

APPROVED

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JULY 14, 2009
THE CITY OF STARKVILLE, MISSISSIPPI**

The Planning & Zoning Commission of the City of Starkville, Mississippi held its regularly scheduled meeting in the City Hall Court Room at 101 East Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. Present were Commissioners James Hicks, Ira Loveless, Jason Walker, John Moore and Dora Herring. Commissioners Jerry Emison and Jeremy Murdock were absent. The meeting was called to order by Commission Chairman Dora Herring. Attending the Commissioners were Interim City Attorney Dalton McAlpin, City Planner Ben Griffith, and Recording Secretary Sara McHann. Commissioner Hicks made a motion to excuse the absences of Commissioners Emison and Murdock. Commissioner Walker seconded the motion which was unanimously approved by all of the members.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated July 14, 2009. After discussion, Commissioner Hicks made a motion to reverse the order of the agenda items. Item #CU 09-01 was moved first under new business and item #RZ 0902 was moved to second. Commissioner Moore seconded the motion and the Commissioners voted unanimously to approve the written agenda, as amended.

AN ORDER APPROVING THE MINUTES OF THE JUNE 9, 2009 MEETING

The Commission considered the matter of approval of the minutes of the June 9, 2009 meeting. After discussion, and upon the motion of Commissioner Loveless, seconded by Commissioner Hicks, the Commissioners voted unanimously to approve said minutes as presented.

**A PUBLIC HEARING REQUESTED BY MR. MITCH MITCHELL TO ALLOW
A RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONE,
LOCATED AT 508 UNIVERSITY DRIVE IN WARD 4**

Next there came before the Commission item #CU 09-01: a public hearing request by Mr. Mitch Mitchell to allow a residential use in a C-2 (General Business) zone, located at 508 University Drive in Ward 4. The City Planner briefly reviewed the request and asked if any of the Commissioners had been contacted by anyone regarding the request prior to the public hearing. They unanimously indicated that they had not. Mr. Mitch Mitchell presented the request. Mr. Mitchell told the Commissioners that the subject property is in a C-2 (General Business) zone and has been used commercially for several years. If the request for a conditional use is permitted he intends to use the present structure as rental property and he will renovate the structure to include six bedrooms and

four bathrooms. A total of ten parking spaces will be provided. He further stated that he had no problems with the conditions recommended in the staff report. Commissioner Walker expressed concern of parking so close to the street and the possibility of drivers backing out directly onto University Drive. Chairman Herring expressed concern regarding enforcement of the City ordinances definition of “family” and a discussion ensued amongst the Commissioners and attending staff. No other public comments were received. After further discussion, Commissioner Hicks made a motion to recommend approval of the request with the seven conditions recommended by planning staff to the Mayor and Board of Aldermen, with the recommendation that the Board of Aldermen address the issue of whether or not the definition of “family,” per Appendix A, Article II, Section A of the City’s Code of Ordinances, applies to the conditional use request. Commissioner Loveless seconded the motion which was unanimously approved.

A PUBLIC HEARING REQUESTED BY B&P DEVELOPERS OF MS, LLC FOR A ZONING CHANGE FROM C-2 (GENERAL BUSINESS) TO R-3A (SINGLE FAMILY, MEDIUM-DENSITY) ZONE, LOCATED ON THE SOUTH SIDE OF ACADEMY ROAD, EAST OF HUMMINGBIRD LANE IN WARD 3

Next there came before the Commission item #RZ 09-02: a public hearing request by B&P Developers for a zoning change from C-2 (General Business) to R-3A (Single-Family, Medium Density), located on the south side of Academy Road east of Hummingbird Lane in Ward 3. The City Planner briefly reviewed the request and asked if any of the Commissioners had been contacted by anyone regarding the request prior to the public hearing. They unanimously indicated that they had not. Mr. Frank Brewer and Mr. Les Lindley of B&P Developers were in attendance and Attorney John Moore presented their request. The subject property is currently being used as a horse pasture and a small barn is also located there. Attorney Moore explained to the Commissioners that B&P Developers had submitted a similar request for the property in July of 2008. The request was for R-3 (Multi-Family) zoning and a preliminary plat for a single family residential subdivision was submitted at the same time. Both the Planning & Zoning Commission as well as the Board of Aldermen denied the request and the accompanying preliminary plat was not reviewed by either body. The City Planner was directed to create the new R-3A zoning classification as a result of the denial of that request. B&P Developers is now requesting a zoning change to R-3A (Single-Family, Medium Density) for the same property. The requested R-3A zoning classification is intended to be composed of detached, single-family dwellings. No other dwelling types are allowed. The zoning is considered medium-density and allows a gross maximum density of 8 dwelling units per acre. Attorney Moore told Commissioners that it is the developers’ belief that the character of the neighborhood has changed since the current zoning classification of C-2 (General Business) zone was placed on the property in the 1970’s, referencing the staff report’s brief history of rezonings in the area. He also presented the Commissioners with a real estate sales report showing the market demand for the type and price range of homes that the applicants are proposing to build on the site.

