

APPROVED

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF DECEMBER 2, 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 Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. The meeting was called to order by Commission Chairman Dora Herring. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated December 2, 2009. After discussion and upon the motion of Commissioner Emison, seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as proposed.

AN ORDER APPROVING THE MINUTES OF THE NOVEMBER 10, 2009 MEETING

The Commission considered the matter of approval of the minutes of the November 10, 2009 meeting. After discussion, and upon the motion of Commissioner Loveless, seconded by Commissioner Murdock, the Commission voted unanimously to approve said minutes with two typographical errors corrected.

CITIZEN COMMENTS

Chairman Herring asked if any member of the public cared to address the Commission, reminding them that there were two public hearings on the agenda and comments regarding those items would be called for at the appropriate time. No one came forward to speak.

**A PUBLIC HEARING REQUESTED BY MS BILLIE JO WHITE FOR A ZONING
CHANGE FROM R-E (RESIDENTIAL ESTATE) TO C-2 (GENERAL BUSINESS)
LOCATED ON THE WESTERN SIDE OF NORTH JACKSON STREET BETWEEN
BRIDLE PATH AND CHERRY LANE IN WARD 5**

Next there came before the Commission item #RZ 09-08: a public hearing requested by Ms. Billie Jo White for a zoning change from R-E (Residential Estate) to C-2 (General Business) located on the western side of North Jackson Street between Bridle Path and Cherry Lane in Ward 5. The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request. Commissioners, Murdock, Herring and Emison all stated that

they had been contacted by e-mail and /or telephone concerning the zoning request. The City Attorney asked if their contact would in any way affect their decision and all answered negatively.

Ms. Billie Joe White presented the request. Ms. White stated that she had been asked to represent family members who own the subject property. The property is shown on the Plantation Homes plat and fronts North Jackson Street. It has been in the Garrard family for more than fifty years. The current owners were deeded the property in 1994. The property owners have been approached concerning commercial development and believe this is an ideal location for development of medical offices because of its proximity to the Oktibbeha County Hospital. There has been no interest to date for any residential development of the lots.

Ms. Helen Sue Parrish, President of the Plantation Homes Home Owners Association addressed the Commissioners concerning the rezoning request. Ms. Parrish stated that at their November 21, 2009 Homeowners Association meeting, they elected three people to speak to the request. They were Mr. Robbie Coblenz, Mr. Chuck Moore and Mr. Dylan Kargess.

Mr. Robbie Coblenz stated that he is the owner of Broadcast Media located at 1004 North Jackson Street. He purchased the property in 2002 and in 2007 requested a zoning change from R-5 (Multi-Family) to C-2 (General Business) which was granted by the Board of Aldermen. He said he does not believe that his property is close enough to the subject property to constitute changing conditions in the neighborhood. He said he believes that C-2 zoning for this property, which backs up to a residential subdivision, offers too broad a range of options for businesses and would be detrimental to the neighborhood.

Mr. Chuck Moore told Commissioners that he grew up in Plantation Homes and after moving away for a period of time, came back to this area to live and bought a home in Plantation Homes. Mr. Moore presented a power point presentation with a plat of the Plantation Homes subdivision, highlighting the lots requested for rezoning, a zoning map of the area, a copy of the covenants and the future land use map completed with the 2005 comprehensive plan update. He said he believes there is too much commercial zoning in Starkville already and that C-2 zoning for the lots in question would be a dramatic change and property values would be affected.

Mr. Dylan Kargess told Commissioners he was very much opposed to a zoning change for the lots in question. He said he has recently married and he bought his home in Plantation Homes because it is close to schools, hospital and a fire station. Mr. Kargess said that without seeing a plan for a C-2 development he could not support the request. A C-2 zoning designation could cause property values to be greatly affected. The zoning of R-E (Residential Estates) protects the neighborhood.

Mr. Charles Moore who is a 43-year resident of Plantation Homes said he believed the neighborhood needed to be protected. He remembered when the lots in question were used for farm animals to graze on. He would like to see the zoning remain R-E to protect the property values.

Ms. Julia Williamson who is a resident of Plantation Homes asked the Commissioners if it was possible to amend the R-E zoning regulations to allow medical offices. She believes that once the lots were sold to developers, there would be no control of what is built on the lots and C-2 offers too broad of a range of options.

Ms. Mary Grace Moore stated that she is a resident of Plantation Homes and pointed out that the newest future land use map drawn up when the comprehensive plan was revised in 2005 does not support C-2 zoning for this area. She believes that larger buffer zones should be put in place between business and residential to stop property values from decreasing.

