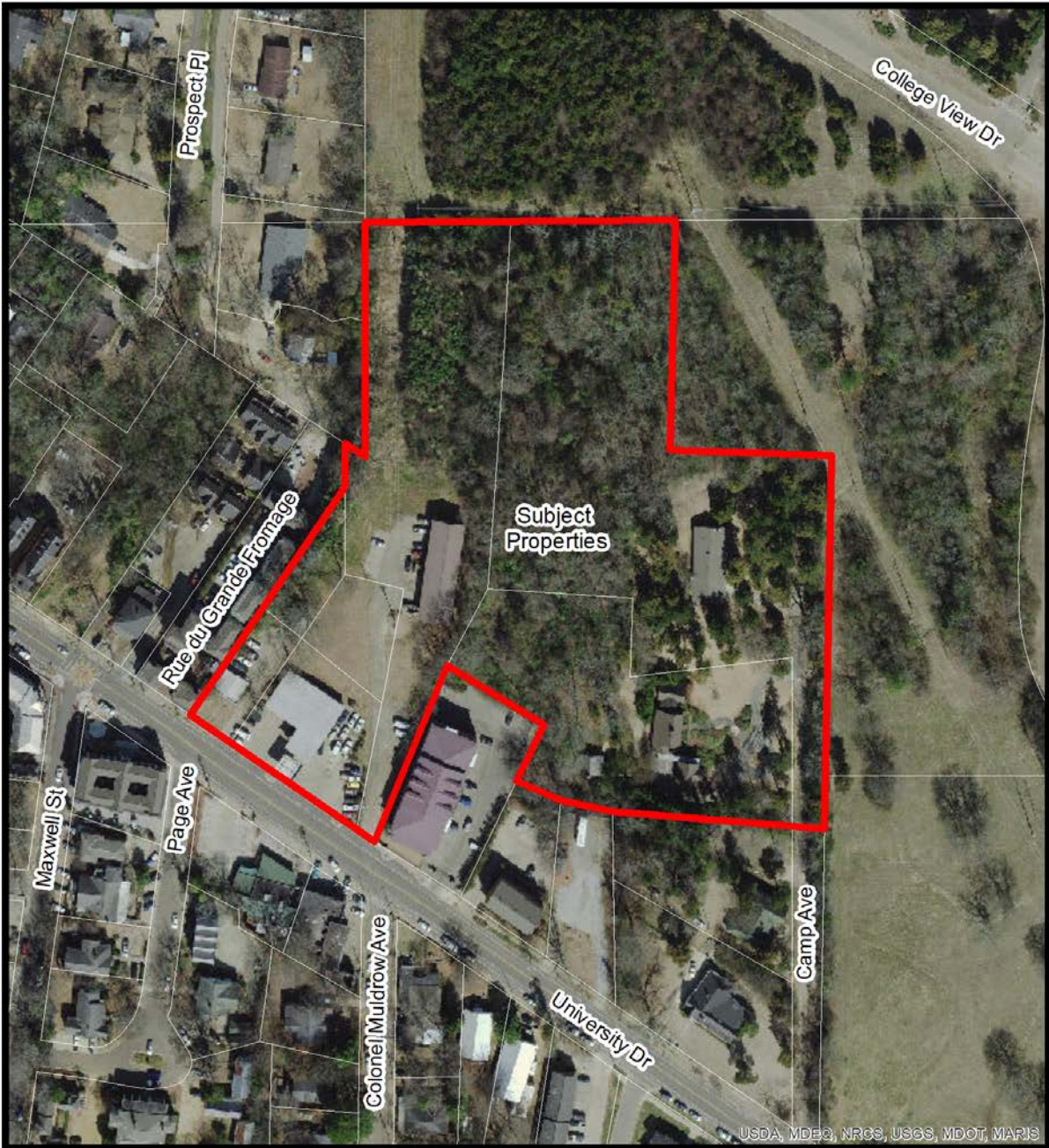
In the opinion of the Planning Department the proposed Final Plat request could meet the criteria for final plat review and approval.

CONDITIONS OF APPROVAL

Any condition attached to the approval of a final plat by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the subdivision. The following conditions are recommended by City Staff:

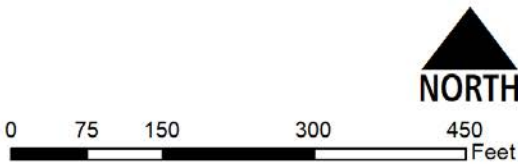
1. All remaining punch list items related to the subdivision and infrastructure, shall be completed to the City's satisfaction prior to the Final Plan being executed by city staff.
2. The Maintenance Agreement as shown in Attachment 6 and the Encroachment Agreement as shown in Attachment 7 shall be executed and filed in the land records with the Final Plat

