



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, JANUARY 9, 2024
1ST FLOOR CITY HALL – COURTROOM
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 DECEMBER 12, 2023
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF SE 23-06, A REQUEST FOR SPECIAL EXCEPTION TO ALLOW FOR AN EXCEPTION FROM DEVELOPMENT STANDARDS RELATED TO THE FAÇADE COLORS AT 732 WHITFIELD STREET IN A CN ZONING DISTRICT.
- VIII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI DECEMBER 12, 2023**

Be it remembered that the Planning and Zoning Commission members of the City of Starkville held a meeting on December 12, 2023, at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present at the meeting were Chairman Jeremiah Dumas, Ward 6; Kim Moreland, Ward 1; Vicki West, Ward 3; Carl Smith, Ward 4; Alexis Gregory, Ward 5; and Tommy Verdell, Ward 7. Attending by virtual option was Ward 2, Kelly Prather. Physically present were City Planner Daniel Havelin, Assistant City Planner Lyle McCaskey, and City Attorney Berk Huskison.

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 December 12, 2023, as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, DECEMBER 12, 2023
1ST FLOOR CITY HALL – COURTROOM
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 10, 2023
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF RZ 23-01 FOR A REZONING REQUEST TO REZONE 300 APPLE STREET FROM T-5C TO TN-E.
 - B. PUBLIC HEARING AND CONSIDERATION OF SE 23-05 A REQUEST FOR SPECIAL EXCEPTION RELATING TO THE FAÇADE COLORS FOR THE T-MOBILE STORE AT 335 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT.
 - C. DISCUSSION AND CONSIDERATION OF FP 23-11 A REQUEST FOR FINAL PLAT APPROVAL FOR THE "ACADEMY HILL PHASE 2" SUBDIVISION LOCATED ON MOLLY DRIVE IN AN SD-6 ZONING DISTRICT.

D. DISCUSSION AND CONSIDERATION OF THE 2024 PLANNING AND ZONING COMMISSION MEETING SCHEDULE AND SUBMISSION DEADLINES.

VIII. ADJOURN

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Smith, the motion to approve the official agenda of the Planning and Zoning Commission for December 12, 2023, received unanimous approval.

V. CONSIDERATION FOR THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF OCTOBER 10, 2023

After discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Verdell, the motion to approve the minutes of the Planning and Zoning Commission for June 13, 2023, received unanimous approval with corrections to writing.

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 RZ 23-01 FOR A REZONING REQUEST TO REZONE 300 APPLE STREET FROM T-5C TO TN-E.

City Planner Daniel Havelin presented the request by George Chesteen to rezone a proposed lot that is in the process of being subdivided from the parent parcel, which is located on Dr. Martin Luther King Jr Drive West. The current zoning designation, T-5C (Corridor Form-based District), is for dense multi-story mixed-use developments. 300 Apple Street is located on a residential street primarily consisting of single-story detached dwellings zoned TN-E (Traditional Neighborhood Existing). If the property is subdivided off of the parent lot, a change in condition will occur with a public need to change the zoning to match the rest of Apple Street. There is currently one detached dwelling on the property. There are no other known zoning issues with this request. The existing zoning allows for more commercial uses by right than the proposed zoning and allows for up to a 4-story building to be built on the site. The existing structure currently on the site contextually fits in with the character of other structures on Apple Street.

Chairman Dumas opened the public hearing.

Calling for and receiving no comments, Chairman Dumas closed the public hearing.

After a discussion and upon the motion of Commissioner Prather, duly seconded by Commissioner Gregory, the motion to approve RZ 23-01 based on a change in conditions received unanimous approval.

B. PUBLIC HEARING AND CONSIDERATION OF SE 23-05 A REQUEST FOR SPECIAL EXCEPTION RELATING TO THE FAÇADE COLORS FOR THE T-MOBILE STORE AT 335 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT.