Mr. George Sherman, who is married to one of the property owners and spoke on behalf of both owners, addressed the Commission concerning the rezoning request. Mr. Sherman said that not all of the homeowners in the subdivision supported the homeowners association in their quest to keep the zoning R-E for the lots in question. He stated that some of the residents he had spoken with were in favor of a medical office development for the property. Mr. Sherman said he met with the homeowners association of Plantation Homes to try to explain his intent and come to an understanding concerning future plans for the property. The R-E zoning designation is useless for the property because no one would want to build a house on property that fronts a major thoroughfare. He stated that he has lived in Starkville for over 40 years and has developed several properties around town such as Zaxby's on Highway 12 West, College Park Shopping Center on Russell Street and Garden Lane Homes on Gillespie Street. He added that the proposed Pat Station Road extension would connect to the transportation system close by and that the depth of the property restricted traffic entrances to Highway 389 and immediately off the roadway and that any commercial development would require a 30-foot bufferyard. He concluded by stating that he had been asked by someone to sell it to them at a lower price so he could rezone it since he had the support of the Plantation Homes subdivision.

Chairman Herring closed the public hearing and stated that the City did not enforce covenants and could not assure the homeowners association that covenants would be followed. She stated that she agreed that the property was not suitable for single-family houses but that the uses allowed in C-2 zoning were not appropriate either, calling out other uses in the area. Chairman Herring stated that the uses allowed in C-1 (Neighborhood Commercial) were more appropriate and suggested that the applicants consider a PUD (Planned Unit Development) for the project. A PUD would require a site plan and covenants to be presented along with the rezoning request. She concluded by stating that there had been no error and there had not been enough change in the area to warrant the rezoning request.

Commissioner Emison agreed with Chairman Herring that a PUD would benefit both parties and that Starkville has too much commercially zoned properties which keeps the land values down and taxes high. He stated that Starkville has the highest taxes of all SEC university towns and that if the rezoning were approved, it would result in more strip commercial development which was not in the interest of Starkville. Commissioner Emison verified with the City Attorney that if there were a change in the area, that the Commission is not obligated to recommend the rezoning. Attorney Latimer answered affirmatively. Commissioner Emison suggested that the parties meet and try to come up with a "win-win" solution for all parties, concluding that there were other options available.

After discussion, Commissioner Emison made a motion to recommend denial of the request to the Mayor and Board of Aldermen, recommending that the applicant pursue a PUD or other suitable zoning classification. Commissioner Murdock seconded the motion and the Commission voted unanimously to recommend denial.

**A PUBLIC HEARING REQUESTED BY MR. MICHAEL KRAKER FOR
A CONDITIONA USE TO ALLOW RESIDENTIAL USE IN A C-2
(GENERAL BUSINESS) ZONING DISTRICT LOCATED AT
403 MS HIGHWAY 182 EAST IN WARD 5**

Next there came before the Commission item #CU 09-04: a public hearing requested by Mr. Michael Kraker for a conditional use to allow residential use in a C-2 (General Business) zoning district, located at 403 Ms Highway 182 East in Ward 5. The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request. The Commissioners said they had not had any communication either by telephone and / or e-mail concerning the conditional use request.

Mr. Michael Kraker presented the request to the Commissioners and was accompanied to the podium by Attorney John Moore. Attorney Moore reminded Commissioners that this is the third request for a conditional use for this property. The first request was made in November of 2006 which was unanimously denied by the Planning & Zoning Commission. The second request was made in July of 2008 which was recommended for approval to the Mayor and Board of Aldermen, but was denied by the Aldermen in a split vote. Attorney Moore stated that the plan to develop two apartment buildings on the property had been amended, that the existing single-family dwelling would remain on the property and that a single building with 10 dwelling units would be built adjacent to the house. Parking would be located in the front and the rear of the property. A fence would be built as a buffer at the rear of the property. Mr. Kraker said he had been working with the City Engineer to find ways to address stormwater drainage and runoff. He has also stated that he had been in discussions with Mr. Mark Shankle, who owns property adjacent to the development.

Mr. Mark Shankle then addressed the Commissioners and said he and Mr. Kraker had several discussions and that he was not opposed to the new proposal for the property.

The Commissioners were concerned with the look of the project from the roadway and discussed alternatives to the conceptual plan, moving the building towards the road and locating all of the parking at the rear. Comissioners Walker and Emison crafted language for a ninth condition of approval to be added to the eight recommendations from the Planning staff. After further discussion, Commissioner Emison made a motion to recommend approval of the conditional use request to the Mayor and Board of Aldermen with the nine conditions set forth in the Planners report. It was duly seconded by Commissioner Moore, and the Commission voted unanimously to recommend approval of the conditional use request.

PLANNERS REPORT

City Planner Ben Griffith told Commissioners that he has no public hearing items for review at the January 12, 2010 meeting at this time. He stated that he had included the 2010 Planning & Zoning Commission schedule in the packets for their review and approval and that all of the meetings were on the second Tuesday of the month. Mr. Griffith also stated that he had included a copy of the approved meeting minutes from the October 13th meeting and wanted to insure that the Commissioners were satisfied before posting them on the City's website.

ADJOURNMENT

Commissioner Murdock made a motion, seconded by Commissioner Walker, to adjourn the meeting at 8:15 PM. The next scheduled meeting will be Tuesday, January 12, 2010 at 5:30 PM. in the City Hall Courtroom.

Dora Herring, Chairman

Ben Griffith, AICP, City Planner