OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, MAY 11, 2021
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 APRIL 13, 2021

VI. CITIZEN COMMENTS

VII. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF SE 21-03 A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR THE CONVERSION OF A PORTION OF AN EXISTING AREA WITHIN THE HOME INTO AN ACCESSORY DWELLING UNIT AT 1203 MEADOWLARK DRIVE IN A SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 103B-00-019.00.

VIII. ADJOURN

UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI APRIL 13, 2021

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held their regularly scheduled meeting on April 13, 2021 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present were Kim Moreland, Ward 1 and Michael Brooks, Chairman, Ward 4. Joining the meeting via the Google Meets virtual meeting platform were Vicki West, Ward 2, Kelly Prather, Ward 3, Alexis Gregory, Ward 5, and Jeremiah Dumas, Ward 6. Absent from the meeting was Tommy Verdell Jr., Ward 7. Physically present attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, and City Attorney Jason Sharp.

Chairman Mike Brooks opened the meeting with the Pledge of Allegiance followed by a moment of silence.

IV. 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 April 13, 2021 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, APRIL 13, 2021
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 MARCH 09, 2021
VI. CITIZEN COMMENTS
VII. NEW BUSINESS
   A. PUBLIC HEARING AND CONSIDERATION OF SE 21-02 A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR AN EXPANSION OF A NONCONFORMING USE IN A T5-C ZONING DISTRICT AT 112 MILL STREET WITH THE PARCEL NUMBER 101D-00-321.00
   B. DISCUSSION AND CONSIDERATION OF FP 21-02 A REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING 20.75 ACRES LOT INTO 79 LOTS ON THE WEST SIDE OF SOUTH MONTGOMERY STREET +/-330FT SOUTH OF THE INTERSECTION WITH LYNN

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LANE DIRECTLY SOUTH OF THE MAISON DE VILLE SUBDIVISION IN A TN-N ZONING DISTRICT WITH PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00.

C. DISCUSSION AND CONSIDERATION OF MOVING THE JUNE 8, 2021 PLANNING AND ZONING COMMISSION MEETING TO A NEW DATE TO AVOID CONFLICT WITH THE MUNICIPAL ELECTION.

VIII. ADJOURN

After discussion and upon the motion of Commissioner Moreland, duly seconded by Commissioner Dumas, the motion to approve the official agenda of the Planning and Zoning Commission for April 13, 2021 received unanimous approval.

V. CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING

A. CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 9, 2021

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve the minutes as amended of the Planning and Zoning Commission for March 9, 2021 received unanimous approval.

VI. CITIZEN COMMENTS

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

VII. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF SE 21-02 A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR AN EXPANSION OF A NONCONFORMING USE IN A T5-C ZONING DISTRICT AT 112 MILL STREET WITH THE PARCEL NUMBER 101D-00-321.00

City Planner Daniel Havelin presented the Special Exception Request by Mark Castleberry to allow for an expansion of a nonconforming use in a T5-C zoning district at 112 Mill Street with the parcel number 101D-00-321.00.

The applicant is seeking a Special Exception to expand an existing detached dwelling. The Use Chart in Section 13.3 of the Unified Development Code lists detached dwellings as "not permitted" in a T5-C zoning district. Therefore, the existing detached dwelling is a legal nonconforming use. Section 3.17.2.A of the Unified Development Code allows for the expansion of a nonconforming use if approved as part of a special exception or use exception. Since the request involves the expansion of a building, the special exception process is required. Section 3.4.1 of the UDC list 8 criteria for review and approval of the Special Exceptions.

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

1. 12 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 March 28, 2021.
3. A sign was posted on the property in a conspicuous location.

Chairman Brooks opened the public hearing to citizen comments.

Mark Castleberry came forward to speak in favor of the request.

Ben Wilson came forward to ask questions regarding the proposed use of the request.

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

After discussion and upon the motion to approve by Commissioner Dumas, duly seconded by Commissioner Prather, the motion was unanimously approved.

B. DISCUSSION AND CONSIDERATION OF FP 21-02 A REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING 20.75 ACRES LOT INTO 79 LOTS ON THE WEST SIDE OF SOUTH MONTGOMERY STREET +/-330FT SOUTH OF THE INTERSECTION WITH LYNN LANE DIRECTLY SOUTH OF THE MAISON DE VILLE SUBDIVISION IN A TN-N ZONING DISTRICT WITH PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00.