Assistant City Planner Lyle McCaskey presented the request by Demetric Halbert on behalf of T-Mobile to allow for an exception from development standards related to the façade colors at 335 Mississippi Highway 12 West in a C zoning district. In a note provided on June 6th, 2023, on a signage permit in the city's permitting system, MyGov, the planning department, directly informed Econo Signs, a subcontractor for the applicant, that the awning colors were not permitted. Work was performed, and code enforcement contacted the owner. Upon notification, T-Mobile made a request for the Special Exception.

Chairman Dumas opened the public hearing.

Speaking on behalf of the applicant via the Google Meets platform, Zachary Spletter and Jim Kirkland spoke in favor of the request.

Calling for and receiving no comments, Chairman Dumas closed the public hearing.

After a discussion and upon the motion of Commissioner Verdel, duly seconded by Commissioner Prather, the motion to approve SE 23-05 was approved by a vote of 5-1, with Commissioner Gregory voting against.

C. DISCUSSION AND CONSIDERATION OF FP 23-11 A REQUEST FOR FINAL PLAT APPROVAL FOR THE "ACADEMY HILL PHASE 2" SUBDIVISION LOCATED ON MOLLY DRIVE IN AN SD-6 ZONING DISTRICT.

City Planner Daniel Havelin presented the request for Final Plat approval by Johnny McBride on behalf of Bentbrook Ridge LLC for the "Academy Hill Phase 2" subdivision. The Preliminary Plat was approved by the Board of Aldermen on February 21, 2017, with two conditions. The first is that the Final Plat shall reflect the existing blue line stream. The second condition is that further traffic analysis will be presented to the City Engineer to be provided by the applicant as part of the infrastructure plans. All conditions of the Preliminary Plat have been met. The Final Plat for Phase 1 was approved by the Board of Aldermen on February 20, 2018. The Development Review Committee reviewed the final plat on November 2, 2023. The applicant has indicated that this subdivision is not part of any previously platted subdivision. Therefore, no adversely affected parties.

There is one staff requested condition of approval by the Engineering Department:

1. The request was that the final version of the plat for signatures shall include a note that there is a "private drainage easement" between Lots 8 and 9.

Chairman Dumas provided the applicant an opportunity to speak before the commission.

After a discussion and upon the motion of Commissioner Moreland, duly seconded by Commissioner Smith, the motion to approve FP 23-11 with the one condition received unanimous approval.

D. DISCUSSION AND CONSIDERATION OF THE 2024 PLANNING AND ZONING COMMISSION MEETING SCHEDULE AND SUBMISSION DEADLINES.

City Planner Daniel Havelin presented the request for the 2024 Planning and Zoning Commission meeting schedule and submission deadlines.

After a discussion and upon the motion of Commissioner Smith, duly seconded by Commissioner Moreland, the motion to approve the 2024 Planning and Zoning Commission meeting schedule and submission deadlines received unanimous approval.

VIII. ADJOURN

There came for consideration the matter of the approval of the motion to adjourn until 5:30 p.m. on January 9, 2024, 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 January 9, 2024, in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Gregory, duly seconded by Commissioner Smith, the motion was unanimously approved.

Jeremiah Dumas, 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)
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Public Hearing and consideration of SE 23-06, a request for Special Exception to allow for an exception from development standards related to the façade colors at 732 Whitfield Street in a CN zoning district.
Date: January 9, 2024

The purpose of this report is to provide information regarding a Special Exception request by Martisa and Edwaldson Francois on behalf of Empowerment Station Academy to allow for an exception from development standards related to the façade colors at 732 Whitfield Street in a CN (Commercial Neighborhood) zoning district with the property number 102C-00-118.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is requesting a Special Exception from the development standards to use non-earth tone colors like bright yellow, green, blue, and purple (Attachment #3). The applicant painted the building with non-permitted colors and, on November 14, 2023, was notified by Code Enforcement that the colors violated the Unified Development Code's development standards. After notification of the violation, the applicant chose to apply for a Special Exception to keep the current colors in place. The Unified Development Code requires the following for façade colors:

1. **14.6.2.5.4 - Facade Color**– The primary facade colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.

Section 3.4.1 of the Unified Development Code also requires that any request to deviate from the development requirements that are non-dimensional requires a Special Exception. If this request is recommended for approval or denial, the Board of Aldermen will hear the special exception request at the second public hearing on January 16, 2024, for final consideration.

