APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF MAY 8, 2012
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, Ira Loveless and John Moore. Commissioner Jeremy Murdock was absent. The meeting was called to order by Commission Chairman Jerry Emison. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith, Assistant City Planner Pamela F. R. Daniel and Recording Secretary Bill Green.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated May 8, 2012. After a brief discussion, and upon the motion of Commissioner Moore, which was seconded by Commissioner Walker, the Commission voted unanimously to approve the agenda as presented.

After a brief discussion, and upon the motion of Commissioner Walker, which was seconded by Commissioner Loveless, the Commission unanimously voted to excuse Commissioner Murdock's absence.

AN ORDER APPROVING THE MINUTES OF THE APRIL 10, 2012 MEETING

The Commission considered the matter of approval of the minutes of the April 10, 2012 meeting. After discussion, and upon the motion of Commissioner Herring, which was seconded by Commissioner Loveless, the Commission voted unanimously to approve said minutes with revisions.

CITIZEN COMMENTS

Chairman Emison 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 comments were received.

A REQUEST BY FIRST UNITED METHODIST CHURCH TO ALLOW A PLACE OF WORSHIP IN A T5 DISTRICT LOCATED AT 100 WEST LAMPKIN STREET IN WARD 7

Next there came before the Commission item #EX 12-01: a request by First United Methodist Church for approval to allow a place of worship in a T5 District located at 100 West Lampkin Street in Ward 7. The Assistant City Planner then read a brief introduction of the request.

Mr. Lee Carson addressed the Commissioners, stating that FUMC is a large part of the community, has served the community well and wants to remain downtown and to do so the church has bought properties. The "Spot Cash" property would serve as the new location for their Pathways program. The proposed location will hold 200 people and be used for classrooms on the north side. The renovation will not go outside the boundaries of the building; they will only be cosmetic. Parking is addressed through existing parking. The distance of the proposed location is no greater than the distance of the CLC building.

Commissioner Loveless asked how the parking was adequate. He stated that there is no parking at the building because you can't get onto the lot. Therefore the church would have to utilize public parking. He went on to ask if Welch pulled their parking what would the church do.

Mr. Carson explained that the church has taken that into consideration and has addressed those concerns in the church's long range plan. FUMC has master planned the property consisting of the old radio station for future parking.

Commissioner Loveless then stated that the church is within 100-ft of a liquor zone and is encroaching on the 170-ft of Tyler's and Southern Billiards that are both alcohol serving facilities.

Mr. Carson stated that the FUMC main sanctuary is within that same distance.

After a brief discussion, Commissioner Walker made a motion, which was seconded by Commissioner Loveless. The Commission then voted unanimously to recommend approval of the Use by Exception to the Mayor and Board of Aldermen with the following four conditions provided by Planning staff:

1. The applicant shall submit detailed construction plans for review by the Building and Fire Departments within three (3) months of final approval by the Mayor and Board of Aldermen and prior to the commencement of any construction activities at the subject property.

2. All appropriate permits shall be obtained prior to the commencement of any construction activities at the property within six (6) months of approval of the Use by Exception request by the Mayor and Board of Aldermen.

3. All applicable inspections and certificates of occupancy from the City of Starkville's Building and Fire Departments shall be obtained prior to the commencement of any worship or faith-related activities in the building.

4. All of the above conditions shall be fully and faithfully executed or the Use by Exception shall become null and void.

A REQUEST BY CLYDE PRITCHARD FOR APPROVAL TO ALLOW A ZONING CHANGE FROM C-2 (GENERAL BUSINESS) TO R-5 (MULTI-FAMILY, HIGH-DENSITY) LOCATED ON THE SOUTH SIDE OF LYNN LANE, APPROXIMATELY 1,000 FEET WEST OF SOUTH MONTGOMERY STREET IN WARD 3

Next there came before the Commission item #RZ 12-03: a request by Clyde Pritchard for approval to allow a zoning change from C-2 (General Business) to R-5 (Multi-Family, High-Density) located on the south side of Lynn Lane, approximately 1,000 feet west of South Montgomery Street in Ward 3. The Assistant City Planner then read a brief introduction of the request.

Mr. Clyde Pritchard addressed the Commission by first stating that he is not the applicant however he is acting as agent on behalf of the applicant by assisting in the "prep" of the rezoning application. His purpose is to provide the density and site plan.

The applicant, Mr. Richard Ambrosino then addressed the Commission. He explained that he understood that the rezoning request does not focus on what the buildings will look like but he would like to show the proposed development. Mr. Ambrosino gave an extensive presentation regarding the proposed development that addressed everything from the natural detention area to the use of brick rather than vinyl or wood for the exterior of the buildings. He went on to say that there is a one-acre parcel of land to the East of the development that he has been sold to others, that can act as a buffer between his proposed development and the Maison de Ville properties. He continued by discussing some of the facts within the staff report as they relate to the Comprehensive Plan, the zoning classification of properties surrounding the proposed development as well as their density, transportation as it relates to the potential congestion of Lynn Lane by stating that it is a collector road/street. He concluded by stating that statistics show that within (2) two years the enrollment at the University will grow by 2,000 students, not including the employees to service those growing number of students, and his proposed development would fill that growing need.

