OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY APRIL 12, 2022
1ST FLOOR CITY HALL – COURT ROOM
110 WEST MAIN STREET AT 5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

III. ROLL CALL

IV. CONSIDERATION OF THE OFFICIAL AGENDA

V. CONSIDERATION FOR THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF NOVEMBER 9, 2021

B. CONSIDERATION OF THE UNAPPROVED MINUTES OF MARCH 12 2022

VI. CITIZEN COMMENTS

VII. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF SE 22-02 A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR A DEVIATION FROM THE FAÇADE MATERIALS REQUIREMENT FOR A PROPOSED RENOVATION OF THE FORMER VOWELL'S MARKETPLACE AT 118 HIGHWAY 12 WEST IN A C ZONING DISTRICT.

B. PUBLIC HEARING AND CONSIDERATION OF UE 22-01 A REQUEST FOR USE EXCEPTION TO ALLOW FOR A MONUMENT SIGN AT 400 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A T-5C ZONING DISTRICT.

C. DISCUSSION ON CODE ENFORCEMENT

VIII. ADJOURN

APPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI NOVEMBER 9, 2021

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held their regularly scheduled meeting on November 9, 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, Vicki West, Ward 2, Alexis Gregory, Ward 5, and Tommy Verdell Jr., Ward 7. Attending the meeting virtually were Chairman Jeremiah Dumas, Ward 6, Kelly Prather, Ward 3, and Carl Smith, Ward 4. Physically present attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Odie Avery, and Assistant City Attorney Jason Sharp.

Chairman Dumas 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 November 9, 2021 as modified.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY NOVEMBER 9, 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 OCTOBER 12, 2021
VI. CITIZEN COMMENTS
VII. NEW BUSINESS
A. PUBLIC HEARING AND CONSIDERATION OF SE 21-09 A REQUEST FOR SPECIAL EXCEPTION TO DEVIATE FROM THE DEVELOPMENT REQUIREMENTS TO ALLOW FOR INTERNALLY LIT WALL SIGNS AT 301 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 118P-00-210.00.
B. DISCUSSION ON PROPOSED UNIFIED DEVELOPMENT CODE UPDATE
C. DISCUSSION ON CODE ENFORCEMENT
VIII. ADJOURN

DRAFT

After discussion, the motion to approve the official agenda as modified of the Planning and Zoning Commission for November 9, 2021 received unanimous approval.

V. CONSIDERATION FOR THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF October 12, 2021

After discussion, the motion to approve the minutes of the Planning and Zoning Commission for September 14, 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 21-09 A REQUEST FOR SPECIAL EXCEPTION TO DEVIATE FROM THE DEVELOPMENT REQUIREMENTS TO ALLOW FOR INTERNALLY LIT WALL SIGNS AT 301 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 118P-00-210.00.

City Planner Daniel Havelin presented the Special Exception request by Marc McGee of Mississippi State University Research and Technology Corporation on behalf of Innovation HUB to deviate from the development requirements to allow internally lit wall signs at 301 East Main Street in a T-5D zoning district. The applicant is seeking a Special Exception to deviate from the development requirements to allow internal illumination for new wall signs. Section 14.7.8.A.4.ii states that wall signs in form-based districts shall not be internally illuminated. Section 3.4 requires a special exception to deviate from any development requirement that is non-dimensional.

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code. 14 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 October 8, 2021. A legal ad was published in the Starkville Daily News on October 8, 2021. As of this date, the Planning Office has received no response from the notifications.
In the opinion of the Planning Department the Special Exception request could meet the criteria for special exception review and approval.

Chairman Dumas opened the public hearing to citizen comments.

Marc McGee came forward in favor of the request

DRAFT

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

After discussion and upon the motion to approve, the motion was unanimously approved.

B. DISCUSSION ON PROPOSED UNIFIED DEVELOPMENT CODE UPDATE

City Planner Daniel Havelin presented proposed amendments to the Unified Development Code. The proposed amendments include but are not limited to: updating the administrative appeal process, updating the Use Chart for Recreational Vehicle Parks, updating food truck requirements, updating Monument Sign type for use in form-based districts, updating Yard Sign type for commercial zoning districts, adding Rental Housing Code, and updating the definitions section. After a brief discussion about the update and with no vote required, the Commission moved on to the next agenda item.

C. DISCUSSION ON CODE ENFORCEMENT

Chairman Dumas opened the discussion between Commissioners and Planning Staff. After general discussion about the role of Code Enforcement in the City and rental housing issues, Planning Staff was asked to setup an informal meeting between Code Enforcement, Planning Staff, and any Commissioner that wished to attend. Planning Staff agreed to coordinate a meeting at some point in the future.

VIII. ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on December 14, 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 November 9, 2021 in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Smith, duly seconded by Commissioner Prather, the motion was unanimously approved.

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Jeremiah Dumas, Commission Chair

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Daniel Havelin, City Planner

DRAFT

APPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI MARCH 9, 2022

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held their regularly scheduled meeting on March 9, 2022 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present were Chairman Jeremiah Dumas, Ward 6, Kim Moreland, Ward 1, Commissioner Alexis Gregory, Ward 5, and Kelly Prather, Ward 3. Vicki West, Ward 2 and Carl Smith, Ward 4, were absent due to illness. Tommy Verdell Jr., Ward 7 was not present. Physically present attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Odie Avery, and Assistant City Attorney Jason Sharp.

Chairman Dumas 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 March 9, 2022 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY MARCH 8, 2022
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. CITIZEN COMMENTS
VI. NEW BUSINESS
   A. DISCUSSION AND CONSIDERATION OF FP 22-02 A REQUEST FOR FINAL PLAT APPROVAL FOR "PORTICO, PHASE 2" AT THE WEST END OF CARRIAGE LANE IN A SD-6 ZONING DISTRICT WITH PARCEL NUMBER 117C-00-036.06.
   B. DISCUSSION AND CONSIDERATION OF PLANNING & ZONING COMMISSION 2022 MEETING SCHEDULE
VII. ADJOURN

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Prather, the motion to approve the official agenda of the Planning and Zoning Commission for March 9, 2022 received unanimous approval.

