

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF NOVEMBER 8, 2011 THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi held its regularly scheduled meeting at 5:30 PM in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock and Ira Loveless. Commissioner John Moore arrived at approximately 5:40 PM. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith, Assistant City Planner Pamela Daniel and Recording Secretary Bill Green. Mr. Nathan Norris of PlaceMakers also attended the meeting to discuss the proposed form based code.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated November 8, 2011. Commissioner Murdock made a motion to approve the meeting agenda as presented. The motion was seconded by Commissioner Herring and the Commission voted unanimously to approve the agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE OCTOBER 11, 2011 MEETING

The Commission considered the matter of approval of the minutes of the October 11, 2011 meeting. After discussion and upon the motion of Commissioner Hicks, seconded by Commissioner Walker, the Commission voted unanimously to approve said minutes as amended.

CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, stating that there were three public hearings on the agenda and comments regarding those items would be called for at the appropriate time. No comments were received.

A PUBLIC HEARING REQUESTED BY MS. LOUISE PAGE FOR APPROVAL OF A ZONING CHANGE FROM R-1(SINGLE FAMILY) TO R-6 (MOBILE HOMES, MHP/MHS) LOCATED AT 1641 ROCKHILL ROAD IN WARD 6

Next there came before the Commission item #RZ 11-03: a request by Ms. Louise Page for approval of a zoning change from R-1 (Single Family) to R-6 (Mobile Homes, MHP/MHS) for approximately 13 acres of land located at 1641 Rockhill Road in Ward 6. The Assistant City Planner read a brief introduction of the item and introduced Ms. Louise Page to the Commissioners.

Ms. Louise Page addressed the Commission, stating that she wanted to rezone the property so her grandson could move a trailer onto the property to be near her and that she had no intention of

having a trailer park. She also stated that she had several instances of trespassing on her property and individuals visiting with her family members about selling the property. She identified Mr. Larry Bell as one of the trespassers and stated that if he wanted to buy her property, he should talk to her and not her grandson.

Commissioner Herring asked specifically where the trailer was going to be placed and whether she could rezone only an acre to place a trailer. Ms. Daniel replied that it was not financially feasible for Ms. Page to survey the property and carve out one acre. A lengthy discussion ensued among the Commissioners regarding the need to rezone the entire acreage or just one acre for placement of a trailer.

Chairman Emison then opened the public hearing and invited audience members to address the Commission.

Mr. Larry Bell stated that he had visited the property but only to talk to John Gibson because he repairs cars and trucks. He stated that he had not received any notice of the rezoning. Mr. Bell also expressed concerns about the number of trailers that could potentially be placed on the property and the need for a pumping station.

Ms. Ann Daniels stated that she had no objections to placing one trailer on the property but did have objections to a trailer park in the area. She pointed out errors in the staff report, discussed the zoning map that she presented to the Commissioners and the reasons for rezoning property, stating that there were no manifest errors in the zoning map to justify a rezoning. She concluded by stating that she was opposed to the rezoning of 13 acres but not to 1 acre for a trailer.

Ms. Margaret Copeland provided a letter of opposition dated November 8, 2011 to the members of the Commission. She stated that she and her sisters did not have adequate time to prepare for the meeting since the time the staff report was posted on the city's website. She stated that she and her sisters would not object to a variance, but were opposed to the rezoning. Ms. Copeland also pointed out errors in the staff report, that the 160-foot notification area was not adequate and that the sign was too small. She then handed out photos of various homes which she stated had been misrepresented in the staff report as mobile and manufactured homes. Ms. Copeland stated that she was concerned about large numbers of trailers on the site and still had not received a satisfactory answer regarding sewage treatment on the site.

Ms. Mary Bell stated that she was opposed to the rezoning and that a potential trailer park would have to install septic tanks on the property because sewage was not available.

Chairman Emison asked Ms. Page if she wished to address any of the concerns expressed and then closed the public hearing.

Several Commissioners asked questions about the property, the number of structures located there, where Ms. Page's home was and where the grandson's trailer would be placed. Several expressed concern with the large amount of acreage being considered for rezoning to allow just one trailer.

The City Attorney stated that the size of the property does not matter if an error has been found.

After further discussion, Commissioner Loveless made a motion to deny the rezoning of the 13 acres based on an error in the zoning map.

Commissioner Herring seconded the motion, stating that when the area was annexed in 1998, there was no zoning classification available for trailers on individual lots, only for mobile home parks. She added that when the previous zoning requests had come before the Commission, she thought they were for replacement due to fire or neglect and that they were for smaller sized parcels, not 13 acres, which she felt was not in spirit with what had been done in the past.