After the presentation, Chairman Emison opened the floor to public comment. Four people with ties to Maison de Ville commented in opposition, starting with John W. Hartlein, who is the developer of Maison de Ville and Maison de Ville Association president.

Mr. Hartlein opened by explaining that when he purchased the property in 2008 and requested the R-3 zoning, he and the property owners knew the lay of the land and were comfortable with it. He went on to say that if R-5 apartments were adjoining the property or in the vicinity he would not have pursued the Maison de Ville development. He stated that his concerns lie with the domino/piggy back effect and what it will do to Lynn Lane and the change in character of the neighborhood if the request were to be approved. He stated that there would 1,000 cars going to campus. Mr. Hartlein stated that was one of the negatives with student housing and nobody wanted to live by them. He asked how you could justify putting student housing near the nicest neighborhood in the community? He urged the Commissioners to put themselves in the homeowner's shoes.

Commissioner Walker asked Mr. Hartlein if he felt that in 2007 or 2008 when his development started did it not change the character of the neighborhood.

Mr. Hartlein replied that it did not.

Commissioner Herring added that she remembers when the Maison de Ville property was rezoned and that there was some apprehension then as well; however, because it was upscale and there was the addition of a gate, the Commissions' apprehensions were eased. She then asked how many lots are still vacant on the Maison de Ville property.

Mr. Hartlein answered with he is half way through the development and the development of student housing will affect the sale of the homes.

R.J. Reed, a property owner in Maison de Ville stated that he is was the first homeowner in Maison de Ville and that his property acts as a second home because he lives in Brandon. He went on to say that it is his intention to retire in the Maison de Ville home because it offers low maintenance landscaping which is all taken care of. He closed by stating that there is still a lot of land in the city to put student housing so he opposes this rezoning.

Jay Logan, another property owner speaking in opposition of the rezoning request stated that he commends the developer/designer but you cannot design behavior and things that come with that behavior. He explained that he owned a home in the Cotton District and that neighborhood changed which prompted him to relocate and now this change in character is following him to his new neighborhood. He too closed by stating that there are more appropriate areas in the city to develop in and that the proposed development should not encroach upon Maison de Ville.

Craig Adams, the last property owner to address the Commission stated that had he known student housing would be in the area, he never would have chosen to purchase property in Maison de Ville. He believes the plan is a devaluation of the property and opposed the rezoning request because of the presumed added traffic load it will bring.

Clyde Pritchard, the agent acting on behalf of the developer stated that Lynn Lane had been intentionally designed to be a 4-lane boulevard section and thus has adequate space to allow for added traffic, if needed.

Mr. Ambrosino added that Lynn Lane is now designated to be on the student bus route beginning this year by MSU which would also reduce the amount of traffic from the proposed new development. He went on to say that Old Charleston Cottages was there for students just 650 feet from the wall of Maison de Ville. He closed by stating that his development would not open the flood gates for student housing because a rezoning is considered on a case-by-case basis rather his proposed development would compliment Maison de Ville.

Seeing no other citizen comments, Chairman Emison closed the floor for comments and opened the floor for discussion among the Commissioners. Chairman Emison also urged the Commissioners to be mindful that it is most important to consider the land use change not the type of development.

After a brief discussion, Commissioner Loveless made a motion to recommend denial of the rezoning request seconded by Commissioner Herring with an addendum that the developer could not demonstrate a public need. The Commission voted 4—1 with Commission Walker opposing the denial.

Once the Commission voted to recommend denial of the request, the City Attorney advised the applicant that he had five days to appeal the decision to the Starkville Board of Aldermen, which would make the final decision to approve or deny the request. Mr. Latimer said an appeal would protect the applicant's right to another public hearing at the Aldermen's meeting.

PLANNER REPORT

The Commission then heard a request by Chairman Emison to excuse his absence at the next regularly scheduled meeting of June 12, 2012. Commissioner Herring made the motion to excuse Chairman Emison from the next regularly scheduled meeting of the Planning & Zoning Commission seconded by Commissioner Moore. The Commission voted unanimously to excuse Chairman Emison.

City Planner Ben Griffith stated that there were no public hearings scheduled for the June 12th meeting and was not sure if anything other than the election of officers would be on the agenda. He asked the Commissioners to consider deferring the June 12th meeting to July 10th if there were no business items on the agenda. The Commissioners voted unanimously to defer the June 12th meeting to July 10th if there were no items scheduled. He also asked the Commissioners to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on the upcoming agenda.

ADJOURNMENT

Commissioner Herring made a motion, seconded by Commissioner Moore, to adjourn the meeting at 7:16 PM. The next regularly scheduled meeting will be Tuesday, June 12, 2012 at 5:30 PM in the City Hall Courtroom.

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Jerry Emison, Chairman

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Ben Griffith, AICP, City Planner