DRAFT

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. DISCUSSION AND CONSIDERATION OF FP 22-02 A REQUEST FOR FINAL PLAT APPROVAL FOR "PORTICO, PHASE 2" AT THE WEST END OF CARRIAGE LANE IN A SD-6 ZONING DISTRICT WITH PARCEL NUMBER 117C-00-036.06.

City Planner Daniel Havelin presented the Final Plat request by Trey Pace of Portico Development for the "Portico, Phase 2" subdivision. The Board of Aldermen approved the preliminary plat on September 18, 2018. A variance request from front setbacks was approved on November 20, 2018. The Final Plat for Phase I was approved on October 15, 2019.

The entire subdivision has a gross acreage of +/- 6.43 with a total of 51 lots. The proposed gross density is 7.93 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. Staff has reviewed and approved the proposed covenants 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. The developer has requested to bond all outstanding infrastructure items. As part of this request, staff is request 2 conditions of approval related to bonding the improvements.

Staff recommended conditions as stated in the staff report:

1. Items to be completed prior to the first TCO (Temporary Certificate of Occupancy) or CO (Certificate of Occupancy) of any structure in Phase 2. A surety in the amount of 150% of the estimated value of improvements is being held until all items are satisfactorily completed, inspected and approved.
    a. Street signage and temporary striping
    b. Pedestrian trail for phase 2 including all necessary grading
    c. 6' Privacy fence along northern property line of lots 12-26
    d. Repair of concrete pipe joints
    e. Modification of grate inlet #15

DRAFT

2. Items to be completed before final acceptance of the infrastructure for both Phases 1 & 2. A surety in the amount of 150% of the estimated value of improvements, except as noted below is being held until all items are satisfactorily completed, inspected and approved.
    a. Top layer of asphalt (200% of final asphalt layer)
    b. Final striping
    c. Landscape buffer along northern property line of lots 12-26 (Install in conjunction with CO for each lot)
    d. Sidewalk along frontage (Install in conjunction with CO for each lot)
    e. Common area sidewalk between Lots 35 & 36 (Built in conjunction with the sidewalk poured for those lots)
    f. Phase 1 & 2 pipe cleaning at the conclusion of the majority of house construction
    g. Dead end signage and barricade
    h. Landscaping and grass strip damage near entrance
    i. Curb damage and ponding area repairs

Chairman Dumas opened the request for discussion

After discussion and upon the motion to approve by Commissioner Prather, duly seconded by Commissioner Gregory, the motion was approved 4-0 with conditions as stated in the staff report.

B. DISCUSSION AND CONSIDERATION OF PLANNING & ZONING COMMISSION 2022 MEETING SCHEDULE

City Planner Daniel Havelin presented the proposed Planning & Zoning Commission 2022 Meeting Schedule. After discussion and upon the motion to approve by Commissioner Prather, duly seconded by Commissioner Gregory, the motion was approved 4-0.

Following the vote, the Commission began to discuss Code Enforcement issues. After a general discussion about Code Enforcement and the roll of the Commission to make recommendations to the Board of Aldermen, staff was asked to place the item "Code Enforcement Discussion" for formal discussion at the next Planning and Zoning Commission meeting.

DRAFT

VIII. ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on April 12, 2022, 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 November 9, 2021 in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Smith, duly seconded by Commissioner Prather, the motion was unanimously approved.

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Jeremiah Dumas, Commission Chair

_____

Daniel Havelin, City Planner

DRAFT

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) Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject:	Public Hearing and consideration of SE 22-02 a request for Special Exception to allow for a deviation from the façade materials requirement for a proposed renovation of the former Vowell's Marketplace at 118 Highway 12 West in a C zoning district.
Date:	April 12, 2022

The purpose of this report is to provide information regarding a Special Exception request by Thomas Stewart of Architectonics pllc on behalf of 44 Properties to allow for a deviation from the development standards of Section 14.6 for the façade materials requirement at 118 Highway 12 West in a C zoning district with the property #102A-00-207.00. Please see attachments 1- 6.

BACKGROUND INFORMATION

The applicant is in the process of designing a proposed renovation of the former Vowell's Marketplace at 118 Highway 12 West. As part of the renovation, the applicant is proposing to add additional square footage to the front of the building, redo the front façade of the building, and bring the existing parking lot up to current dimensional and layout standards. The existing structure and parking lot, according to Oktibbeha County records, was built in 1992. The front façade of the existing building is being proposed to be complete redone and be in compliance with the development standards of Unified Development Code (UDC). However, the sides and rear of the building are only being proposed to be repainted due to cost. The sides are currently smooth face painted concrete masonry unit (CMU). The applicant is requesting to deviate from the façade development standard of Section 14.6 of the UDC. Section 3.4.1 of Unified Development Code requires a Special Exception to deviate from any Development Standards that are nondimensional in nature.

SPECIAL EXCEPTION REQUEST TO DEVIATE FROM

The requested Special Exception is to deviate from the façade requirements of Section 14.6 of the UDC (see below).

Section 14.6 (page 14-16).
All buildings shall have façade materials selected from any of the following: brick, cementitious stucco, fiber cement siding, and wood siding. Dryvit or EIFS may only be used for wall surfaces when separated by a minimum of a five (5) foot planted and maintained landscape bed from vehicular or pedestrian circulation and in banding, decorator strips, cornice lines, and wall capping. Architectural metal panels may be used only with approval of the Architecture Review Board.

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.

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 n 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. 14 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 25, 2022.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has 1 email against this request (see attachments).