CRITERIA FOR USE EXCEPTION REVIEW AND APPROVAL (Section 3.41)

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 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. 19 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 12/20/23.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has received one phone call in support of the request.

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 23-06 Aerial



0 120 240 480 Feet



Attachment 2
SE 23-06 Zoning

Parcels

 Parcels

Zoning

 C Commercial

 CN Commercial
Neighborhood

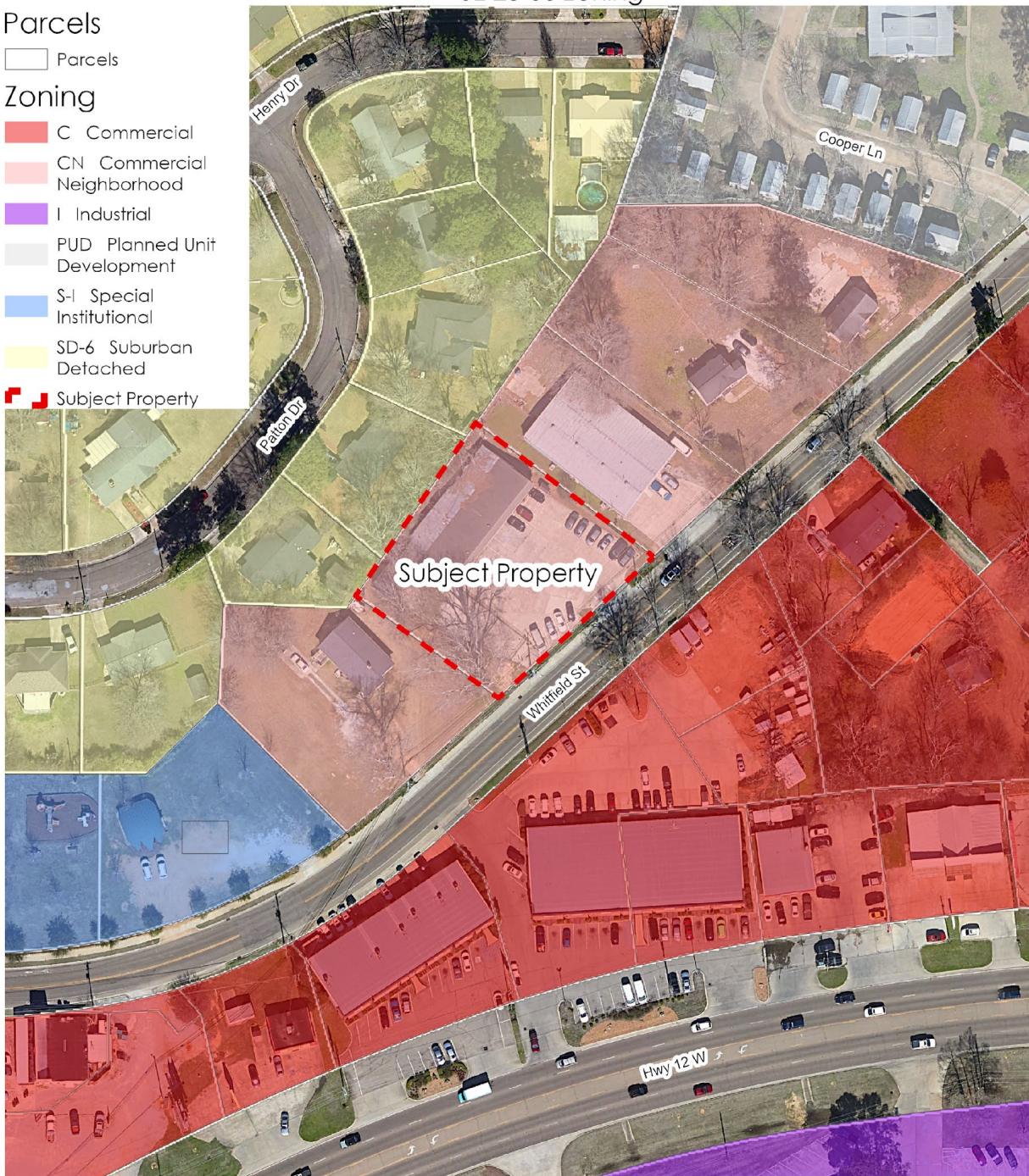
 I Industrial

 PUD Planned Unit
Development

 S-I Special
Institutional

 SD-6 Suburban
Detached

 Subject Property



0 120 240 480 Feet

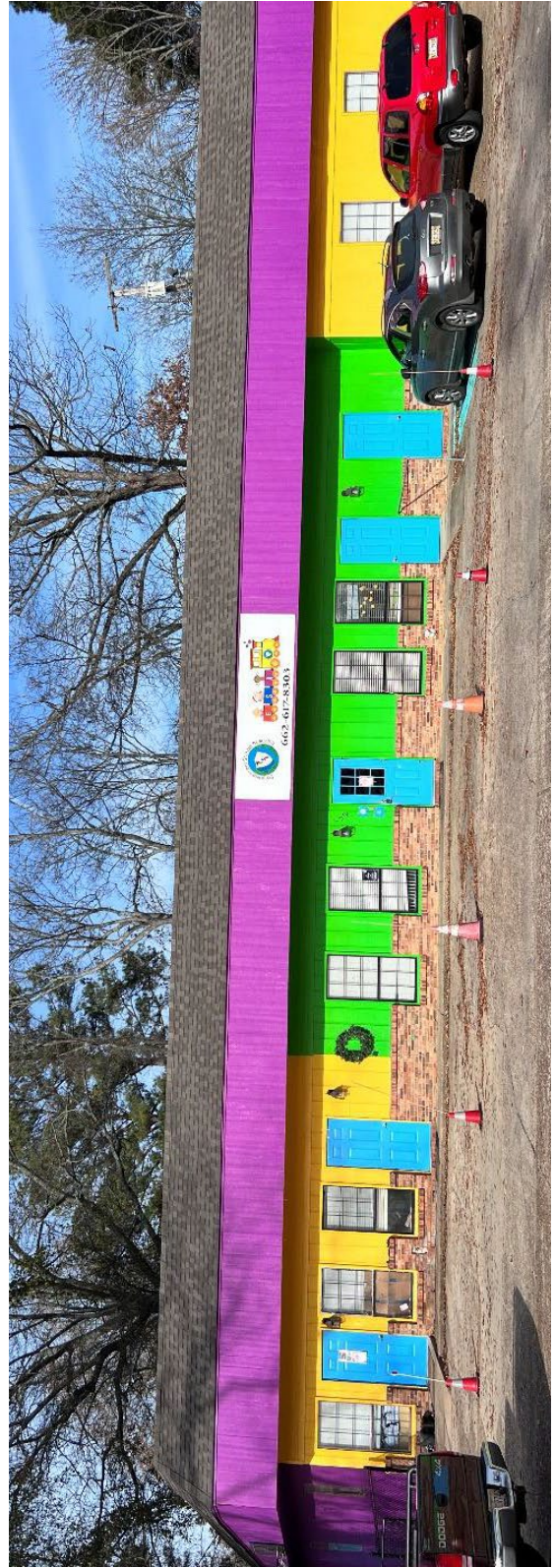


Attachment 3- Before and After

BEFORE



AFTER (CURRENT)



Attachment 4-Applicant Statement



732 Whitfield Drive  Starkville, MS 39759
662-617-8303

To Whom it May Concern:

As of November 14, 2023 we received a citation stating that our building colors are in violation. We have followed the appropriate protocols in contacting the citing officer. We are now seeking a Special Exception for our childcare building located at 732 Whitfield Street. We would like the building to remain as it is as the building has been its current color since June of 2022.

Our beautiful building serves over 90 Starkville community families at any given time. As parents, children, and visitors pass or stop by our facility, they are welcomed with warm inviting colors. Again, we are requesting a special exception be made as it pertains to the color of our building.

Respectfully,

Martisa Francois,

Empowerment Station Academy, Owner