Attachment 1
FP 20-01 Aerial

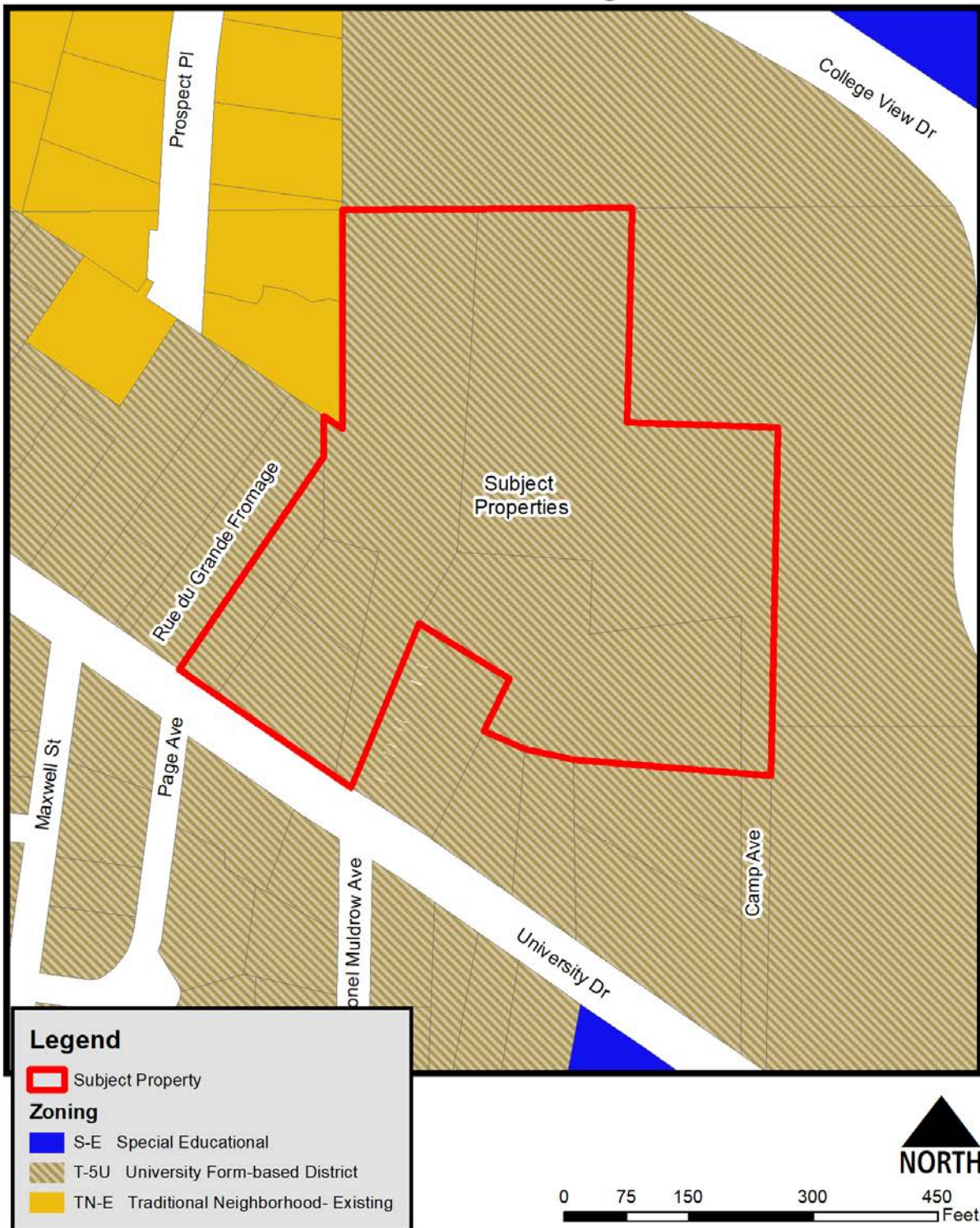


Legend

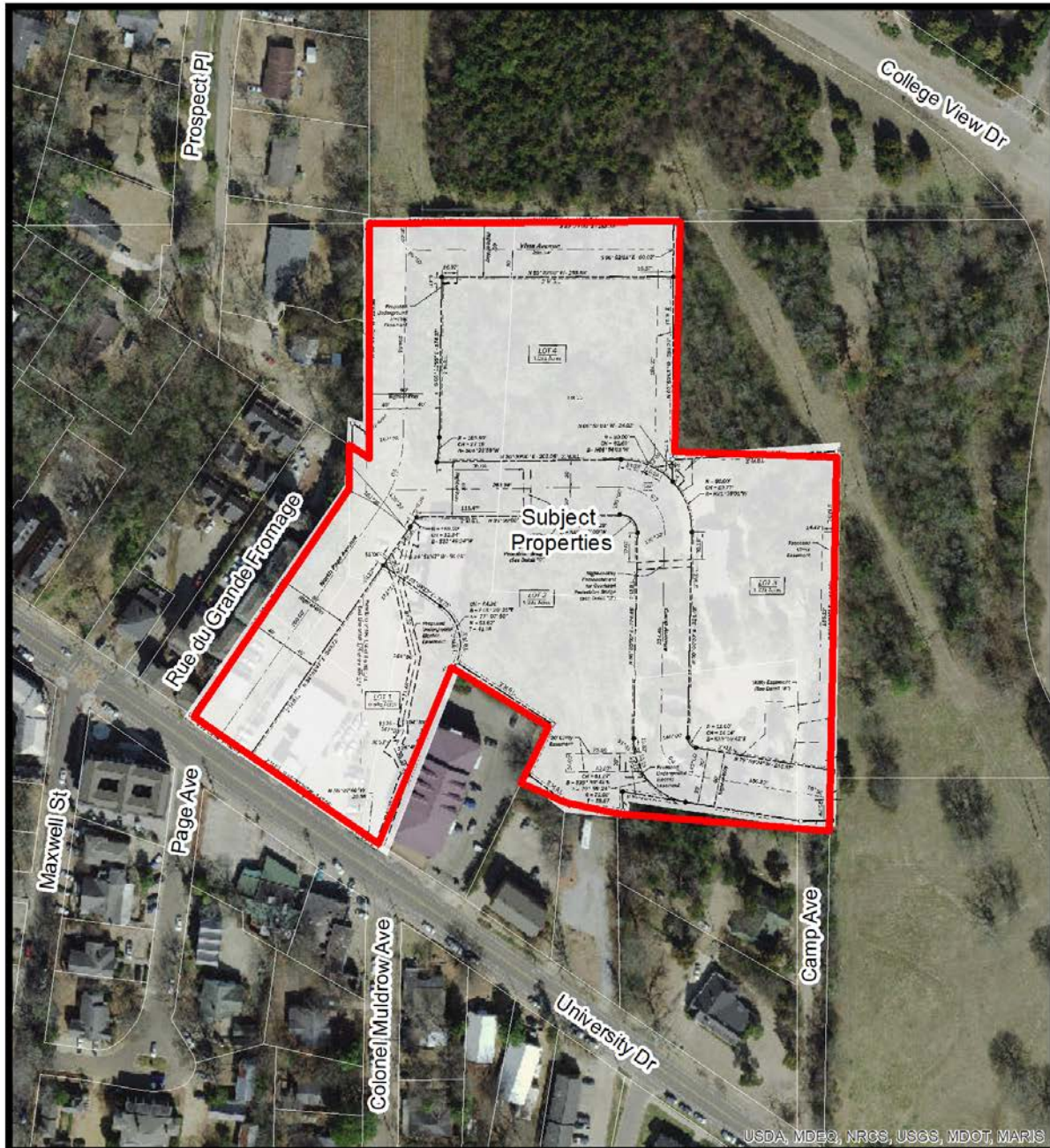
 Subject Property



Attachment 2
FP 20-01 Zoning

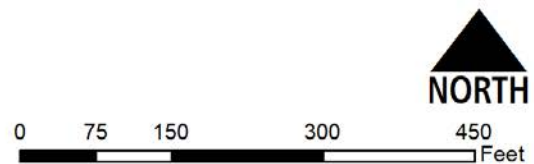


Attachment 3 FP 20-01 Plat Overlay



Legend

Subject Property

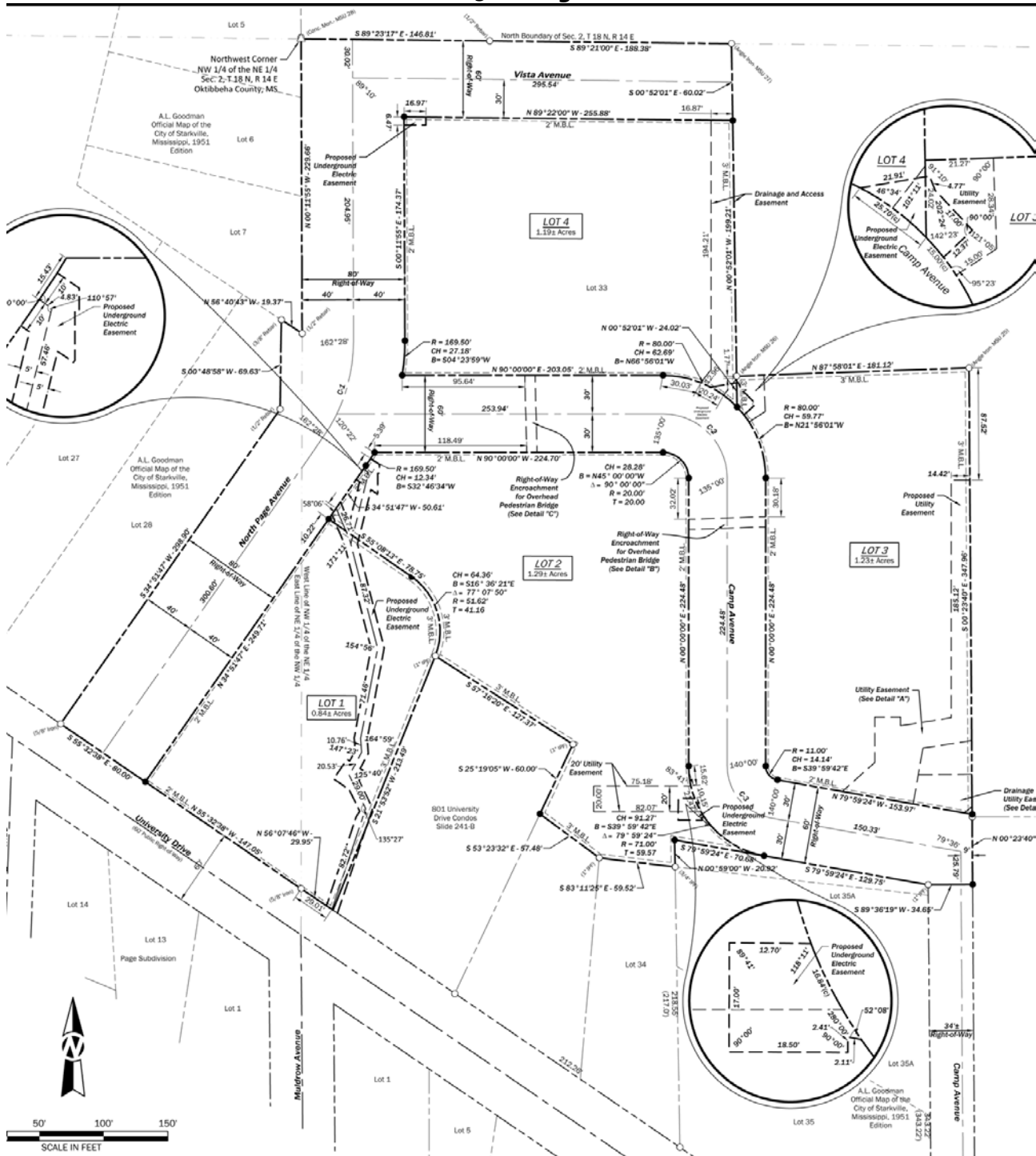


Attachment 4- Final Plat

PROPOSED LEGAL DESCRIPTION:

STATE OF MISSISSIPPI
COUNTY OF STANLEY
To Have and to Hold unto the County of Stanley, State of Mississippi, all that certain lot or lots of land, to-wit: Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823,

Attachment 5- Enlarged Final Plat



Attachment 6- Maintenance Agreement

MAINTENANCE AGREEMENT

This **MAINTENANCE AGREEMENT** ("**Agreement**") is made and entered into as of the ____ day of _____, 2020 between the **CITY OF STARKVILLE, MISSISSIPPI**, a Mississippi municipal corporation (the "**City**"), and **THE VISTA-STARKVILLE, LLC**, a Delaware limited liability company (the "**Developer**").

RECITALS

Developer is the owner and developer of a student housing development known as "The Vista - Starkville" (the portion thereof owned by Developer referred to herein as the "**Project**") located within the City's corporate limits, which Project consists of improvements commonly referred to as "Building 1000, Building 2000, Building 3000 & Building 4000" (collectively, the "**Buildings**").

The City has requested that the Developer confirm certain obligations related to the Project.

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained, the City and the Developer hereby covenant and agree as follows:

ARTICLE 1 AGREEMENTS

(a) **Buildings.** Developer hereby agrees that any sale of the Project shall include all the Buildings, it being understood and agreed that none of the Buildings shall be sold separately from the other Buildings.

(b) **Bridges.** Developer agrees to maintain the overhead pedestrian bridges located within the Project in good working order, ordinary wear and tear excepted, and in compliance with all applicable laws and regulations.

(c) **Stormwater Facilities.** Developer agrees to maintain the stormwater detention pond and related stormwater facilities located within the Project in good working order, ordinary wear and tear excepted, and in compliance with all applicable laws and regulations.

(d) **Grounds and Amenities.** Developer agrees to maintain the grounds and amenities located within the Project in a manner consistent with similar commercial developments in the area, ordinary wear and tear excepted.

(e) **Parking.** Developer agrees that all parking spaces located within a public right-of-way adjacent to the Project shall be available to the public and shall not be reserved, metered or otherwise restricted for private use by Developer absent prior written consent of the City.

(f) **Applicable Codes.** All work by Developer pursuant to this Agreement shall be

performed in accordance with applicable codes of the City.

(g) **Excluded Areas.** Notwithstanding anything contained in this Agreement to the contrary, Developer shall have no obligations as regards any portion of the Project located on property not owned by Developer, or located within public utilities, roadways or rights-of-way.

ARTICLE 2 TERM

The obligations of the City and the Developer hereunder shall arise on execution of this Agreement, and shall continue until the Project is sold by Developer.

ARTICLE 3 DEFAULT

(a) Upon any default in the performance, or breach, of any agreement of Developer in this Agreement, and the continuance of such default or breach for a period of 60 days after there has been given, by registered or certified mail, to the Developer by the City, a written notice specifying such default or breach and requiring it to be remedied and stating that such notice is a “notice of default” hereunder, provided that if such default is of a kind which cannot reasonably be cured within such 60 day period, as extended to the extent of any applicable force majeure, the Developer shall have a reasonable period of time within which to cure such default, provided that it begins to cure the default promptly after its receipt of such written notice and proceeds in good faith, and with due diligence, to cure such default.

(b) All rights, remedies and powers provided by this Agreement may be exercised only to the extent the exercise thereof does not violate any applicable provision of law regarding the Project, and all the provisions of this Agreement are intended to be subject to all applicable mandatory provisions of law which may be controlling in the Project and to be limited to the extent necessary so that the same will not render this Agreement invalid or unenforceable.

ARTICLE 4 GENERAL PROVISIONS

(a) The provisions of this Agreement shall be severable. In the event any provision hereof shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining provisions hereof.

(b) This Agreement shall completely and fully supersede all other prior agreements, both written and oral, among the parties hereto relating to the matters contained herein. None of the parties hereto shall hereafter have any rights under any of such prior agreements but shall look to this Agreement for definition and determination of all of their respective rights, liabilities and responsibilities relating to the matters contained herein.

(c) This Agreement may be executed in counterparts, each of which shall constitute but one and the same agreement.

(d) This Agreement shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective successors and assigns except as otherwise provided herein. The City hereby agrees that the Developer may assign this Agreement to any purchaser of the Project and upon such assignment, Developer shall be automatically released from any further obligation under this Agreement without the need for further action or documentation. There are no intended third party beneficiaries of this Agreement.

(e) This Agreement shall be governed exclusively by the laws of the State of Mississippi.

(f) All notices, demands, consents, certificates or other communications hereunder shall be in writing, shall be sufficiently given and shall be deemed given when delivered personally to the party or to an officer of the party to whom the same is directed, or mailed by registered or certified mail, postage prepaid, or sent by overnight courier, addressed as follows:

Developer:

The Vista-Starkville, LLC
5690 Watermelon Rd., Suite 400
Northport, AL 35473

City:

(g) Any such notice or other document shall be deemed to be received as of the date delivered, if delivered personally, or as of three (3) days after the date deposited in the mail, if mailed, or the next business day, if sent by overnight courier. Any such notice or other document delivered by mail must be sent with return receipt required.

(h) The City shall not have any authority or power to, and shall not, assign to any person any right of the City hereunder or any interest of the City herein.

(i) This Agreement may be amended or supplemented only by an instrument in writing duly authorized, executed and delivered by each party hereto.

(j) The parties represent and warrant to each other that they have the power and authority to enter into this Agreement, to carry out their obligations hereunder, that they have duly authorized the execution, delivery and performance of this Agreement, and that this Agreement is enforceable against the parties in accordance with its terms.

[Remainer of page left blank intentionally]

4816-4773-0882v1
2928546-001009 07/07/2020
1193735_1

4

IN WITNESS WHEREOF, the City has caused this Agreement to be executed in its name, under seal, and the same attested, all by officers thereof duly authorized thereunto, and the Developer has executed this Agreement under seal, and the parties have caused this Agreement to be dated the date and year first above written.

CITY:

CITY OF STARKVILLE, MISSISSIPPI

SEAL

By: _____
Mayor

ATTEST: _____
City Manager/Clerk

DEVELOPER:

THE VISTA-STARKVILLE, LLC

By: _____

Its: _____

[Signature Page to Maintenance Agreement]

Attachment 7- Encroachment Agreement
RIGHT OF WAY ENCROACHMENT AGREEMENT FOR NON-UTILITY
ENCROACHMENT ON CITY STREET

**CITY OF STARKVILLE AND
THE VISTA-STARKVILLE, LLC**

THIS AGREEMENT is made and entered into this the _____ day of _____, 2020, by and between the City of Starkville, MS, a municipal corporation (the "City"); and The Vista-Starkville, LLC, a Delaware limited liability company ("Vista"),

WITNESSETH

THAT WHEREAS, Vista desires to encroach on the right-of-way of a City street as follows:

(collectively, the "Encroaching Improvements");

WHEREAS, it is to the material advantage of Vista to effect this encroachment, and the City in the exercise of authority conferred upon it by law, is willing to permit the construction and continued existence of the Encroaching Improvements within the limits of the right of way as indicated, subject to the conditions of this Agreement;

NOW THEREFORE, IT IS AGREED that the City hereby grants to Vista the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof (Attachment A), together with all repairs, replacements and improvements thereto, and the right to use, operate, maintain, repair and replace the Encroaching Improvements, upon the following conditions, to wit:

That Vista binds and obligates itself to install and maintain the Encroaching Improvements in such safe and proper condition that it will not interfere with or endanger travel upon said street, nor obstruct nor interfere with the proper maintenance thereof, and to reimburse the City for the reasonable cost incurred for any repairs or maintenance to its street and structures necessary due to the installation and existence of the Encroaching Improvements.

That Vista agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the City Engineer of the City.

4812-5700-5762v1

2928546-001009 07/07/2020

That Vista hereby agrees to defend, indemnify, and hold harmless the City from any and all damages and claims for any damage whatsoever that may arise by reason of the installation, maintenance and/or use of the Encroaching Improvements.

That Vista agrees to restore all areas disturbed during installation and maintenance of the Encroaching Improvements to the reasonable satisfaction of the City Engineer of the City. Vista agrees to exercise reasonable precautions during construction and maintenance of the Encroaching Improvements to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, Vista agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the reasonable satisfaction of the City Engineer of the City.

Vista agrees to have available at the encroaching site, at all times during construction, a copy of this Agreement showing evidence of approval by the City. The City reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this Agreement is being performed on a completed street open to traffic, Vista agrees to give written notice to the City Engineer of the City when all work contained herein has been completed. Unless specifically requested by the City, written notice of completion of work on street projects under construction will not be required.

The City hereby agrees that it shall not require Vista to relocate or remove the Encroaching Improvements from the City streets or rights-of-way, or any other City property.

That in the case of noncompliance with the terms of this Agreement by Vista, the City reserves the right to stop all work until the Encroaching Improvements have been brought into compliance.

That it is agreed by both parties that this Agreement shall become void if actual construction of the work contemplated herein is not begun within _____ (____) days from the date of authorization by the City unless written waiver is secured by Vista from the City.

This Agreement shall run with the land and be binding upon and inure to the benefit of Vista and its successors and assigns as the owner of the Vista property, and the City and its successors and assigns. There are no intended third party beneficiaries of this Agreement.

[Remainder of page left blank intentionally]

IN WITNESS WHEREOF, each of the parties to this Agreement has caused the same to be executed the day and year first above written.

CITY:

CITY OF STARKVILLE, MISSISSIPPI

SEAL

By: _____
Mayor

ATTEST: _____
City Manager/Clerk

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2020, within my jurisdiction, the within named _____, who acknowledged that (he) (she) is _____ of **CITY OF STARKVILLE, MISSISSIPPI**, a municipal corporation, and that for and on behalf of the said corporation, and as its act and deed, (he) (she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

NOTARY PUBLIC
My commission expires: _____

DEVELOPER:
THE VISTA-STARKVILLE, LLC

By: _____

Its: _____

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2020, within my jurisdiction, the within named _____, who acknowledged that (he) (she) is _____ of **THE VISTA-STARKVILLE, LLC**, a Delaware limited liability company, and that for and on behalf of the said Limited Liability Company, and as its act and deed, (he) (she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

NOTARY PUBLIC
My commission expires: _____

ATTACHMENT A

Description of Encroaching Improvements

ATTACHMENT A

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: FP 20-02 Request for Final Plat approval for subdividing and reconfiguring 2 lots that are a combined +/-0.69-acre into 2 lots at 400 and 402 North Jackson Street in a TN-E zone with the parcel number 118I-00-103.00 and 118I-00-104.00.
Date: July 14, 2020

The purpose of this report is to provide information regarding Final Plat request by Joshua Davis of Neel-Schaffer on behalf of Double B Properties for the "Double B Properties" subdivision. Please see attachments 1- total number.