City Planner Daniel Havelin presented the request by Willis Owens of Pritchard Engineering on behalf of Andy Fornea for the "Oakvale Subdivision" subdivision. The Board of Aldermen approved a rezoning request from R-1/C-2 to R-3A on November 6, 2018, a variance from front setback requirements on August 6, 2019 and the Preliminary Plat on July 16, 2019. The entire subdivision has a gross acreage of +/- 20.75 with a total of 79 lots. The proposed gross density is 3.81 units per acre. All easements and dedications are provided on the final plat. The roadways will be dedicated to the City once inspected by City Staff and Approved by the Board of Aldermen. Golden Triangle Planning and Development has reviewed proposed road names and has no issues. Electrical service, Potable water, and sanitary sewer utility services will be provided by the City.

The applicant has indicated that this subdivision is not part of any previously platted subdivision, therefore no adversely effected parties.

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

City Staff is recommending 8 conditions based on recommendations by Engineering staff.
All conditions are to be met prior to staff executing the Certificate of Final Approval.

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Chairman Brooks opened the public meeting to citizen comments.

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

After discussion and upon the motion to approve by Commissioner Dumas, duly seconded by Commissioner Prather, the motion was unanimously approved with the following recommended conditions:

1. Prior to execution of the Certificate of Final Approval by City Staff, the proposed covenants shall be revised and approved by the City Attorney and shall include the creation of a Homeowner's Association (HOA) for the long-term maintenance of common areas, private piping, stormwater management areas, private alley and any custom signage within the subdivision along with the City's standard hold-harmless and indemnification clause.
2. Prior to execution of the Certificate of Final Approval by City Staff, an approved form of surety and the accompanying agreement for the completion of unfinished items shall be provided. The form of surety and agreement shall be reviewed by the City Attorney and determined to be acceptable. The amount of the surety shall be reviewed by the City Engineer and determined to be acceptable based on the provided cost estimate.
3. The placement of water meters by Starkville Utilities shall not take place until the release of all bond items related to the water and sanitary sewer infrastructure.
4. The Homeowners Association (HOA) and/or Developer shall own and maintain the water system until all bonds are released. The HOA and/or Developer shall be responsible for any water leaks until all bonds are released. Responsibility for the water system shall begin at the ROW of the site on Lynn Lane, and South Montgomery.
5. The Homeowners Association (HOA) and/or Developer shall own and maintain the sanitary sewer system until all bonds are released. Responsibility for the sanitary sewer system shall begin at the inlet into manhole (MH1).
6. Prior to issuance of any Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for any structure on any lot within the subdivision, the following shall items shall be completed or provided to City Staff:
    a. As-built drawings signed/stamped by a licensed PE meeting City of Starkville requirements and any requested supporting information.
    b. All required test and material reports as outlined in the Subdivision Testing requirements and Processes and the Subdivision Testing Schedule.
    c. All required infrastructure as illustrated on the approved infrastructure plan "IP 19-02 Valentine Property" approved on December 30, 2019 has been fully completed, inspected, tested, and approved by the City of Starkville Community Development Department, Engineering Department, and Starkville Utilities.
    d. Revise Final plat as necessary to adjust easements, public rights-of-way, or lots based on the final, as-built infrastructure construction.
7. Prior to execution of the Certificate of Final Approval by City Staff, the developer shall have the slotted curb median installed on South Montgomery to the satisfaction of City Staff.

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8. Prior to execution of the Certificate of Final Approval by City Staff, the developer shall have installed the base layer of asphalt to the satisfaction of City Staff.

C. DISCUSSION AND CONSIDERATION OF MOVING THE JUNE 8, 2021 PLANNING AND ZONING COMMISSION MEETING TO A NEW DATE TO AVOID CONFLICT WITH THE MUNICIPAL ELECTION.

After discussion and upon the motion move the meeting to June 9, 2021 at 5:30 PM by Commissioner Dumas, duly seconded by Commissioner West, the motion was unanimously approved.

VII. ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on May 11, 2021, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion and upon the motion to adjourn until 5:30 p.m. on May 11, 2021 in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Dumas, duly seconded by Commissioner Gregory, the motion was unanimously approved.

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Michael Brooks, Commission Chair

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Daniel Havelin, City Planner

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THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION

CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To:	Members of the Planning & Zoning Commission
From:	Daniel Havelin, City Planner (662-323-2525 ext. 3136) Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject:	Public hearing and consideration of SE 21-03 a request for Special Exception to allow for the conversion of a portion of an existing area within the home into an accessory dwelling unit at 1203 Meadowlark Drive in a SD-2 zoning district with the parcel number 103B-00-019.00.
Date:	May 11, 2021

The purpose of this report is to provide information regarding a Special Exception request by Thomas Holley to allow for the conversion of a portion of an existing area within the home into an accessory dwelling unit. The property is located at 1203 Meadowlark Drive in a SD-2 zoning district with the parcel number 103B-00-019.00. Please see attachments 1- 6.