ANALYSIS

In the opinion of the Planning Department the proposed variance request could meet the criteria for variance 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 22-02 / VA 22-03 Aerial

Legend

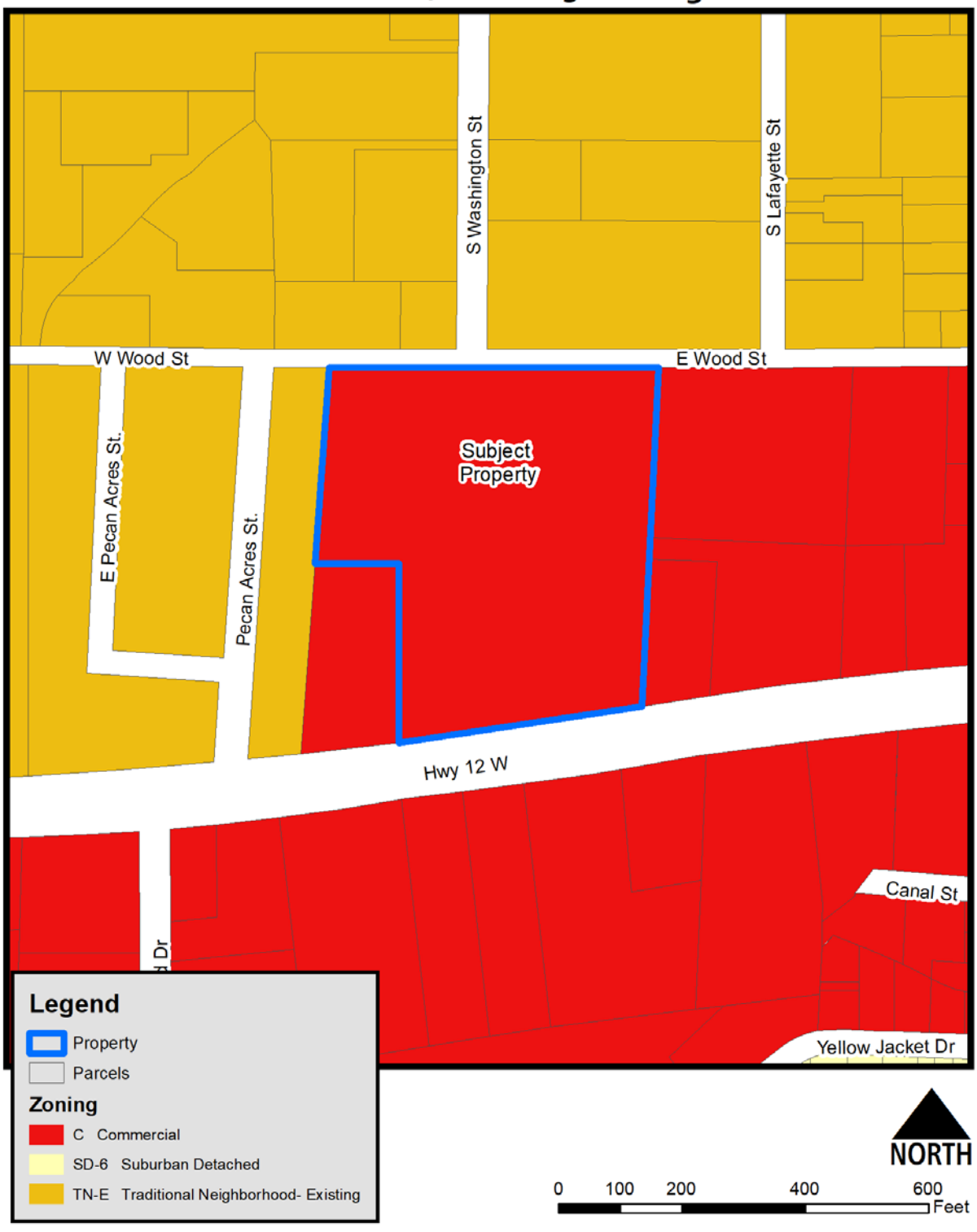
- Property
- Parcels

NORTH

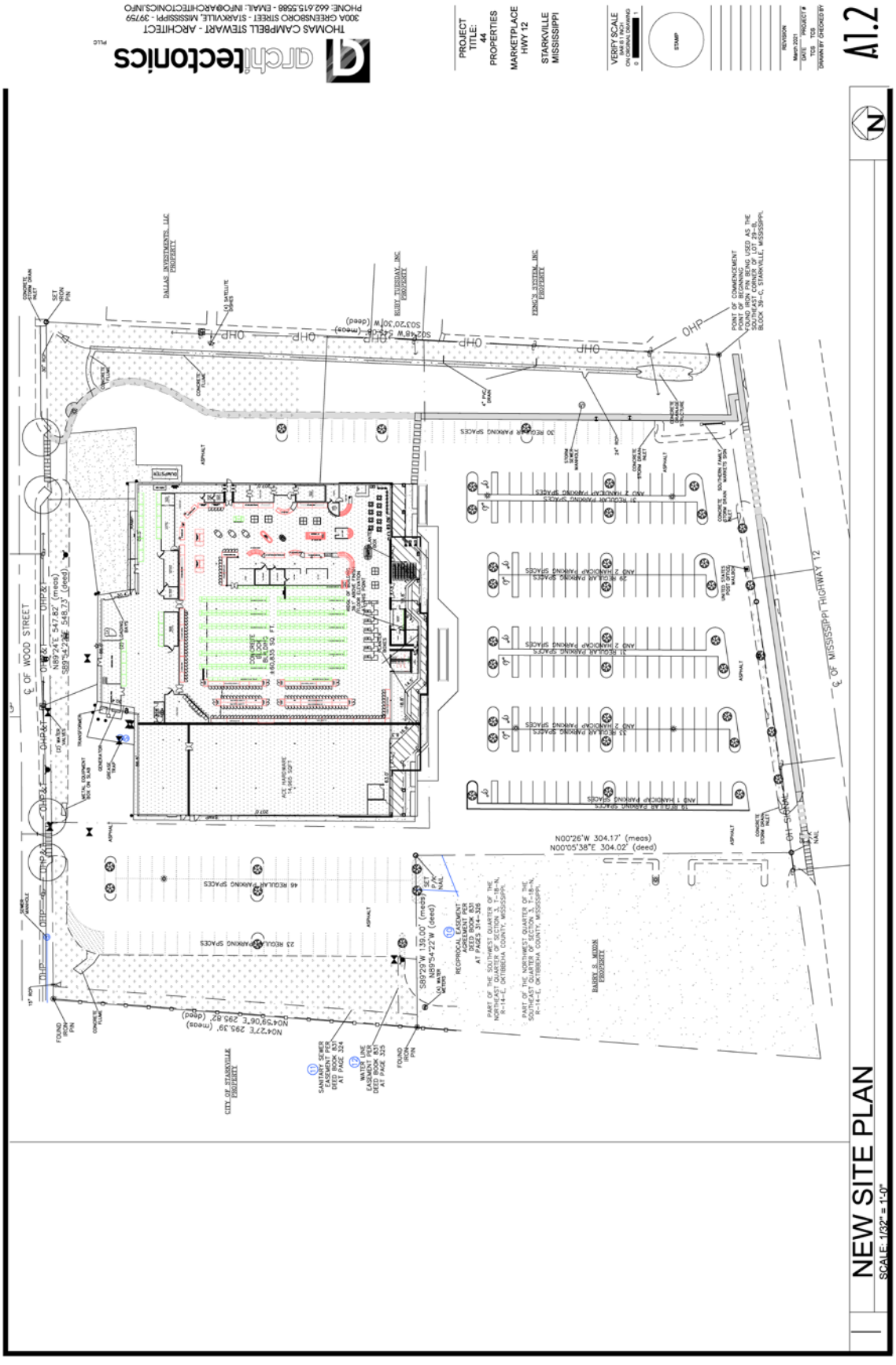
0 100 200 400 600 Feet

Attachment 2