BACKGROUND INFORMATION

- The Preliminary Plat was approved by the Board of Aldermen on January 21, 2020 with 9 conditions. The conditions of approval for the preliminary plat are as follows:
 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-3 zoning 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 for final plat approval.
 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.
- The Development Review Committee approved the infrastructure plan on April 30, 2020.

GENERAL INFORMATION

- The 2 lots in the proposed subdivision are located at 400 and 402 North Jackson Street in a TN-E zoning district. The subdivision process was started prior the effect date of the Unified Development Code. Therefore, the subdivision is being reviewed under the previous code with the previous zoning designation was R-3.
- The gross acreage is +/- 0.69 with a total of 2 lots. The proposed gross density is 2.90 units per acre.
- Proposed Lot 1 has an acreage of 0.344. Proposed Lot 2 has an acreage of 0.344.
- All easements and dedications are provided on the final plat.
- Street numbers have been assigned for construction permitting and utility assignments.
- Electrical, water, and sanitary service will be provided by Starkville Utilities.
- 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.
- The applicant has indicated that this subdivision is not part of any previously platted subdivision, therefore no adversely effected parties.

FINAL PLAT INFORMATION

- Approval of a final plat by the Mayor and Board of Aldermen shall be denoted by the issuance of a letter of final plat approval and required signatures on the final plat. One (1) paper copy, a digital copy as a Portable Document Format (PDF), and AutoCAD file of the approved final plat shall be retained in the Planning Department's files. The final plat shall be filed with the office of the chancery clerk of Oktibbeha County within sixty (60) days or the plat shall be void. A deposit in the amount of two hundred dollars (\$200) shall be required to guarantee the return of one (1) signed copy of the final plat to the city planner.
- If the final plat approval is recommended conditionally, the conditions and reasons therefore shall be stated, and if necessary, the Planning and Zoning Commission or Mayor and Board of Aldermen may require that the subdivider submit a revised final plat.
- If denied by the Planning and Zoning Commission or the Board of Aldermen, the reasons for such action shall be stated, and if possible, recommendations should be made on the basis of which the proposed subdivision could be recommended for approval. A denied final plat may be resubmitted to the Planning and Zoning Commission and the Mayor and Board of Aldermen after the suggested changes have been made.
- Whenever a subdivider has been issued a notice of final plat approval from the Mayor and Board of Aldermen, the staff shall be authorized to execute a certificate of final plat approval on the plat upon certification by the City Clerk that the City has received both of the following:
 - o An executed development agreement for any outstanding improvements between the subdivider and the city to install the required improvements.
 - o An approved form of surety as approved by the City Attorney to complete the improvements and installations for the subdivision shall be in compliance with these rules and regulations. Such surety shall not exceed two hundred percent (200%) of the estimated cost of the improvements.

ANALYSIS

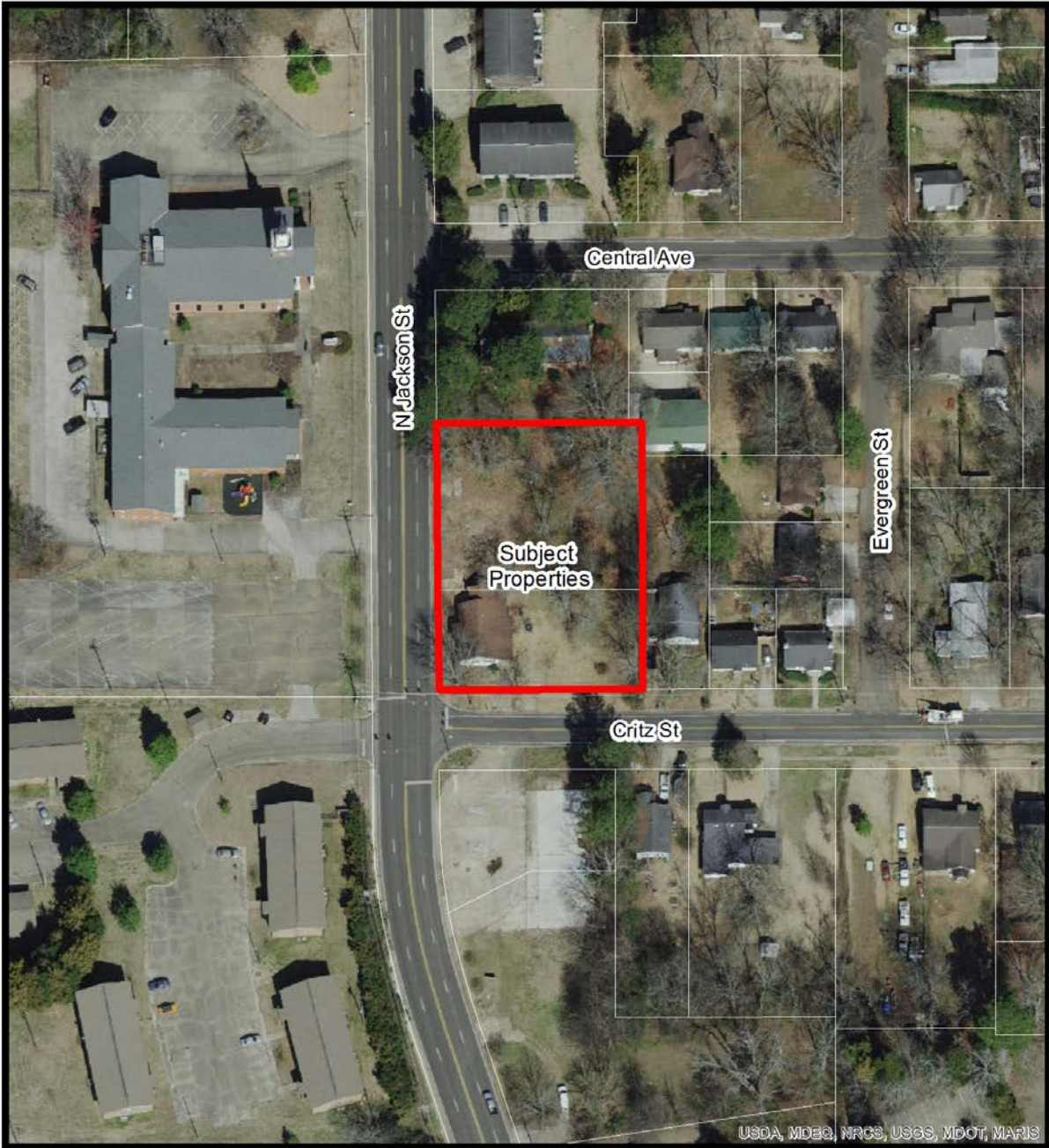
In the opinion of the Planning Department the proposed Final Plat request could meet the criteria for final plat review and approval.

CONDITIONS OF APPROVAL

Any condition attached to the approval of a final plat by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the subdivision. The following conditions are recommended by City Staff:

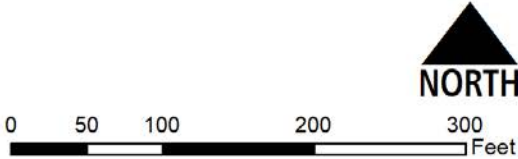
1. No temporary or permanent certificate of occupancy shall be issued for any structure on either lot before all infrastructure is completed to the satisfaction of all city departments.
2. The surety for all remaining required improvements shall remain in effect until the City has inspected and approved.

Attachment 1
FP 20-02 Aerial

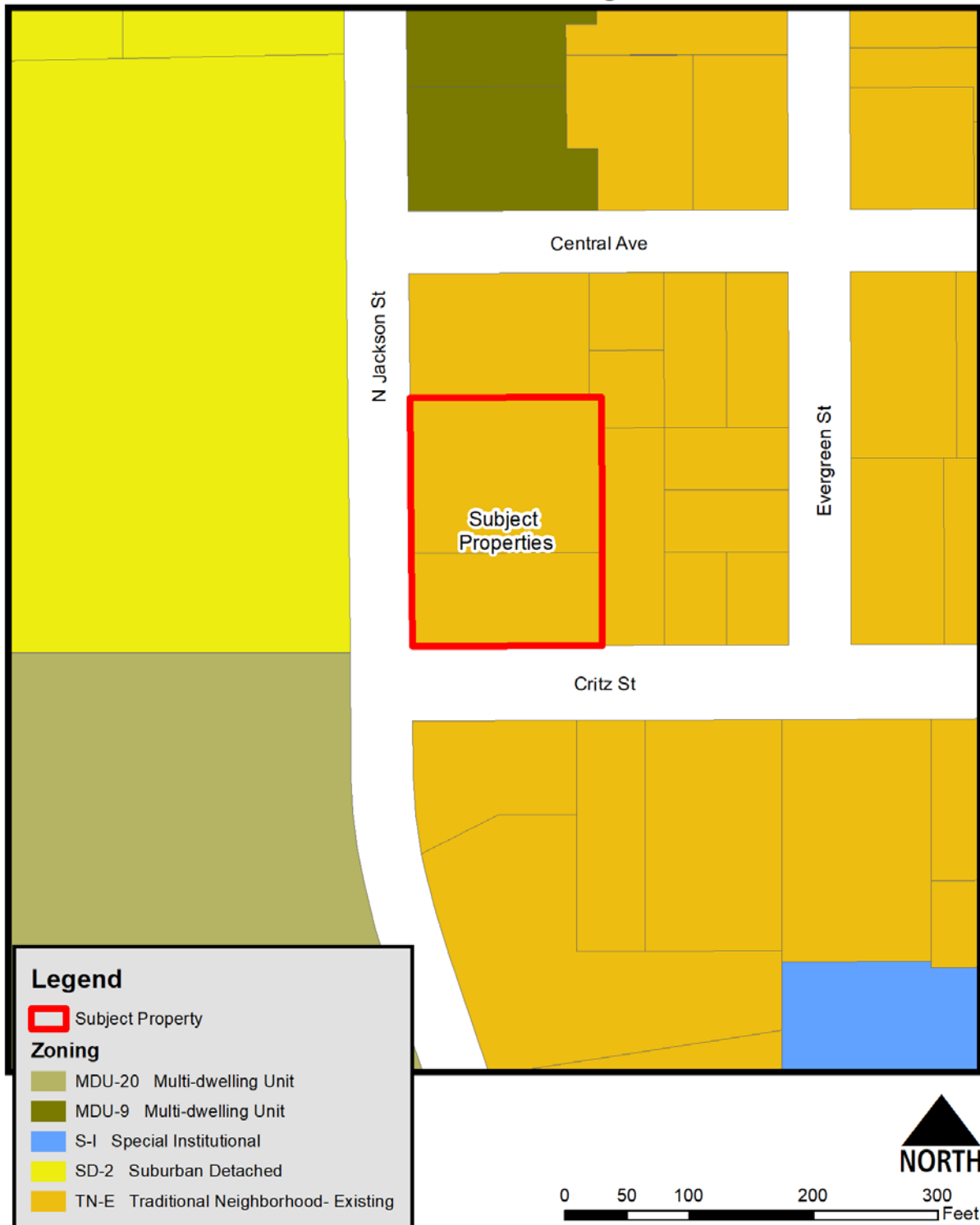


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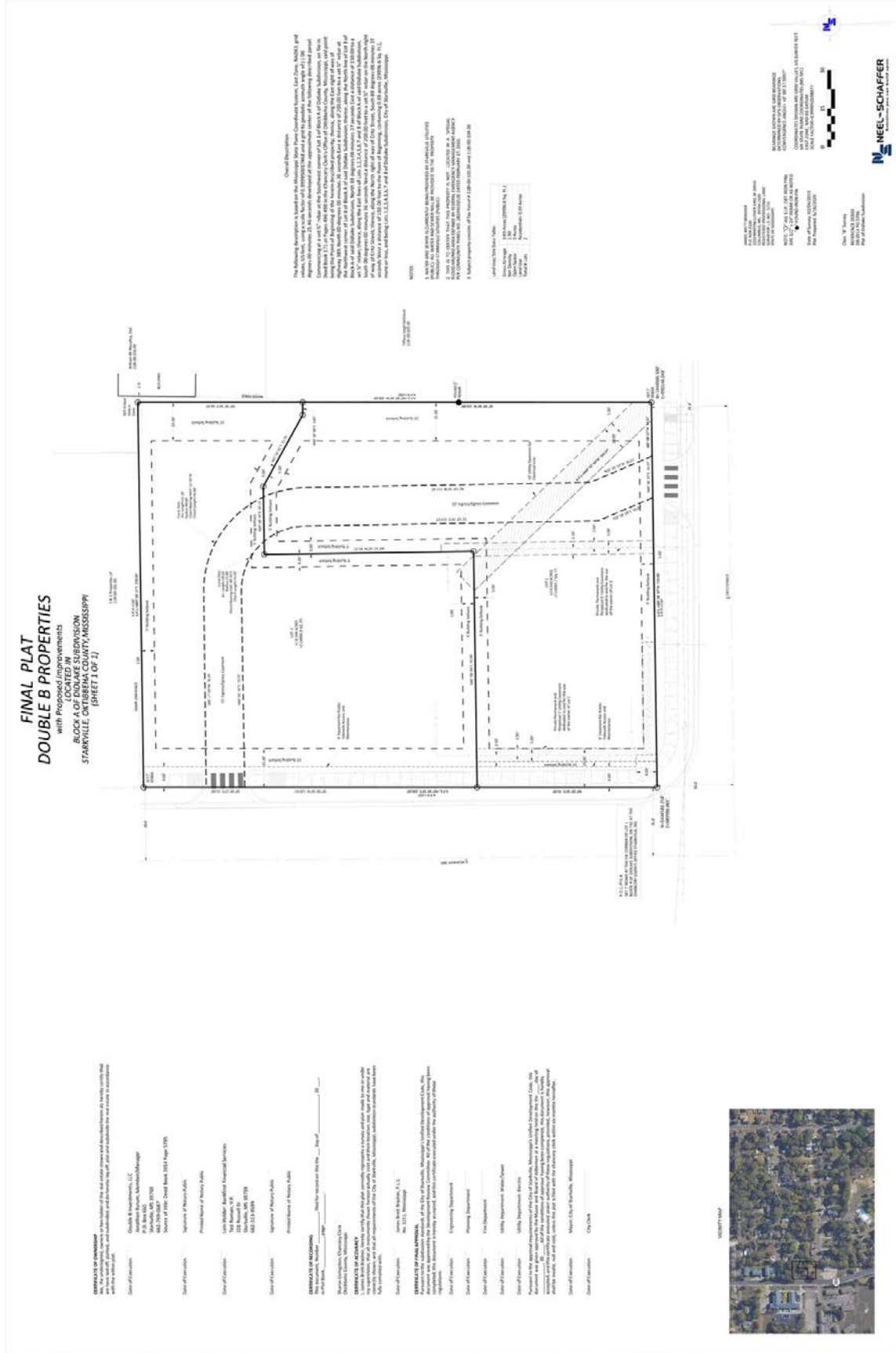
 Subject Property