BACKGROUND INFORMATION

The applicant is seeking a Special Exception to remodel a portion of the existing home. The proposed remodel would add a kitchen and bathroom. The remodeled space would only be accessible from the exterior of the home. Thus, the classification of the area would become an "accessory dwelling unit". The Use Chart in Section 13.3 of the Unified Development Code requires a Special Exception for "accessory dwelling unit" in a SD-2 zoning district. 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, DWELLING, ACCESSORY UNIT (SECTION 13.5.2.D):

1. An accessory dwelling unit footprint cannot exceed fifty percent (50%) of the footprint of the principal dwelling or six hundred (600) square feet, whichever is less.
2. There can be no more than two (2) bedrooms per accessory dwelling unit and only one (1) accessory dwelling unit per lot.
3. An accessory dwelling unit must be a complete living space with both kitchen and bathroom facilities.
4. No more than two adults may reside in an accessory dwelling unit.
5. The design of the accessory dwelling unit shall be in harmony with the principal dwelling in regards to massing, materials, and location.
6. A home occupation is allowed within an accessory dwelling with proper approvals.
7. See zoning district general provisions for density requirements and other standards.
8. See zoning district base dimensional standards for location, setbacks, 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. 7 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 April 14, 2021.
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 to the notification.

ANALYSIS

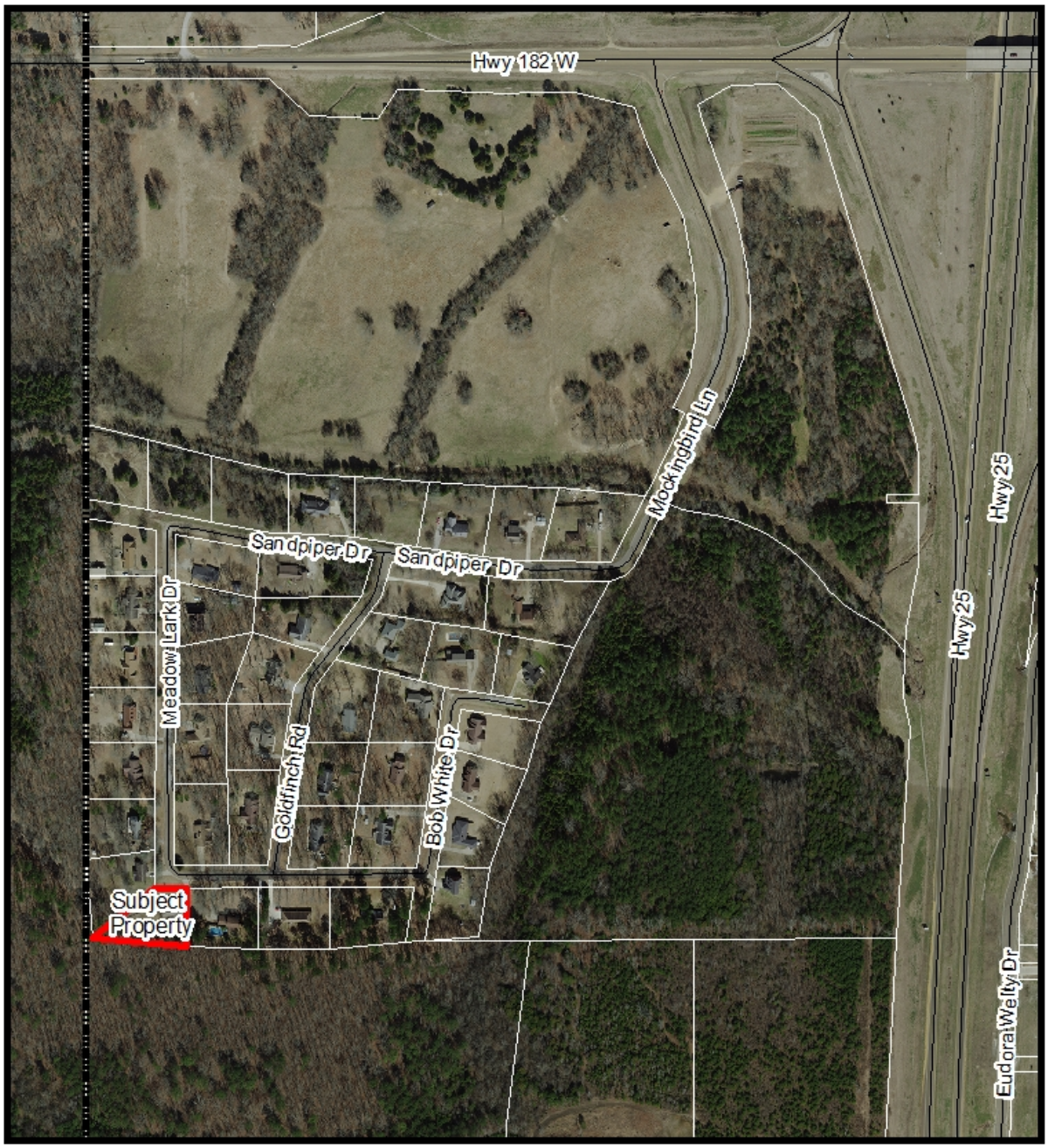
In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