Attorney John Crecink then came forward representing the Academy Place Homeowners Association. Attorney Crecink told Commissioners that the Homeowners Association is concerned about how adding another 60 single-family homes on Academy Road would affect the traffic flow,

property values as well as drainage and erosion issues in the area. The Academy Place Homeowners Association does not believe that the character of the neighborhood has changed which is cause for a zoning change. Attorney Crecink provided petitions of opposition from the residents of the Academy Place and Stonegate subdivisions and requested that the Commissioners deny the request.

Ms. Jean Higginbotham and her husband, Mr. William Monroe who live in the Stonegate subdivision came forward to address the Commission concerning drainage issues. They also stated that smaller homes would bring down the value of their property value and affect their quality of life, adding that they would not be able to see the sunset if three-story homes were located there. Mr. Monroe presented photographs he had taken of drainage areas in the vicinity of Sherwood Forest, Stonegate and surrounding areas. He stated that stormwater flooding was causing destabilization of upstream properties. Mr. Monroe expressed concern that a landscape buffer was not required between the proposed development and their property. They asked the Commissioners to deny the zoning change request.

Mr. James Quinn, a resident of Academy Place and a real estate appraiser came forward to present a request for denial from an appraiser's point of view. Mr. Quinn stated that with the recent approval of a subdivision plat for Carpenter Place, which shows 124 single-family lots, he believes the area will be saturated with houses of similar size and price and the value of the homes in Academy Place will be reduced. Mr. Quinn also stated that he does not believe that the character of the neighborhood has changed and that the property should remain commercial.

Mr. John Gaskin, President of the Academy Place Homeowners Association, came forward to ask the Commission to deny the request behalf of the association. Mr. Gaskin told Commissioners that the area could not support another 60 proposed single-family dwellings. He provided aerial and parcel maps with colored overlays showing land uses and zonings in the vicinity. Mr. Gaskin stated that the R-3A zoning allowed 8 dwelling units per acre which was not compatible with Academy Place. He stated that while he was campaigning for the Ward 3 Aldermen seat, many residents throughout the ward had expressed concern for dense development, adding that he felt that R-1 would be more palatable. Commissioner Hicks asked Mr. Gaskin if he remembered then-Mayor Camp asking him whether or not he would support a zoning which allowed only single-family uses at the conclusion of last year's Board of Aldermen meeting. Mr. Gaskin answered that he could not recall his exact answer. He cited issues such as added traffic on Academy Road, a drop in property values and drainage issues as reasons for denial, along with the belief that the character of the neighborhood has not changed.

Chairman Herring then invited Attorney Moore back to the podium to address the issues raised during the public hearing. He stated that site planning issues would be addressed by City staff during the plan review and that the entire development would not be built out at one time. Attorney Moore stated that while the R-3A zoning would allow up to 8 dwelling units per acre, Academy Place was a PUD (Planned Unit Development) which allowed the highest densities of all. He also asked the Commissioners to consider the staff report as part of the record and for a recommendation of approval to the Board of Aldermen for the rezoning request.

Chairman Herring then closed the public hearing and asked for discussion among the Commissioners. Commissioner Walker stated that he felt that the Commission had heard everyone's voice concerning the request and that the Commission needed to make decisions which are based on what is in the best interest for the City. After further discussion, Chairman Herring asked if any of the Commissioners wished to make a motion. Commissioner Loveless made a motion to deny the request for a zoning change, based on no change in the neighborhood. The motion failed due to lack of a second. Chairman Herring then asked for another motion. Commissioner Walker made a motion to recommend approval of the R-3A rezoning request to the Mayor and Board of Aldermen based on changing conditions in the neighborhood. Commissioner Hicks seconded the motion which was approved with a 3 to 1 vote. Commissioner Loveless cast the dissenting vote.

PLANNER'S REPORT

City Planner Ben Griffith relayed a message from former Ward 5 Commissioner Pat Bryan, expressing his pleasure of serving on the Commission for the last few years and that although he felt that the Commission often made unpopular decisions, he felt that they were in the best interest of the City and would not have changed his vote on any item. Mr. Griffith reminded the Commissioners that he had updated their membership roster and meeting schedule, providing copies in the packets. He also stated that the Commission would have two rezonings, a conditional use and possibly two preliminary plats for review at the August 11th meeting and to be mindful of all *ex parte* communications.

ADJOURNMENT

Commissioner Moore made a motion to adjourn the meeting at 8:05 PM, which was duly seconded by Commissioner Hicks. The next regularly scheduled meeting will be Tuesday, August 11, 2009 at 5:30 PM in the City Hall Court Room.

Dora Herring, Chairman

Ben Griffith, AICP, City Planner