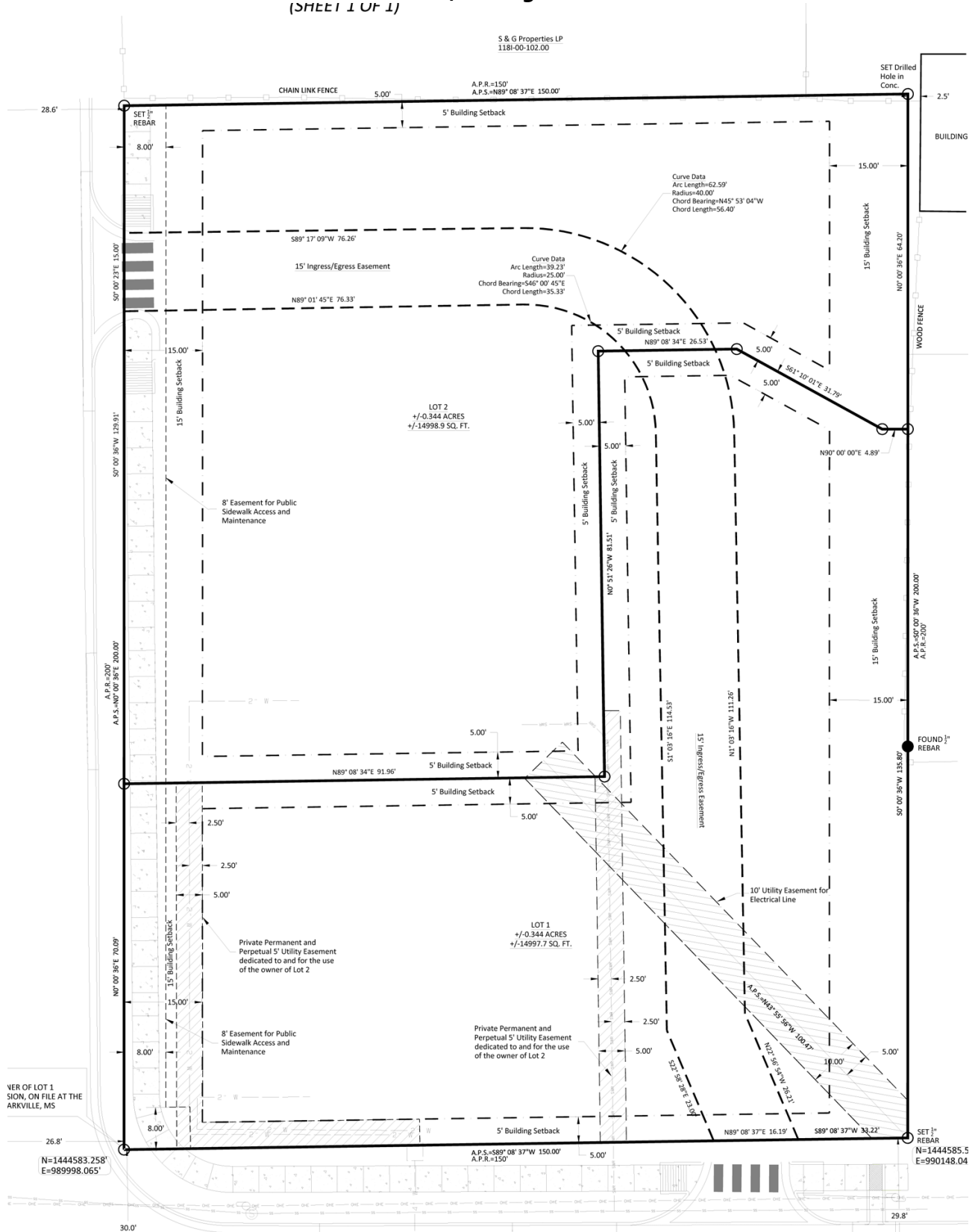
Attachment 2
FP 20-02 Zoning



Attachment 3- Final Plat



Attachment 4- Enlarged Final Plat (SHEET 1 OF 1)



STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: SE 20-09 Request for Special Exception to allow for a manufactured home on the west side of Sand Road in Area K approximately 2,035 feet south of Louisville Street in a R-N zoning district
Date: July 14, 2020

The purpose of this report is to provide information regarding a Special Exception Request by Miesha Edwards on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a manufactured home on the west side of Sand Road in Area K approximately 2,035 feet (0.39 miles) south of Louisville Street. The property is located within a R-N zoning district with the parcel numbers 105 -16-002.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is seeking a Special Exception to place a manufactured home on Area K of the subject property. The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for "Dwelling, Manufactured and Modular Home" in a Rural Neighborhood (R-N) zoning district. Only a portion of the property is to be used for the proposed use. The applicant provided a sketch of the home site area (see attachment 3). The home site area is shown as 115' wide at the road with a total square footage of 40,365. The required minimum lot with for an R-N zone is 100 ft with a minimum of 40,000 square feet of lot area. The required setbacks are as follows: front 30 ft, rear 25 ft, and side 10 ft. There are currently no other dwellings on the home site area. Section 13.3.4 of Unified Development Code also requires that the Special Exception meet the additional standards for that use.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL (Section 3.4.1.)

1. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
3. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
5. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage.

Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

6. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
7. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
8. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF "DWELLING, MANUFACTURED AND MODULAR HOME" (Section 13.5.8.D)

1. Homes shall be anchored according to International Building Code requirements.
2. Homes shall bear the FMHCCS Label or Seal of Compliance.
3. Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.
5. All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site.
6. The towing tongue, wheels, and hitch-axle shall be removed upon final placement of the unit.
7. All manufactured homes shall be placed on permanent masonry foundations with appropriate screening of the foundations. The foundation shall not be visible from the street or adjacent properties.
8. All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-six (36) square feet.
9. No manufactured and modular home more than ten (10) years old may be relocated or moved onto any lot within the city limits of Starkville.
10. See zoning district general provisions for density requirements and other standards.
11. See zoning district base dimensional standards for location, setback, and height requirements.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 36 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on June 28, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no response from the notifications.

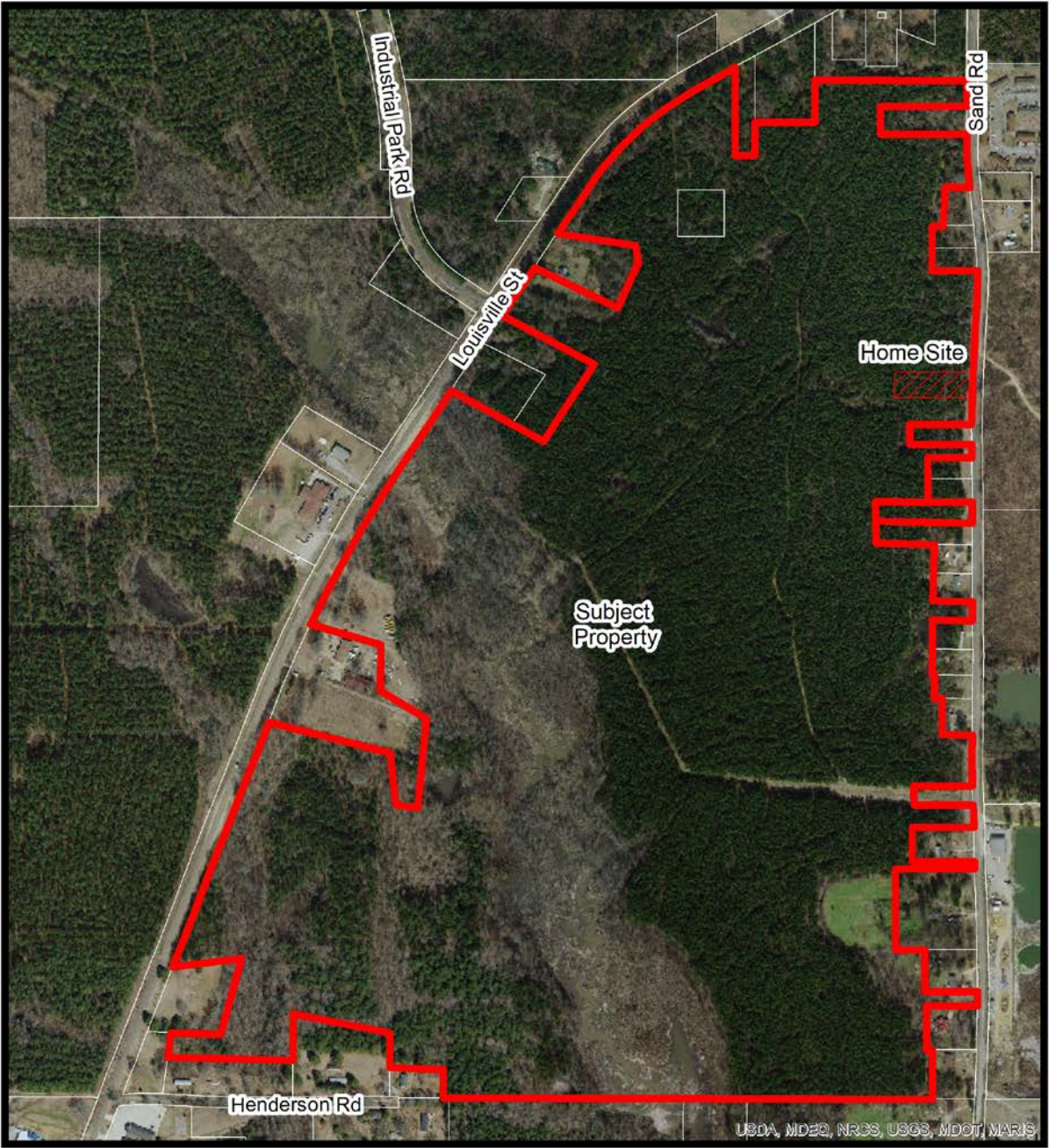
ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

CONDITIONS OF APPROVAL

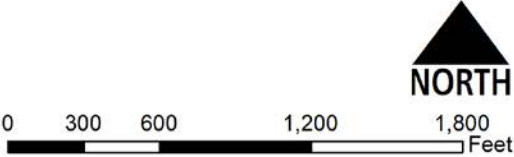
Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Attachment 1
SE 20-09 Aerial