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 21-03 Aerial



NORTH

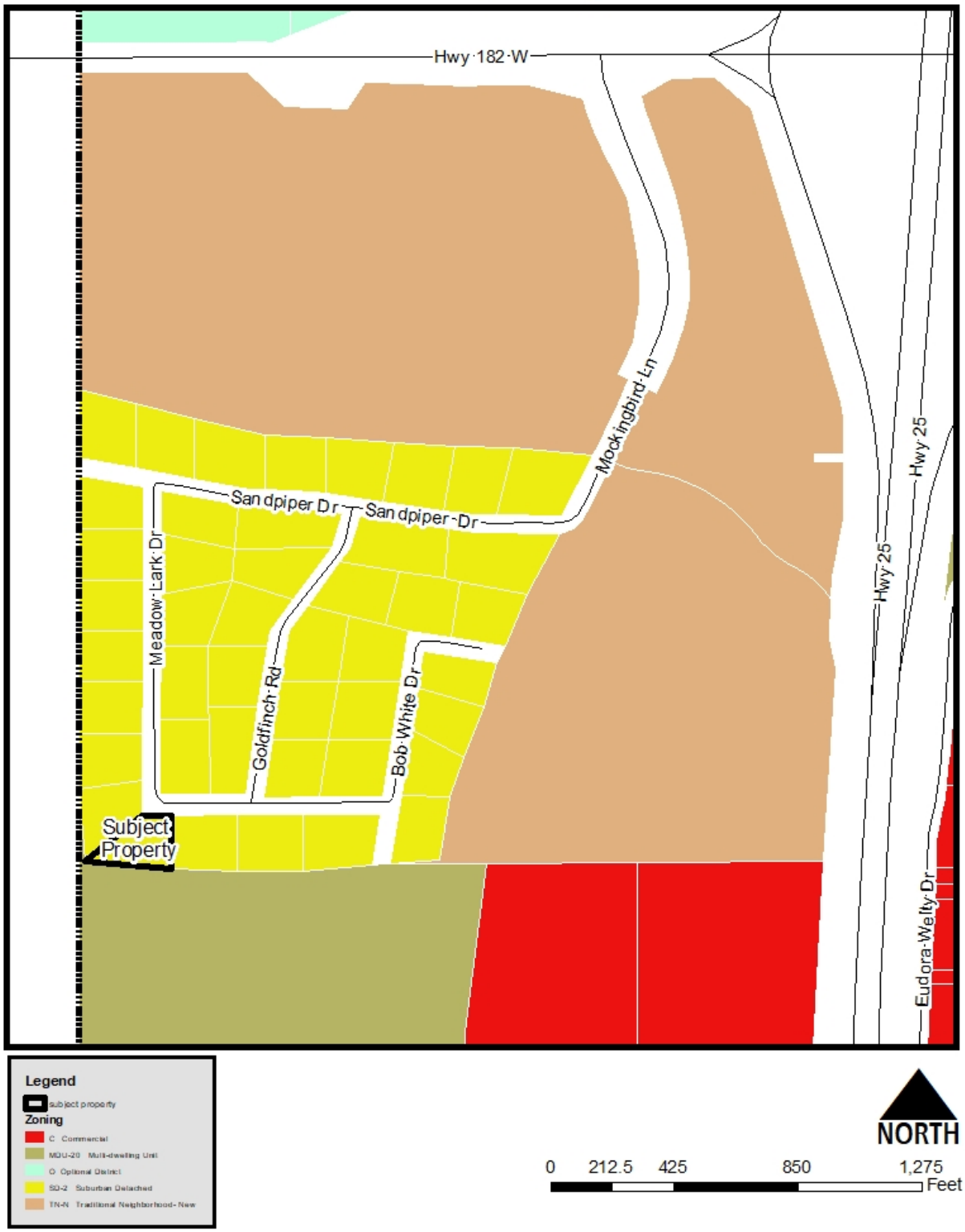
0 212.5 425 850 1,275 Feet

Legend

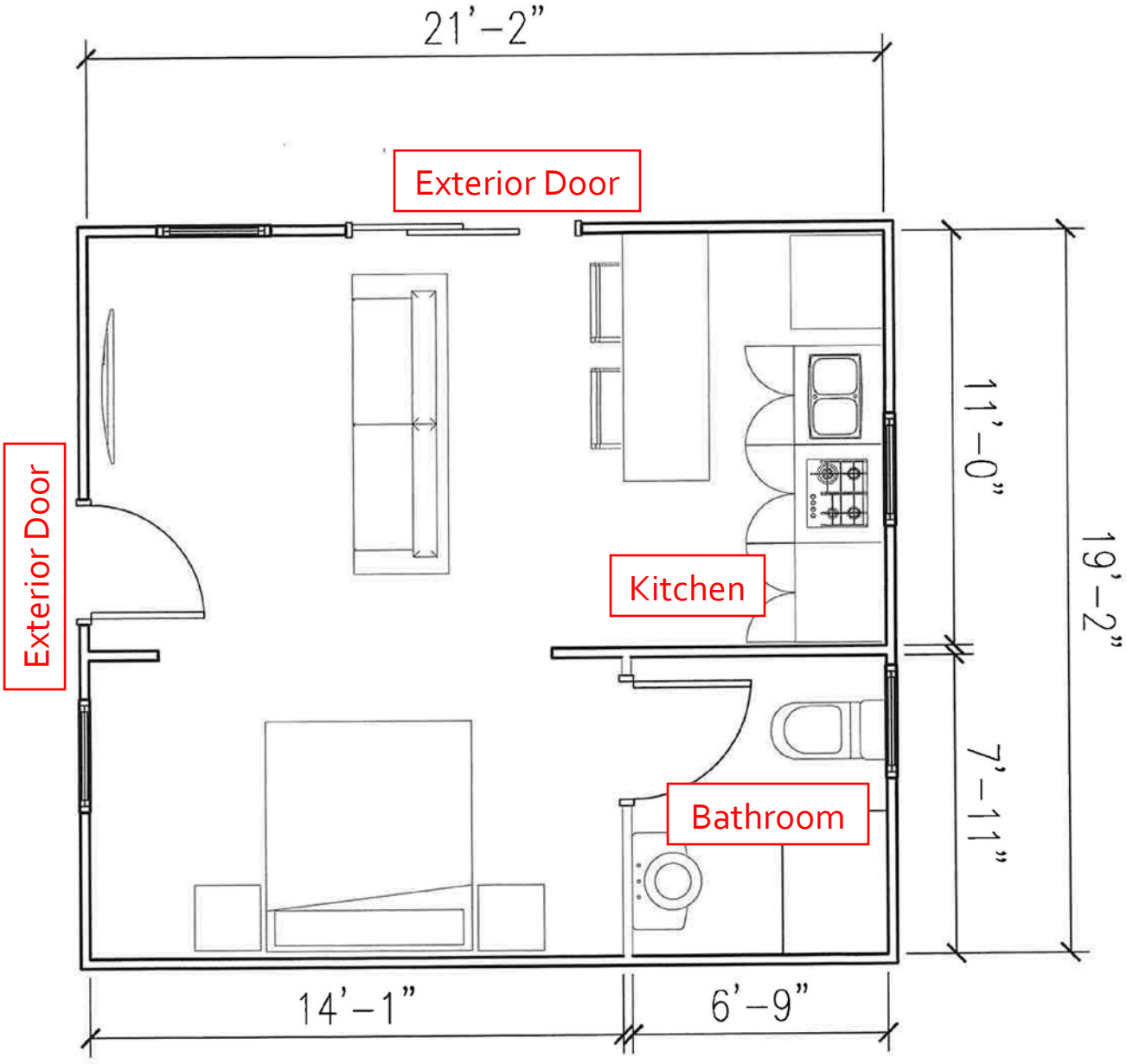
subject property

Attachment 2

SE 21-03 Zoning



Attachment 3- Proposed Accessory Dwelling Unit



Attachment 4- Location of Proposed Accessory Dwelling Unit