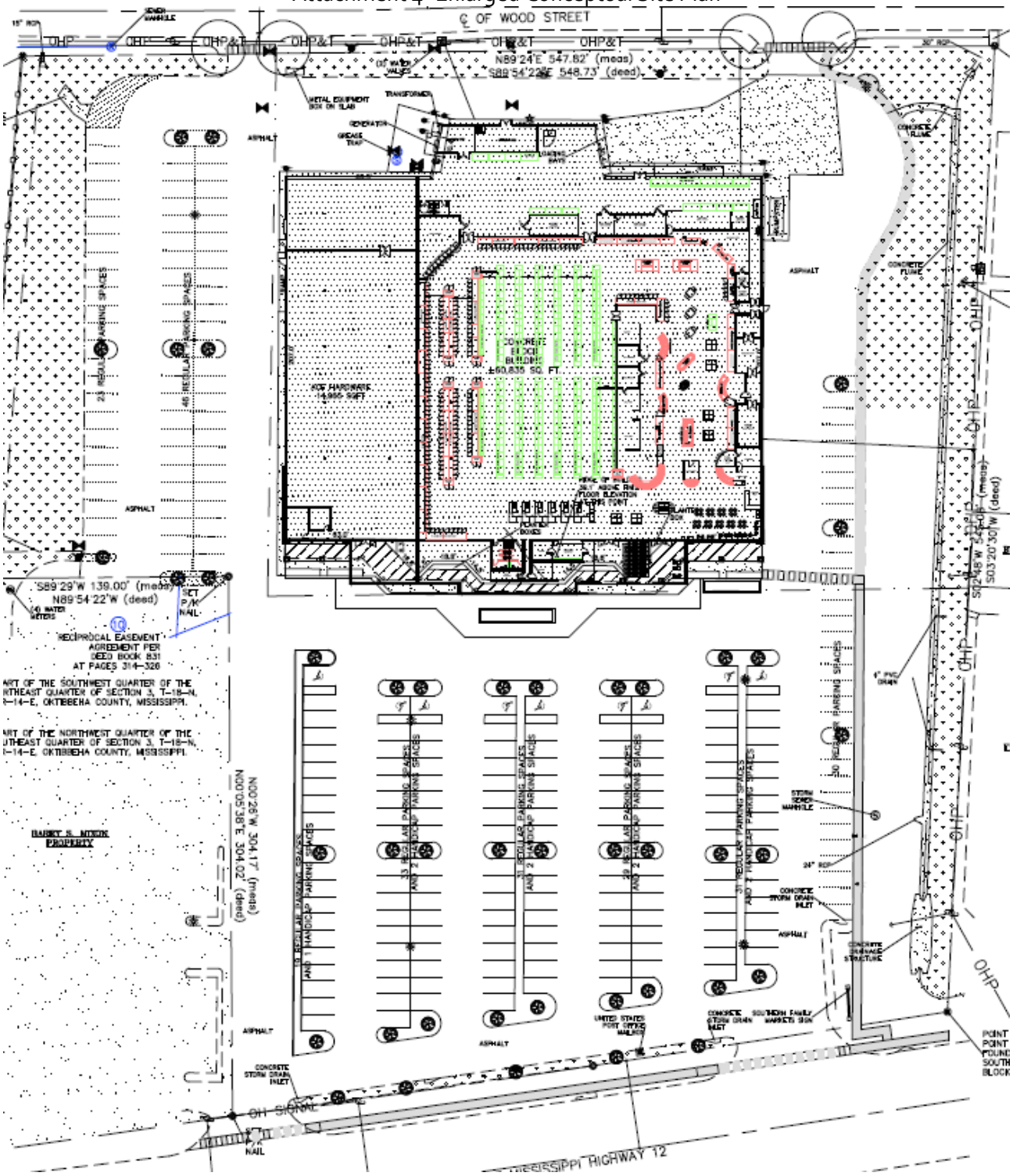
SE 22-02 / VA 22-03 Zoning



Attachment 3- Conceptual Site Plan



Attachment 4- Enlarged Conceptual Site Plan



Attachment 5- Conceptual Building Plan

CORNER MARKET
A Special Place to Shop

Daniel Havelin <d.havelin@cityofstarkville.org>

SE 22-02 and VA 22-03 Special Exception from development standards and a Variance from Stormwater requirements