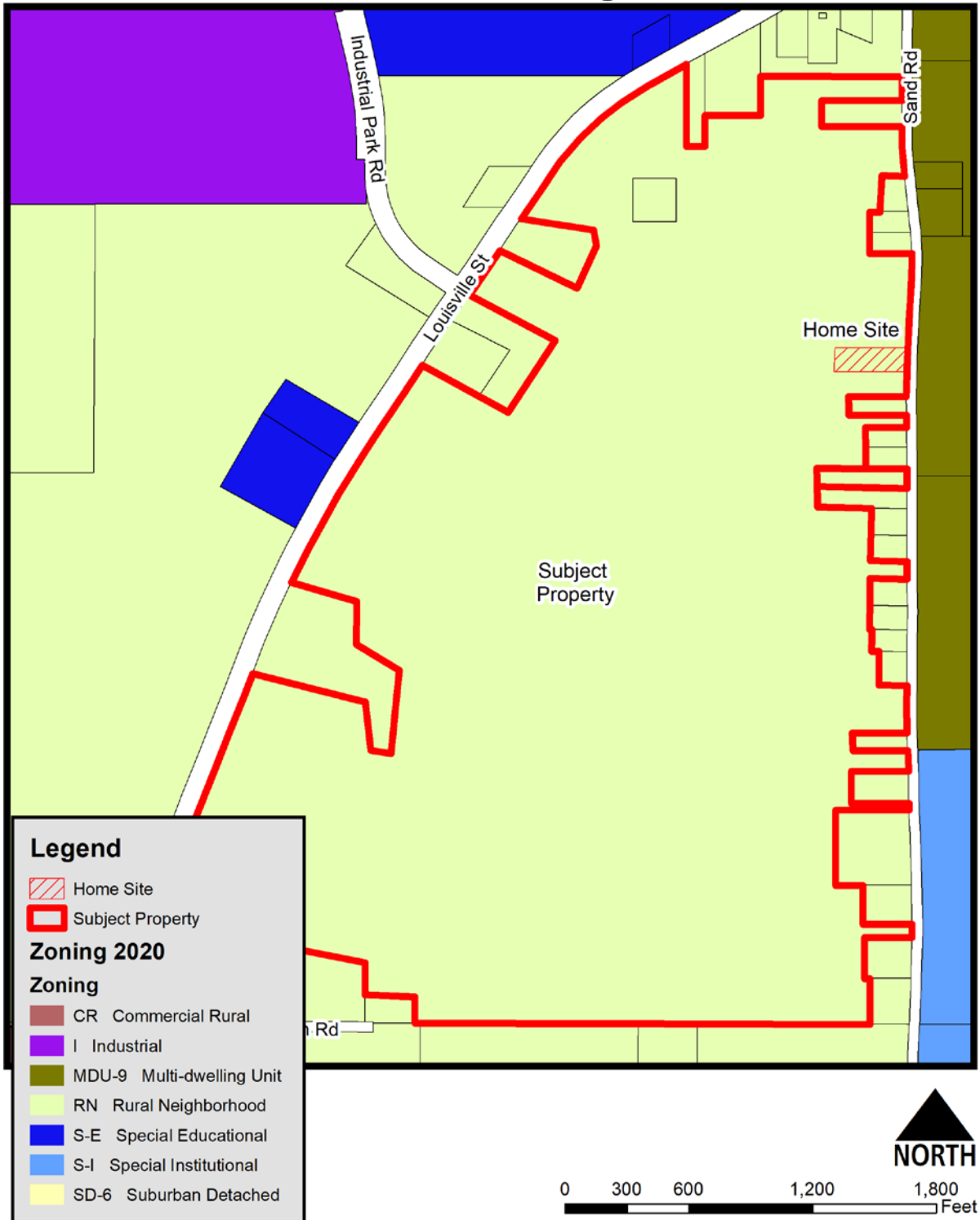


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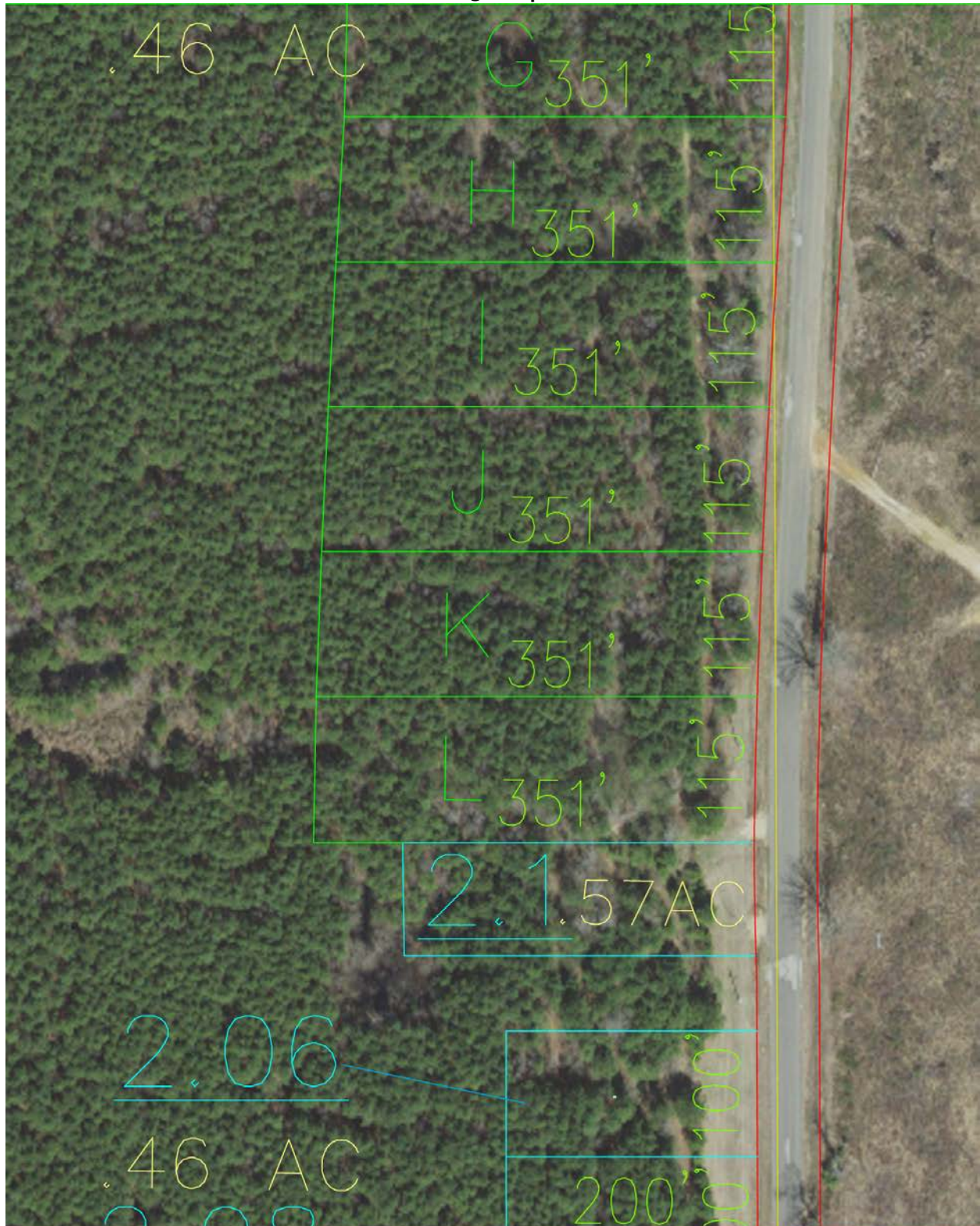
-  Home Site
-  Subject Property



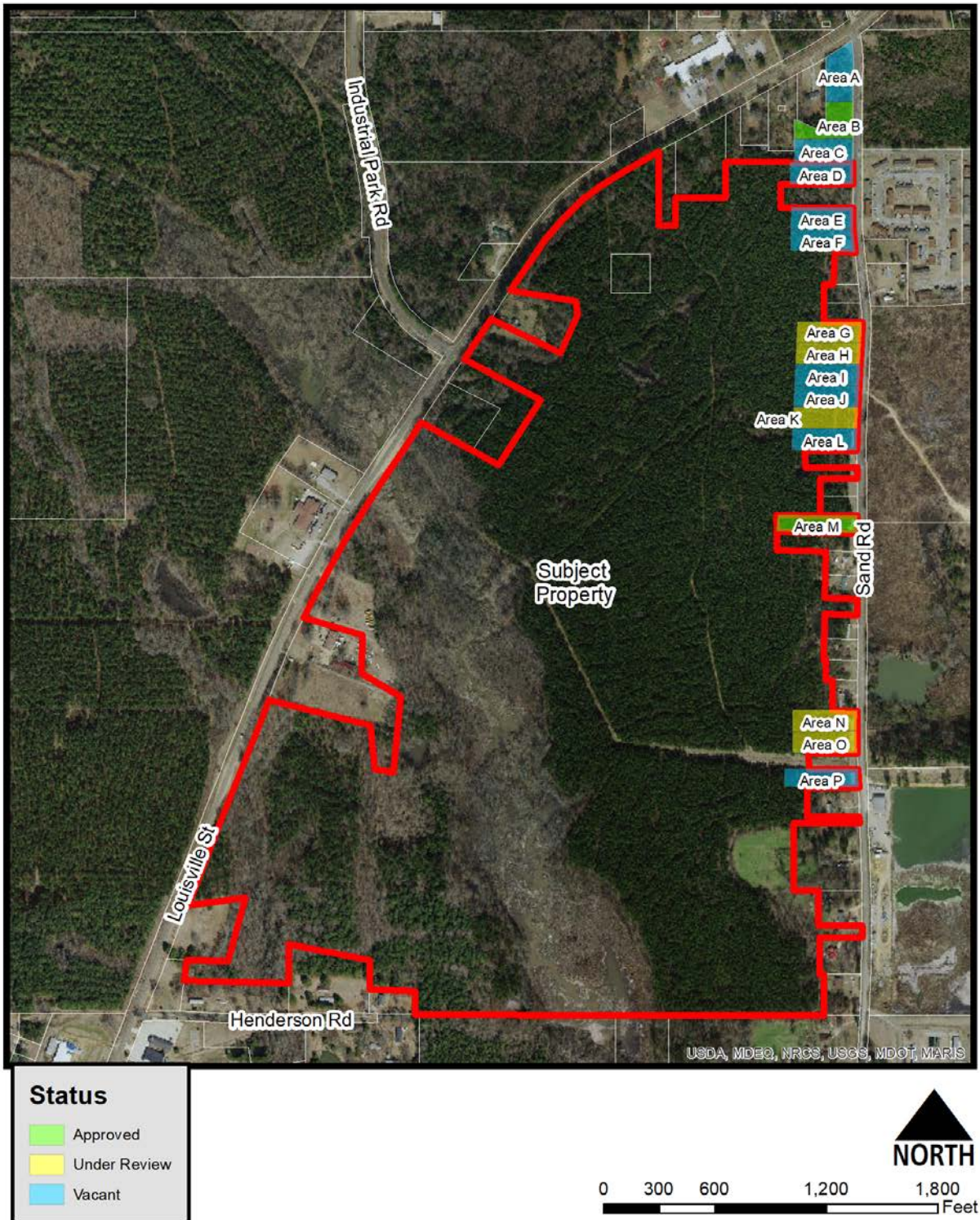
Attachment 2
SE 20-09 Zoning



Attachment 3- Map of Area G&H



Attachment 4
Status of Lease Areas



STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: SE 20-10 Request for Special Exception to allow for a manufactured home on the west side of Sand Road in Areas G&H approximately 1,632 feet south of Louisville Street in a R-N zoning district
Date: July 14, 2020

The purpose of this report is to provide information regarding a Special Exception Request by Tyler Dooley on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a manufactured home on the west side of Sand Road in Areas G&H approximately 1,632 feet (0.31 miles) south of Louisville Street. The property is located within a R-N zoning district with the parcel numbers 105 -16-002.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is seeking a Special Exception to place a manufactured home on Areas G&H of the subject property. The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for "Dwelling, Manufactured and Modular Home" in a Rural Neighborhood (R-N) zoning district. Only a portion of the property is to be used for the proposed use. The applicant provided a sketch of the home site area (see attachment 3). The home site area is shown as 230' combined width at the road with a total square footage of 80,730. The required minimum lot with for an R-N zone is 100 ft with a minimum of 40,000 square feet of lot area. The required setbacks are as follows: front 30 ft, rear 25 ft, and side 10 ft. There are currently no other dwellings on the home site area. Section 13.3.4 of Unified Development Code also requires that the Special Exception meet the additional standards for that use.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL (Section 3.4.1.)

1. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
3. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
5. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage.

Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

6. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
7. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
8. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF "DWELLING, MANUFACTURED AND MODULAR HOME" (Section 13.5.8.D)

1. Homes shall be anchored according to International Building Code requirements.
2. Homes shall bear the FMHCCS Label or Seal of Compliance.
3. Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.
5. All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site.
6. The towing tongue, wheels, and hitch-axle shall be removed upon final placement of the unit.
7. All manufactured homes shall be placed on permanent masonry foundations with appropriate screening of the foundations. The foundation shall not be visible from the street or adjacent properties.
8. All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-six (36) square feet.
9. No manufactured and modular home more than ten (10) years old may be relocated or moved onto any lot within the city limits of Starkville.
10. See zoning district general provisions for density requirements and other standards.
11. See zoning district base dimensional standards for location, setback, and height requirements.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 36 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on June 28, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no response from the notifications.

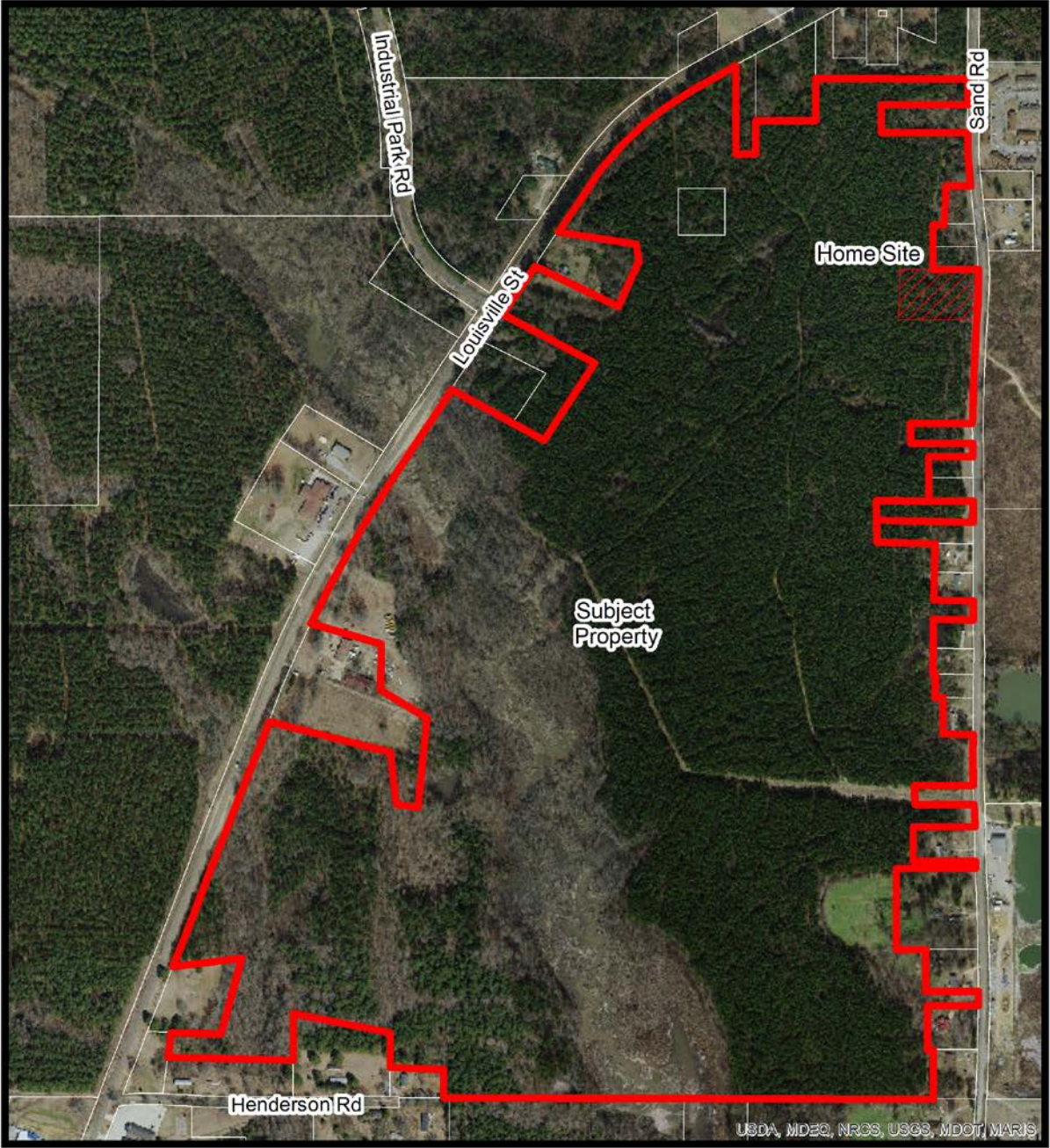
ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

