

**APPROVED 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 Associate 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

LANE DIRECTLY SOUTH OF THE MAISON DE VILLE SUBDIVISION IN A TN-N ZONING DISTRICT WITH PARCEL NUMBERS 1021-00-005.00, 1021-00-006.00 AND 1021-00-002.00.

- 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.

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 1021-00-005.00, 1021-00-006.00 AND 1021-00-002.00.

City Planner Daniel Havelin presented the request by Willis Owens of Pritchard Engineering on behalf of Andy Fornea for the "Oakvale Subdivision". 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.

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.

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.

Michael Brooks, Commission Chair

Daniel Havelin, City Planner