G C M <gcmckee50@gmail.com> Mon, Apr 4, 2022 at 4:05 PM
To: o.avery@cityofstarkville.org, d.havelin@cityofstarkville.org, lspruill@cityofstarkville.org

Dear City of Starkville-

Withing the last few years, I spent in excess of $20,000, on engineering, to obtain City of Starkville approval of a site plan, and planning for Stormwater requirements. At the time, it was my belief that said stormwater requirement were a legitimate requirement under the City's "police power" and necessity to provide for the public good. Moreover, for any development of my own in the vicinity, the Planning Department intends to require full compliance with the law.

From my perspective, the City of Starkville ordinances should apply equally to all. If the above applications are approved, it will make a mockery of the claimed need to apply Stormwater requirements, and the use of the "police power" by the City of Starkville, upon which the various ordinances relating thereto, are founded.

Therefore, I object to the application for variance from stormwater development standards, and all variances requested.

Sincerely,

George McKee, Individually
George McKee, Manager of Enclave Properties, LLC
George McKee, Manager of Brownsville Station, LLC

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) Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject:	Public hearing and consideration of UE 22-01 a request for Use Exception to allow for a monument sign at 400 Dr. Martin Luther King Jr. Drive East in a T-5C zoning district
Date:	April 12, 2022

The purpose of this report is to provide information regarding Use Exception Request by Davis Perry on behalf of Midstates Petroleum to allow for a monument sign on a corner lot located at 400 Dr. Martin Luther King Jr. Drive East in a T-5C zoning district with the property #117M-00-134.00. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant is seeking a Use Exception to place a monument sign at the Chevron at the corner of Montgomery and Dr. Martin Luther King Jr. Drive East. The applicant is proposing to install the monument sign on the east side of the property as Chevron/Texaco does not allow for a price sign to be on a fuel island canopy facia.

The Use Chart in Section 13.3 of the Unified Development Code requires application of additional standards for the installation of a monument sign in a T-5C zoning district. The additional standards require a Use Exception to place a monument sign on a corner lot in a T-5C zoning district. Section 3.5.1.F of Unified Development Code also requires that the Use Exception meet the additional standards. The additional standards for a monument sign, as shown in Section 14.7.9.A, are as follows:

4. Additional Standards

- **i.** A planted and maintained landscape area of thirty-six (36) inches wide shall be provided around the base of every monument sign.
- **ii.** Electronic message centers can be attached to monument signs per zoning district requirements.
- **iii.** Monument signs shall have exterior finishes matching or complimenting the finishes on the facade of the primary building and shall comply with minimum facade standards for that district.
- **iv.** Hand painted lettering or logos shall not be permitted to be attached to or apart of monument signs unless otherwise approved by the City Planner.
- **v.** Monument signs can be internally or externally illuminated. The use of exposed neon tubing is not permitted.
- **vi.** In zoning districts where monument signs are permitted, the maximum square footage may be increased to one hundred and sixty (160) square feet and the overall height increased to sixteen (16) feet if located adjacent to US Highway 82 and/or US Highway 25 where the posted speed limit is sixty (60) miles per hour or more.

vii. In MU-9 zoning districts sign area shall be less than forty (40) square feet with a maximum of height of six (6) feet.

viii. This sign type is only allowed in RN and O-E zoning district with approved commercial or multi-dwelling unit residential use.

ix. In T-5D, T-5U, and T-5C, zoning districts sign area shall be less than sixty (60) square feet with a maximum of height of six (6) feet. Monument signs shall only be allowed on lots where the existing building exceeds the maximum setback for that zoning district. Corner lots are not eligible for monument sign types unless approved as a Use Exception

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

A. **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.
B. **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.
C. **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.
D. **Impact on property values.** The proposed location of the use will not cause or contribute to a decline in property values of surrounding properties.
E. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
F. **Additional standards.** All associated additional standards for the proposed use have been adequately provided for on the site plan.

ADDITIONAL CRITERIA FOR USE EXCEPTION REVIEW AND APPROVAL IN FORM-BASED DISTRICTS (Section 3.5.2.)

A. The use exception shall be consistent with the intent of the form-based districts.

INTENT OF FORM-BASED DISTRICTS (SECTION 5.1.1)

5.1.1. The intent of the form-based districts is to implement the urban core, urban center, and urban corridor placetypes of the Comprehensive Plan. The intent of the requirements for the form-based districts are as follows:

A. Regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole.
B. Infrastructure, landscape, and buildings shape the public realm, the spatial definition of which can be understood as a continuum from weak to strong.
C. Form-based Districts organize the individual characteristics of infrastructure, landscape, and buildings into distinct physical environments, with the overall character of each differing from one another.
D. Distinct physical environments provide a choice in living arrangement for citizens with differing physical, social, and emotional needs.
E. Mixed-Uses within Form-based Districts and individual buildings provides access to daily needs within close proximity to dwellings so that residents may choose to work, recreate, and shop within walking distance of their home.

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 3.4.3.E of the Unified Development Code.

1. Ten (10) 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 25, 2022.
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 notifications.

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). The following conditions of approval are recommended by the Planning Department:

1. The proposed monument will be required to meet the dimensional requirements of maximum height of six feet and maximum square footage of sixty square feet as stated in Section 14.7.9.A.4.ix of the Unified Development Code.