After further discussion by the Commission, Mr. Latimer reviewed the legal test for rezoning.

Chairman Emison asked for the Commissioners to vote by show of hands. Commissioners Herring, Hicks and Loveless voted in favor of the denial. Commissioners Moore, Murdock and Walker voted against the denial. Seeing that it was a tie vote, Chairman Emison voted in favor of the denial.

**A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE REPEALING
AND REPLACING THE “CHART OF PERMITTED USES” FOUND IN APPENDIX A,
ARTICLE VIII, SECTION M AND THE DEFINITIONS FOUND IN APPENDIX A,
ARTICLE II OF THE CITY’S CODE OF ORDINANCES**

Next there came before the Commission item #OR 11-01: a public hearing to discuss revisions to the chart of permitted uses and associated definitions in the City’s Code of Ordinances. The City Planner discussed the revisions made to the chart and definitions, chiefly those related to recreation and entertainment. The Commissioners made some general comments regarding specific uses on the chart and associated definitions.

Chairman Emison opened the floor for public comments and seeing none, closed the public hearing portion of the meeting and opened the floor for discussion by the Commissioners.

After discussion, Chairman Emison suggested that Planning staff make the necessary revisions to the drafts and bring the item back to the Commission on December 13th for possible action at that time and the Commissioners agreed.

**A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE AMENDING
THE CITY’S CODE OF ORDINANCES BY ADDING APPENDIX A. ZONING,
ARTICLE VII, DISTRICT REGULATIONS, SECTION T, TRANSECT DISTRICTS,
BY MEANS OF A PREPARED FORM BASED CODE ENTITLED
“DOWNTOWN/MSU CORRIDORS CODE” FOR AREAS WHICH INCLUDE
PORTIONS OF MS HIGHWAY 182, MAIN STREET, UNIVERSITY DRIVE,
LAMPKIN STREET AND RUSSELL STREET**

Next there came before the Commission item #OR 11-02: a public hearing to discuss the proposed Form Based Code prepared by PlaceMakers. The City Planner introduced the item by referring to the memo dated November 3, 2011, listing questions, comments and concerns from the October 25, 2011 work session held by the Planning & Zoning Commission and introduced Mr. Nathan Norris of the PlaceMakers consulting firm.

Chairman Emison opened the floor for public comments and seeing none, closed the public hearing portion of the meeting and opened the floor for discussion by the Commissioners.

The City Attorney emphasized the need for the Commissioners to make their intentions clear in any motions regarding the Form Based Code.

Commissioner Loveless made a motion to reject the document in its entirety.

Hearing no second, Chairman Emison announced that the motion died for lack of a second.

Commissioner Herring then made a motion to discuss the draft with PlaceMakers, revise the document, and then bring it back to the Commission on December 13th and then decide whether to send it to the Board of Aldermen.

Commissioner Loveless seconded the motion and it was approved unanimously.

Mr. Nathan Norris began the discussion by addressing the list of items on the memo dated November 3, 2011. A lengthy discussion ensued regarding the administrative tasks at the beginning of the draft Code and various other issues.

Another lengthy discussion ensued regarding whether the Form Based Code was an overlay or a rezoning. Mr. Latimer stated that it was his belief that it was a rezoning and should be treated as such, with specific findings of fact to address the statutory criteria for rezoning.

The discussion returned to the administrative and appeal process and Mr. Norris offered several alternatives to address the issue, referring to both the Form Based Code and the November 3, 2011 memo.

After further discussion, Commissioner Murdock made a motion to direct staff to work with the consultant to revise the draft Code and bring it to the December 13th Planning & Zoning Commission and then decide whether to send it to the Board of Aldermen.

Commissioner Herring seconded the motion and it was approved unanimously.

PLANNER REPORT

City Planner Ben Griffith stated that there was one public hearing submitted for the December 13th agenda and that he expected to have three or four plats scheduled for review at that meeting, in addition to the form based code and chart of permitted uses ordinances. Mr. Griffith referred the Commissioners to the 2012 P&Z submittal and meeting schedule, stating that it showed all of their meetings to be held on the second Tuesday of each month, asking if anyone had any issues with the proposed schedule and none did. Mr. Griffith concluded by reminding the Commissioners to be mindful of all *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

Commissioner Murdock made a motion, which was seconded by Commissioner Hicks, to adjourn at approximately 9:00 PM. The next regularly scheduled meeting of the Planning & Zoning Commission will be Tuesday, December 13, 2011 at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chairman

Ben Griffith, AICP, City Planner