CONDITIONS OF APPROVAL

Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Attachment 1
SE 20-10 Aerial

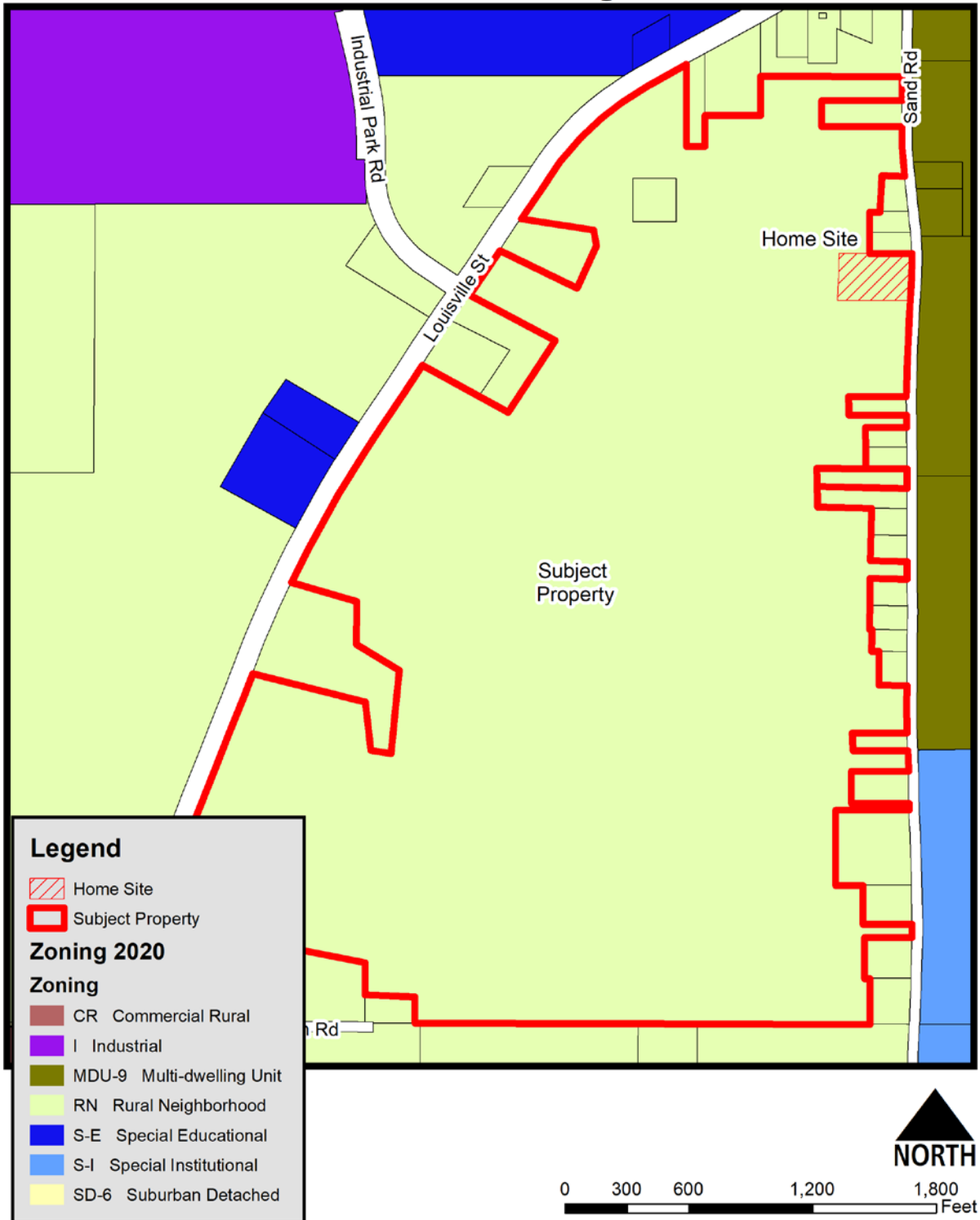


Legend

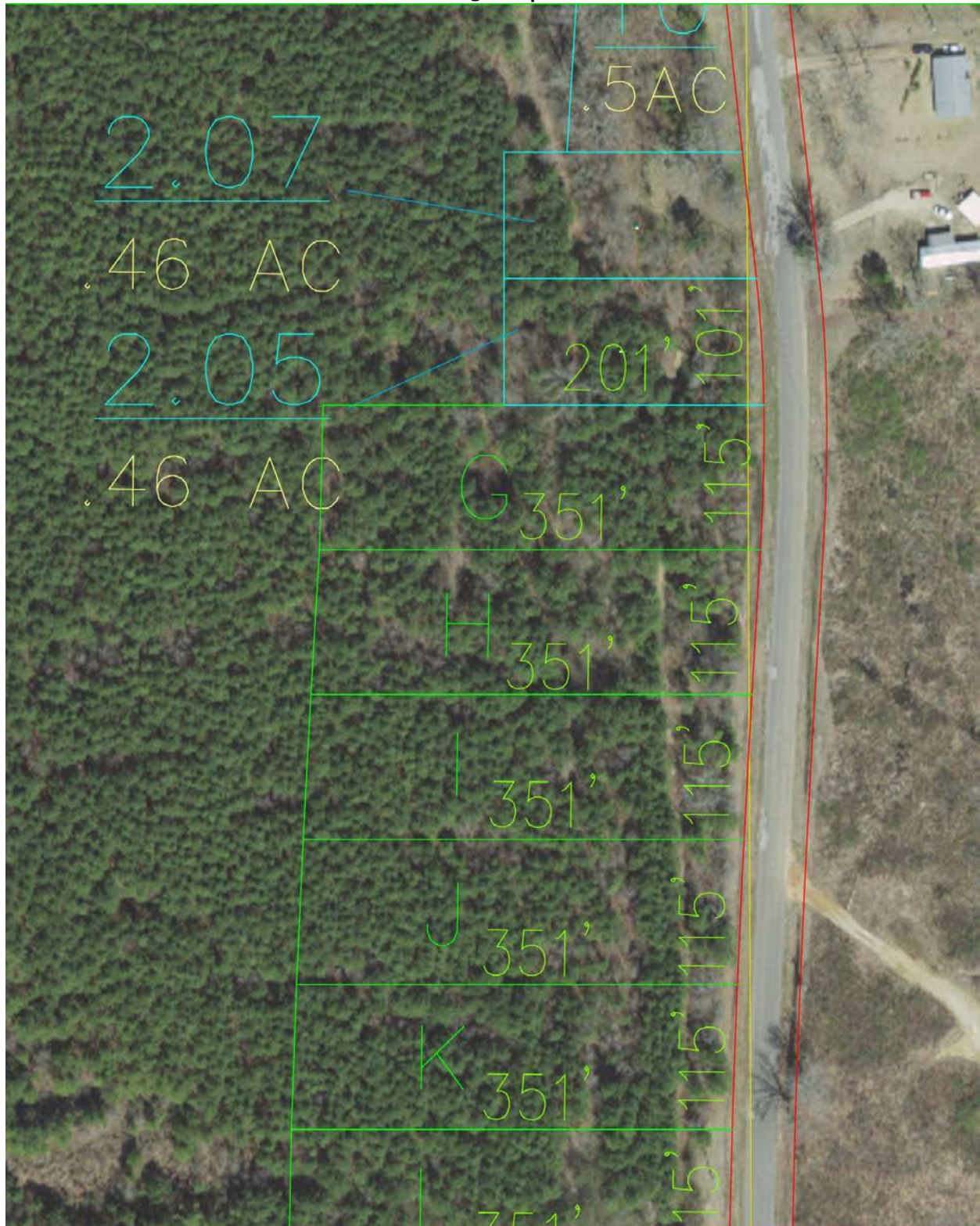
-  Home Site
-  Subject Property



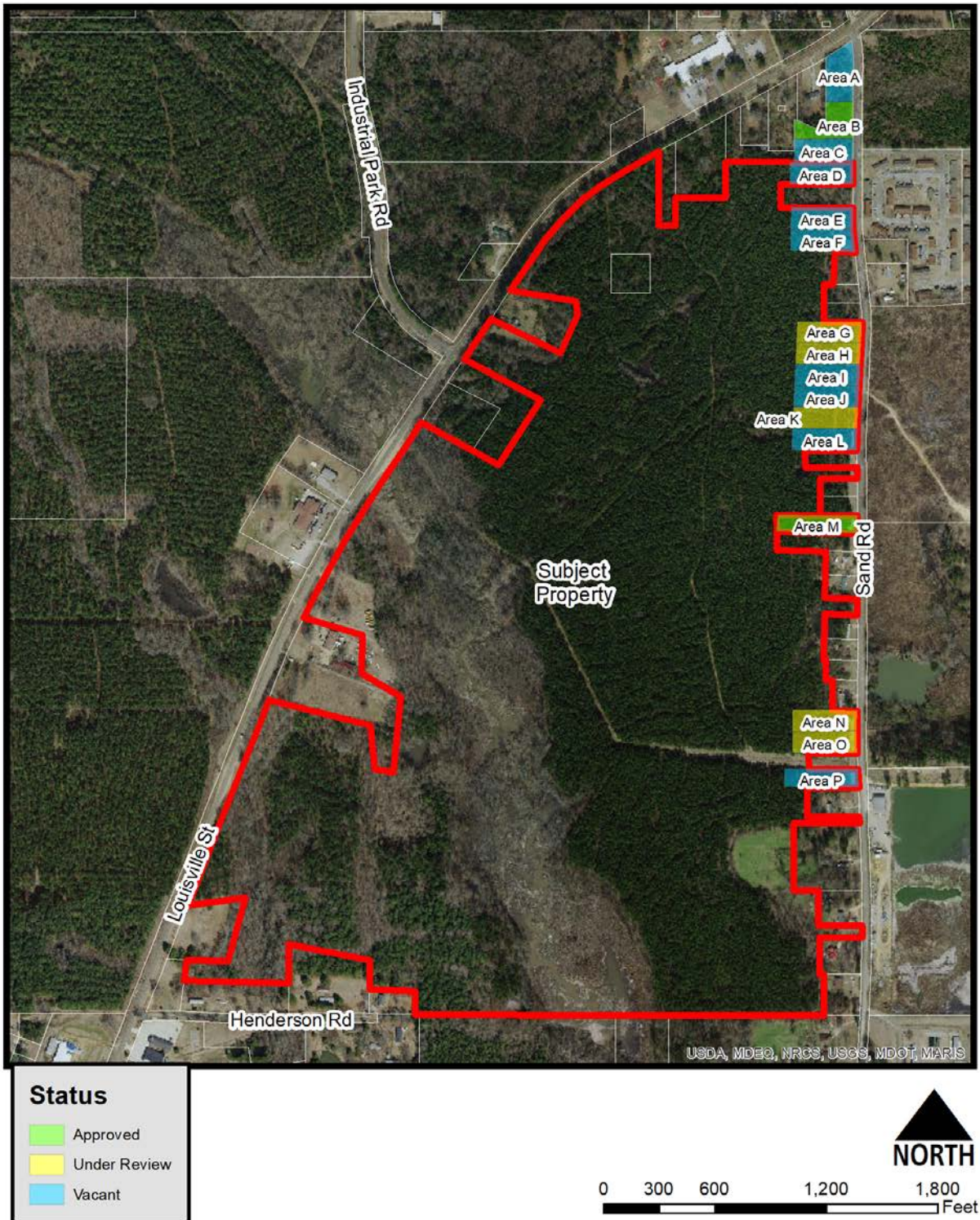
Attachment 2 SE 20-10 Zoning



Attachment 3- Map of Area G&H



Attachment 4
Status of Lease Areas



STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: SE 20-13 Request for Special Exception to allow for a manufactured home on the west side of Sand Road in Areas N&O approximately 3,727 feet south of Louisville Street in a R-N zoning district
Date: July 14, 2020

The purpose of this report is to provide information regarding a Special Exception Request by Paris Fuller on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a manufactured home on the west side of Sand Road in Areas G&H approximately 3,727 feet (0.71 miles) south of Louisville Street. The property is located within a R-N zoning district with the parcel numbers 105 -16-002.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is seeking a Special Exception to place a manufactured home on Areas N&O of the subject property. The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for "Dwelling, Manufactured and Modular Home" in a Rural Neighborhood (R-N) zoning district. Only a portion of the property is to be used for the proposed use. The applicant provided a sketch of the home site area (see attachment 3). The home site area is shown as 230' combined width at the road with a total square footage of 80,730. The required minimum lot with for an R-N zone is 100 ft with a minimum of 40,000 square feet of lot area. The required setbacks are as follows: front 30 ft, rear 25 ft, and side 10 ft. There are currently no other dwellings on the home site area. Section 13.3.4 of Unified Development Code also requires that the Special Exception meet the additional standards for that use.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL (Section 3.4.1.)

1. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
3. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
5. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage.

Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

6. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
7. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
8. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF "DWELLING, MANUFACTURED AND MODULAR HOME" (Section 13.5.8.D)

1. Homes shall be anchored according to International Building Code requirements.
2. Homes shall bear the FMHCCS Label or Seal of Compliance.
3. Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
4. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.
5. All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site.
6. The towing tongue, wheels, and hitch-axle shall be removed upon final placement of the unit.
7. All manufactured homes shall be placed on permanent masonry foundations with appropriate screening of the foundations. The foundation shall not be visible from the street or adjacent properties.
8. All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-six (36) square feet.
9. No manufactured and modular home more than ten (10) years old may be relocated or moved onto any lot within the city limits of Starkville.
10. See zoning district general provisions for density requirements and other standards.
11. See zoning district base dimensional standards for location, setback, and height requirements.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 36 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on June 28, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no response from the notifications.

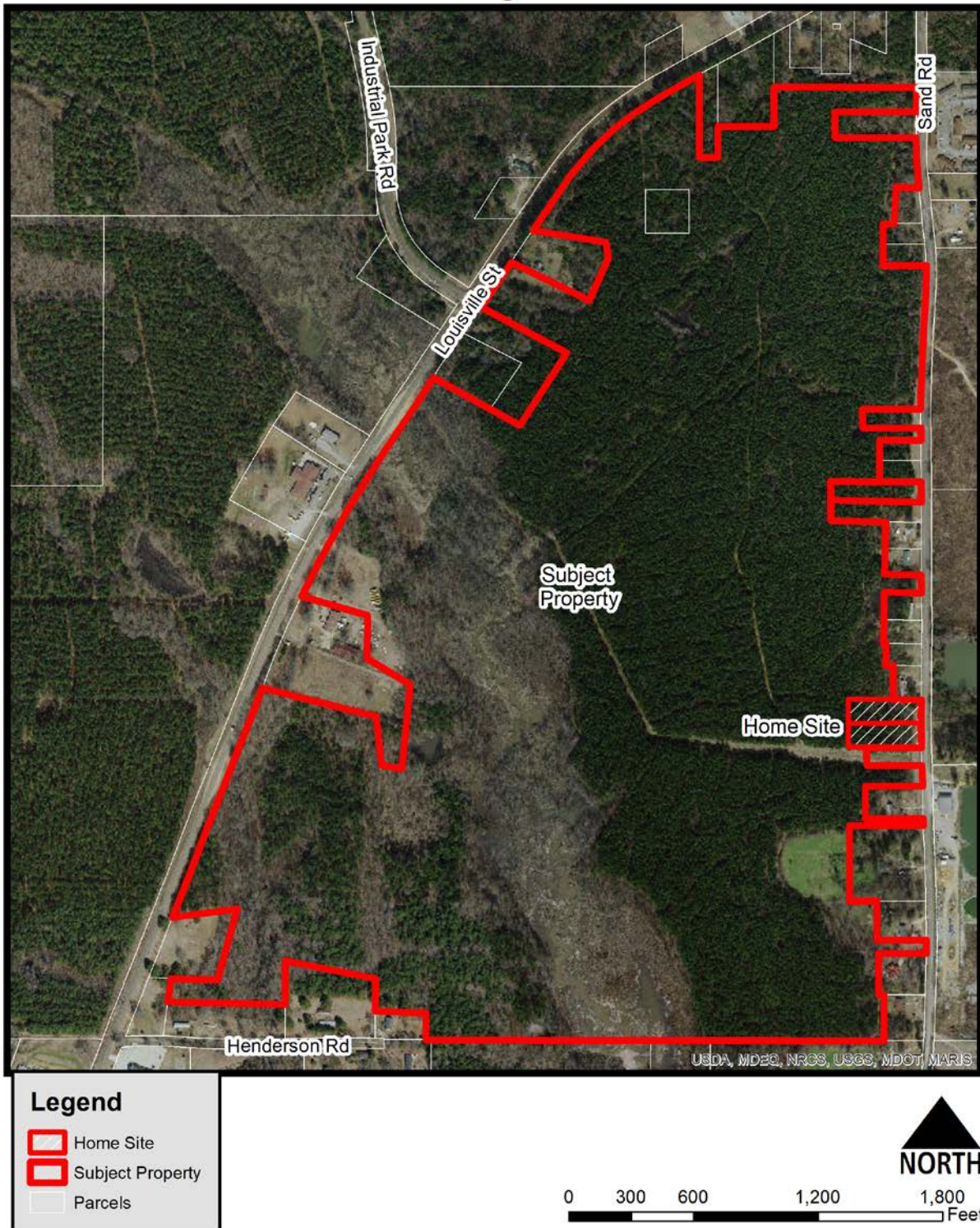
ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

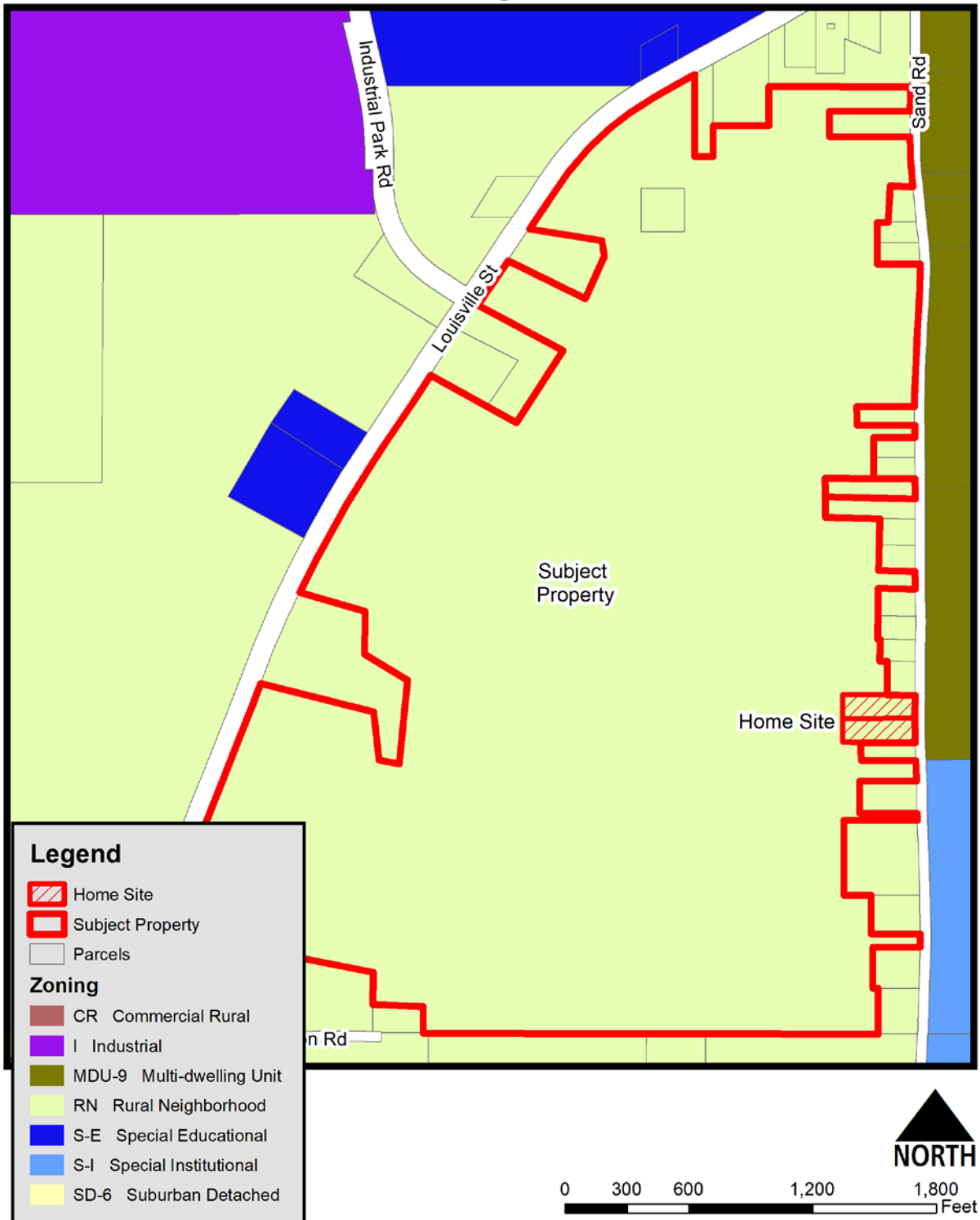
CONDITIONS OF APPROVAL

Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Attachment 1
SE 20-13 Aerial



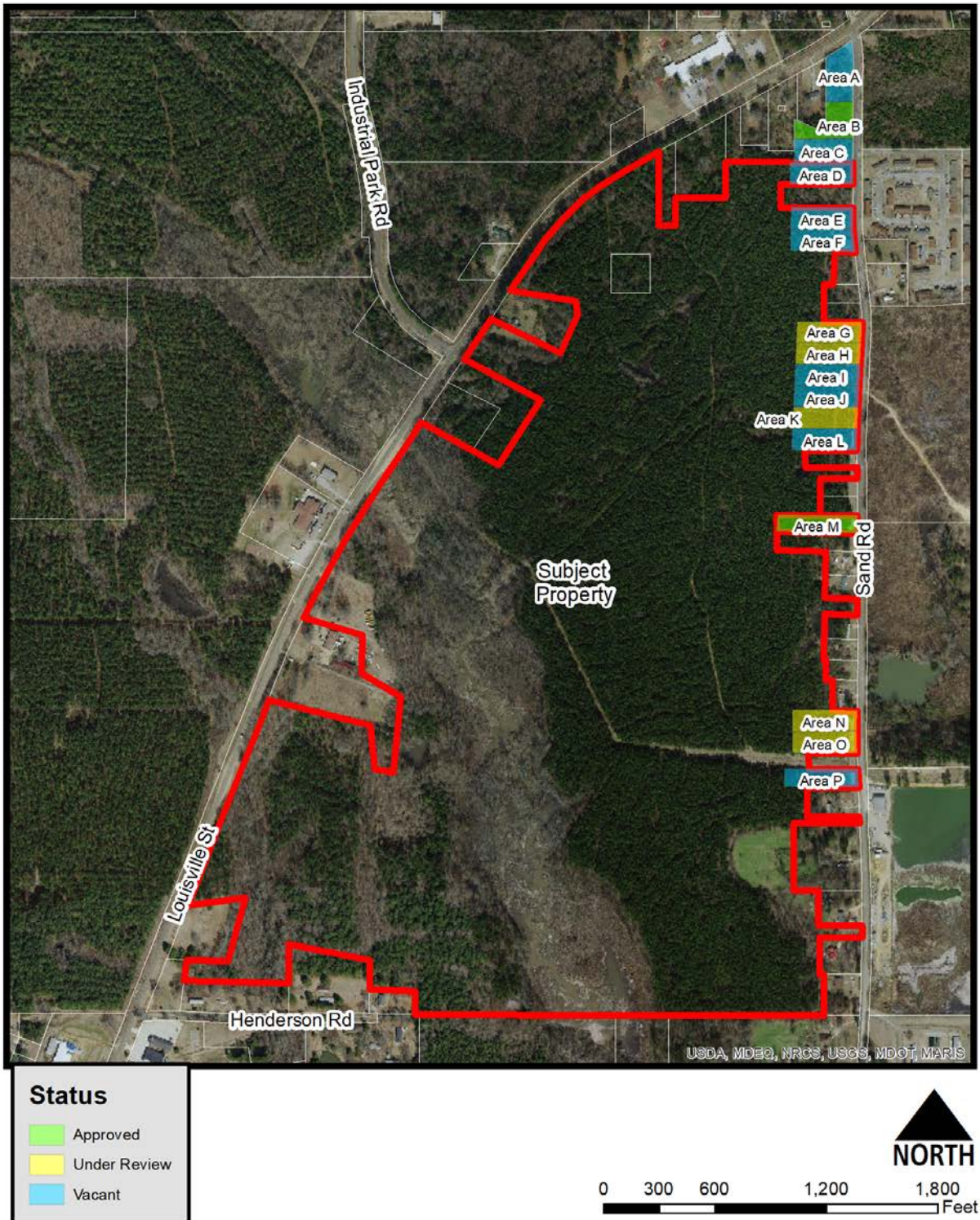
Attachment 2
SE 20-13 Aerial



Attachment 3- Map of Area G&H



Attachment 4
Status of Lease Areas



STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: SE 20-12 Request for Special Exception to allow for the construction of a "Recreational Vehicle Parks" and "Mini-Storage" facility on the west side of Louisville Street approximately 800 feet (0.15 miles) north of Warrior Drive in a R-N zoning district
Date: July 14, 2020

The purpose of this report is to provide information regarding a Special Exception Request by Kim Moreland of Moreland Holdings on behalf of Starkville Oktibbeha Consolidated School District for a Special Exception to allow for a "Recreational Vehicle Parks" and "Mini-Storage" facility on the west side of Louisville Street approximately 800 feet (0.15 miles) north of Warrior Drive. The property is located within a R-N zoning district with the parcel numbers 105 -16-002.00. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant has entered into an agreement with Starkville Oktibbeha Consolidated School District to lease 10.06 acres directly north of their current business Moreland RV Park. The lease area would be an extension of the business with additional storage units and RV spots. The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for "Recreational Vehicle Parks" and "Mini-Storage" in a Rural Neighborhood (R-N) zoning district. Only leased portion of the property is to be used for the proposed uses. The applicant provided a conceptual site plan of the proposed uses (see attachment 3). Section 13.3.4 of Unified Development Code also requires that the Special Exception meet the additional standards for that use.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL (Section 3.4.1.)

1. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
3. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.
5. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage.

Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

6. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
7. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
8. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF "RECREATIONAL VEHICLE PARKS" (Section 13.7.21.D)

1. No structure shall be located in the required setback area of the district. Parking setbacks for the district shall apply to the recreational vehicle.
2. Each recreational vehicle parking area shall be provided with access to water, power, and sanitary sewer. All connections to public utilities shall be in accordance with the utility provider.
3. The minimum lot size for a recreational vehicle park shall be three (3) acres.
4. The owner and/or operator of the recreational vehicle park must file a restrictive covenant stating that no recreational vehicle stored or parked on the premises for more than two (2) weeks will be used as a primary residence or rental residence.
5. Outdoor common areas within a recreational vehicle park shall not be placed adjacent to or within three hundred (300) feet of residential detached dwelling units.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF "Mini-Storage" (Section 13.7.14.D)

1. The minimum size for a mini-storage facility shall be one and a half (1 ½) acre in size. The maximum lot size for a mini-storage facility shall not exceed three (3) acres in size.
2. Open storage, outside an enclosed building, shall be limited to vehicles and trailers with a valid registration and screened from public view by building facades or solid fences of eight (8) feet in height.
3. No retail uses, wholesale uses, residential activities, storage of hazardous materials, or any other use other than personal or office related storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by provisions in the lease agreement.
4. Dumpsters shall be required for all mini-storage facilities. Size and location shall be determined by the Sanitation Director.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment

or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 16 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on June 28, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no response from the notifications.

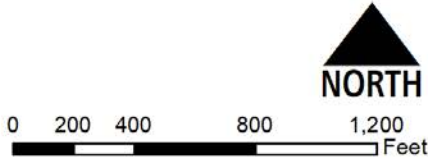
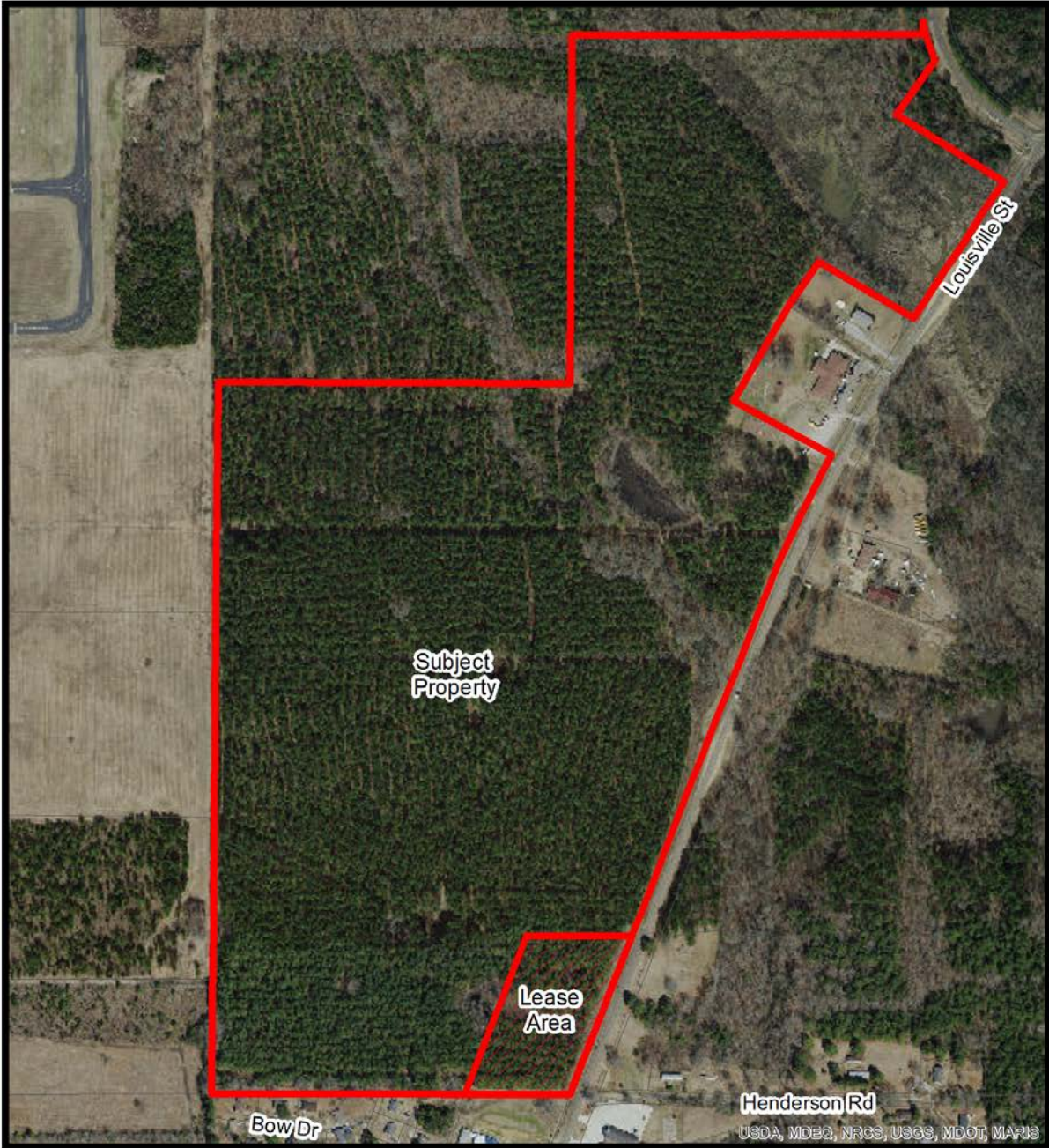
ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

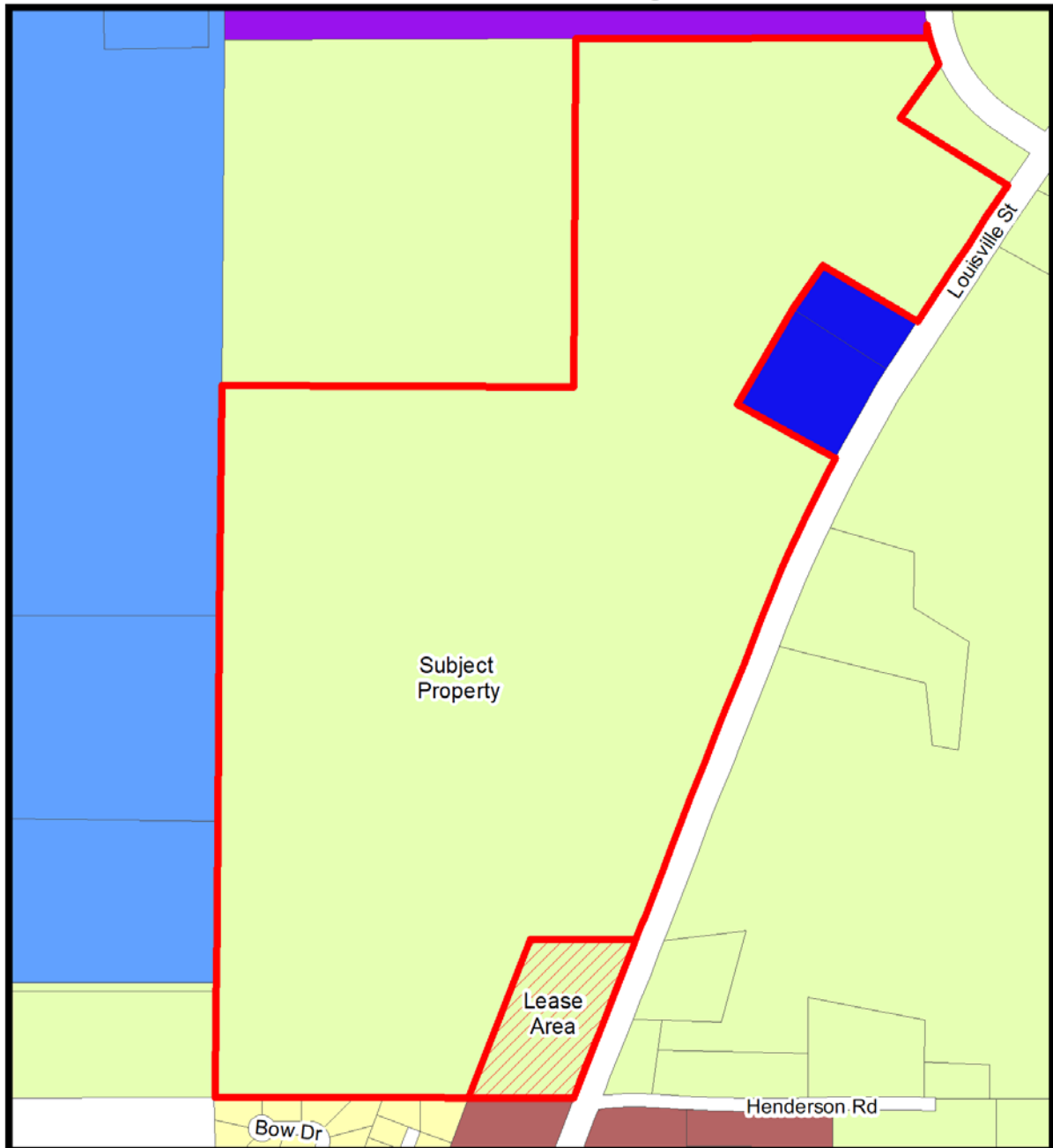
CONDITIONS OF APPROVAL

Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Attachment 1
SE 20-12 Aerial

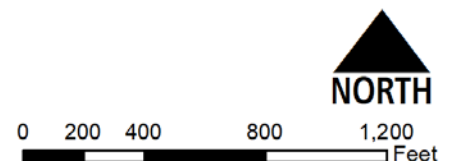


Attachment 2
SE 20-12 Zoning



Legend

-  Lease Area
-  Subject Property



[illegible]

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: UE 20-01 Request for Use Exception to allow for a "Place of Worship" at 708 Taylor Road suite B & C in a C zoning district with the parcel number 102E-00-196.02
Date: July 14, 2020

The purpose of this report is to provide information regarding Use Exception Request by Wes Schrickel of the Orchard Church on behalf of RMR Investments Company LLC to allow for a "Place of Worship" located at 708 Taylor Road in a C- Commercial zoning district with the property #102E-00-196.02. Please see attachments 1-2.

BACKGROUND INFORMATION

The applicant is seeking a Use Exception to operate the Orchard Church out of suite B&C. The Use Chart in Section 13.3 of the Unified Development Code requires a Use Exception or a Special Exception for "Place of Worship" in a C zoning district. The proposed use does not require the construction of a new building or major modification to an existing building or site. Therefore, the request will be reviewed as a Use Exception. Section 3.5.1.F of Unified Development Code also requires that the Use Exception meet the additional standards for that use.

CRITERIA FOR USE EXCEPTION REVIEW AND APPROVAL (Section 3.5.1.)

1. **Site and structure suitability.** The proposed location of the use has adequate space for the use such as but not limited to: parking, available utilities, pedestrian access, vehicle access, loading areas, building size, building type, etc.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the addition of the proposed use to the area.
3. **Immediate neighborhood impact.** The proposed use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Impact on property values.** The proposed location of the use will not cause or contribute to a decline in property values of surrounding properties.
5. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
6. **Additional standards.** All associated additional standards for the proposed use have been adequately provided for on the site plan.

ADDITIONAL STANDARDS ASSOCIATED WITH THE PROPOSED USE OF “PLACE OF WORSHIP” (Section 13.6.14.D)

1. The structure height limitations of these regulations shall not apply to church spires, belfries, or cupolas.
2. One (1) detached dwelling unit for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use shall be permitted.
3. Newly constructed places of assembly seating more than six hundred (600) people must have direct vehicular access to a major vehicular thoroughfare as determined by the City Engineer.
4. A residential monastery or convent or similar communal residential religious facility may be allowed as an accessory use to places of worship by special exception.
5. Accessory uses such as administrative offices, bookstores, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted as follows:
 - i. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such.
 - ii. No merchandise or merchandise display shall be visible from outside a building.
 - iii. Business or identification signs pertaining to an accessory use shall be limited to one (1) sign and the total square footage must not exceed two (2) square feet.
 - iv. Television stations, radio stations, printing presses, and sports complexes shall only be permitted as accessory uses if such uses are also permitted as principal uses in the zoning district in which they are located.

ABANDONMENT OR DISCONTINUANCE (Section 3.5.3.K)

If a use exception is abandoned, discontinued, or ceases for a continuous period of more than three (3) months, the use exception shall become null and void. The use exception shall only be tied to the applicant for that specific location and/or business and cannot be transferred to another entity or location without reapplication. Any use associated with an approved use exception may continue the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen.

NOTIFICATION

The request was noticed in accordance with Section 3.5.3.E of the Unified Development Code.

1. 16 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on June 28, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no phone calls about this request.

ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Use Exception request could meet the criteria for special exception review and approval.

CONDITIONS OF APPROVAL

The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of a use exception shall run for the duration of the use. Conditions for a requirement for a renewal of a use exception may be applied to approval at the discretion of the Board of Aldermen. (Section 3.5.3.J).

Attachment 1
UE 20-01 Aerial



Legend

-  Lease Area
-  Subject Property

0 25 50 100 150 Feet



Attachment 2
UE 20-01 Zoning