Attachment 1

UE 22-01 Aerial

Legend

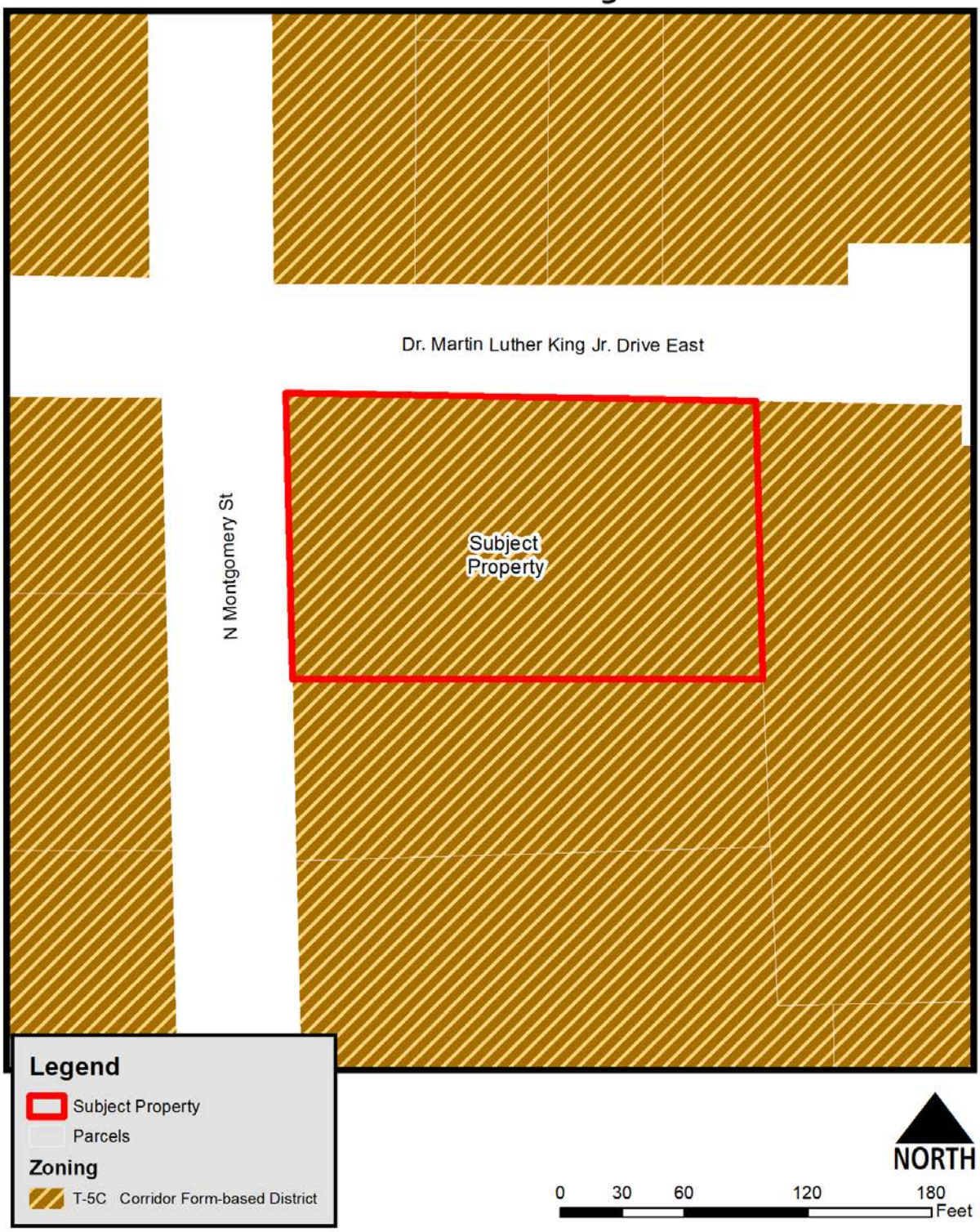
- Subject Property
- Parcels

NORTH

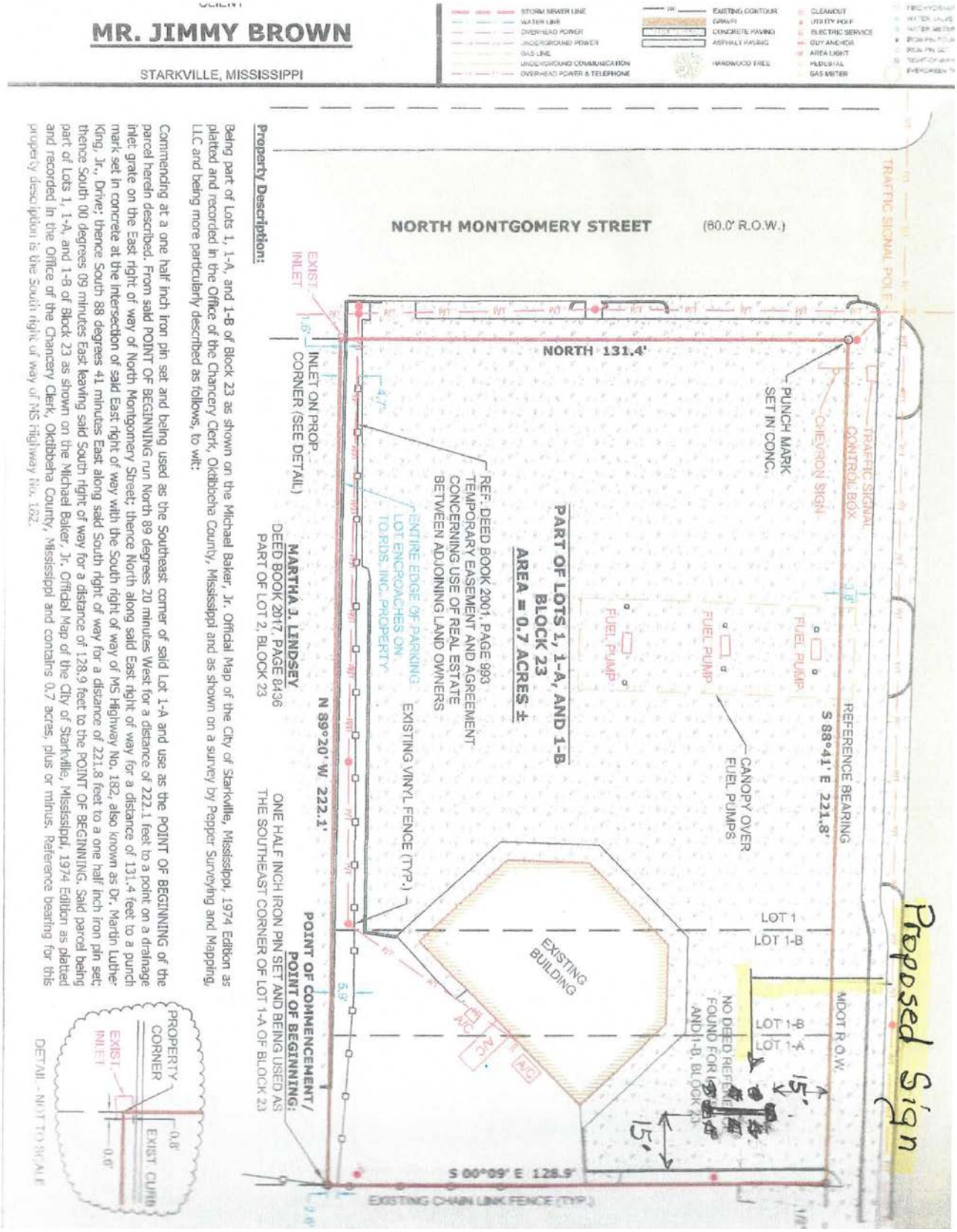
0 30 60 120 180 Feet

Attachment 2

UE 22-01 Zoning



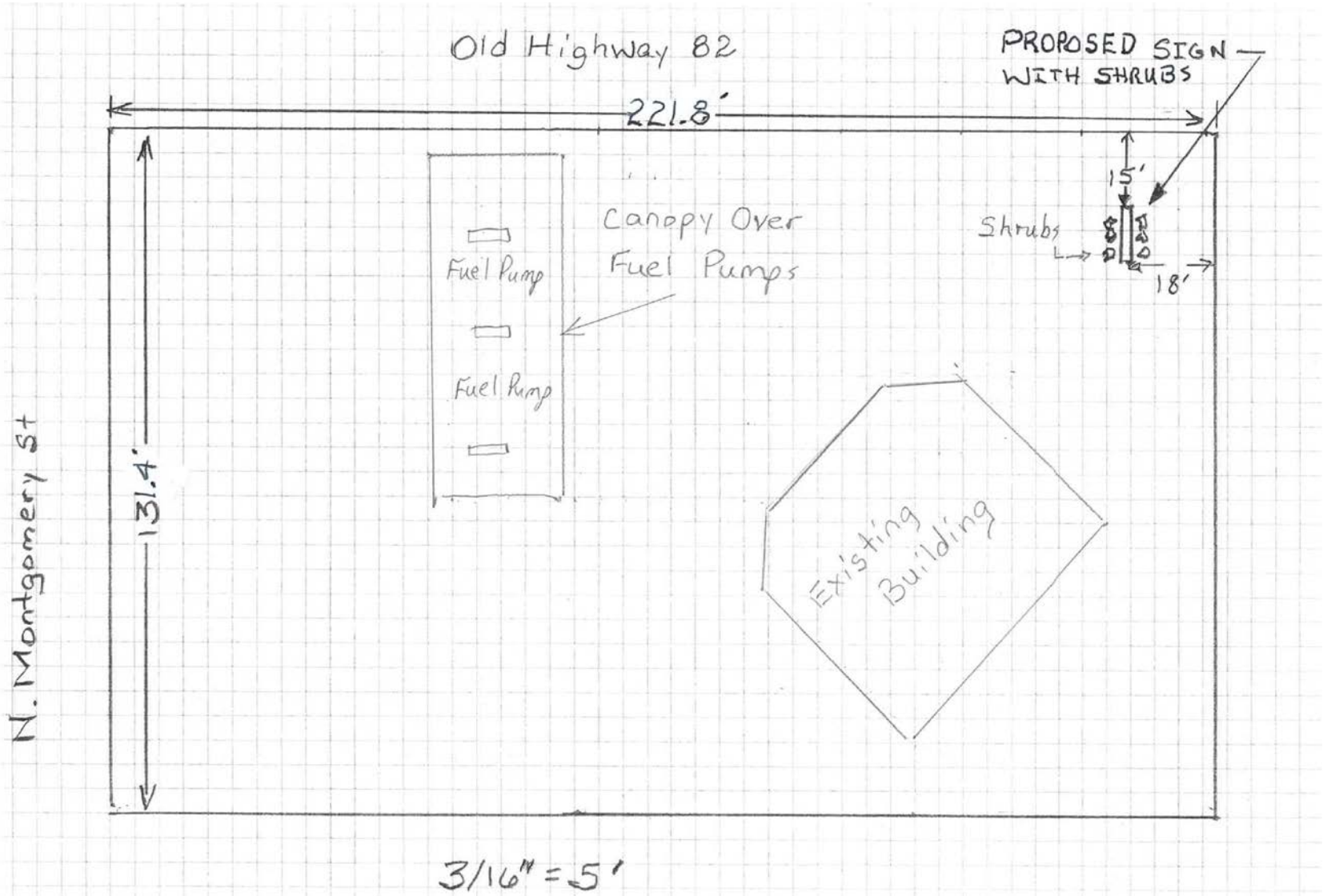
Attachment 3- Proposed Sign

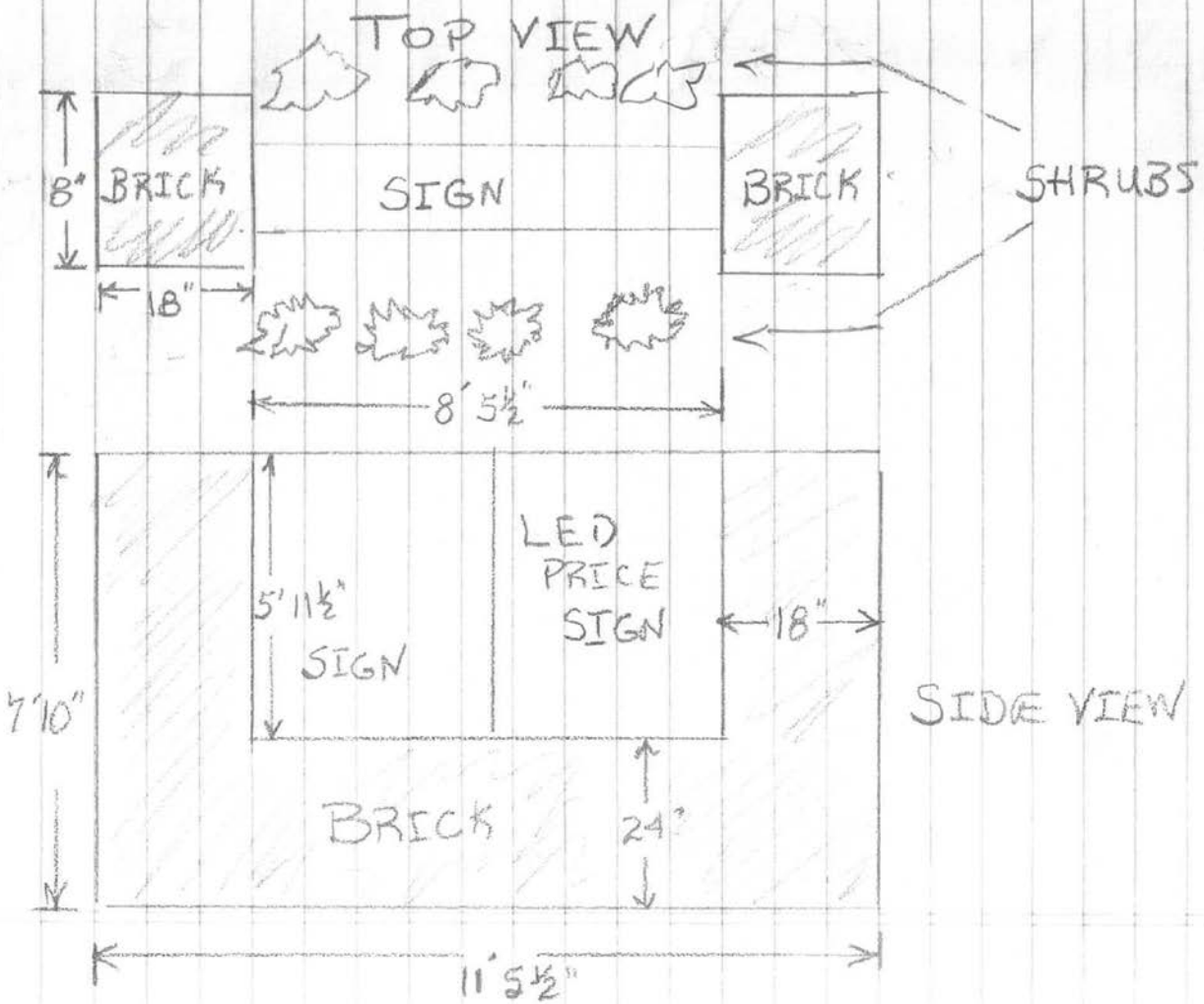


Property Description:

Being part of Lots 1, 1-A, and 1-B of Block 23 as shown on the Michael Baker, Jr. Official Map of the City of Starkville, Mississippi, 1974 Edition as platted and recorded in the Office of the Chancery Clerk, Oktibbeha County, Mississippi and as shown on a survey by Pepper Surveying and Mapping, LLC and being more particularly described as follows, to wit:

Commencing at a one half inch iron pin set and being used as the Southeast corner of said Lot 1-A and use as the POINT OF BEGINNING of the parcel herein described. From said POINT OF BEGINNING run North 89 degrees 20 minutes West for a distance of 222.1 feet to a point on a drainage inlet grate on the East right of way of North Montgomery Street; thence North along said East right of way for a distance of 131.4 feet to a punch mark set in concrete at the intersection of said East right of way with the South right of way of MS Highway No. 182, also known as Dr. Martin Luther King, Jr., Drive; thence South 88 degrees 41 minutes East along said South right of way for a distance of 221.8 feet to a one half inch iron pin set; thence South 00 degrees 09 minutes East leaving said South right of way for a distance of 128.9 feet to the POINT OF BEGINNING. Said parcel being part of Lots 1, 1-A, and 1-B of Block 23 as shown on the Michael Baker, Jr. Official Map of the City of Starkville, Mississippi, 1974 Edition as platted and recorded in the Office of the Chancery Clerk, Oktibbeha County, Mississippi and contains 0.7 acres, plus or minus. Reference bearing for this property description is the South right of way of MS Highway No. 182.


Old Highway 82
PROPOSED SIGN WITH SHRUBS
221.8'
15'
Shrubs
18'
Canopy Over Fuel Pumps
Fuel Pump
Fuel Pump
131.4'
N. Montgomery St
Existing Building
3/16" = 5'


TOP VIEW
BRICK
SIGN
BRICK
SHRUBS
8"
18"
8' 5½"
LED
PRICE
SIGN
5' 11½"
SIGN
18"
7'10"
SIDE VIEW
BRICK
24"
11' 5½"