APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF SEPTEMBER 13, 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 Building Department on the second floor of City Hall at 101 E. Lampkin Street, Starkville, Mississippi. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. After a brief discussion with the City Attorney and Commission Chairman, Commissioner Loveless excused himself from the meeting and did not return. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith, Assistant City Planner Pamela Daniel and Recording Secretary Bill Green.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated September 13, 2011. Commissioner Murdock made a motion to approve the meeting agenda as presented. The motion was seconded by Commissioner Walker and the Commission voted unanimously to approve the agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE AUGUST 9, 2011 MEETING

The Commission considered the matter of approval of the minutes of the August 9, 2011 meeting. After discussion and upon the motion of Commissioner Herring, seconded by Commissioner Walker, the Commission voted unanimously to approve said minutes with a minor revision. Commissioner Murdock abstained from voting since he did not attend the last meeting.

CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, stating 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 PUBLIC HEARING REQUESTED BY MR. MICHAEL KRAKER FOR APPROVAL OF A PUD (PLANNED UNIT DEVELOPMENT) LOCATED ON THE NORTH SIDE OF EAST GARRARD ROAD IN WARD 5

There came before the Commission item #PD 11-03: a request by Mr. Michael Kraker for approval of a zoning change from R-1 (Single Family) to PUD (Planned Unit Development) for approximately 5.01 acres of land, located in the southwest corner of the former "Pilkington Trailer Park" on the north side of East Garrard Road, west of Old West Point Road, in Ward 5.

The City Planner read a brief introduction of the item, asking if any of the Commissioners had been contacted by anyone regarding the request. Commissioner Moore stated that he had received a letter and Commissioner Herring stated that she had received a letter and several phone calls. The City Attorney asked if this would in any way influence their ability to render an unbiased and objective decision and both answered that it would not.

Mr. Michael Kraker, Mrs. Gayle Kraker and Mr. Neil Couvillion presented the request, providing a poster-sized display board with a conceptual layout of the project and sample photographs of single-family residences.

Mr. Kraker stated that when East Garrard Road officially opened, he decided to resubmit the PUD request which he withdrew at the August 9th P&Z meeting. He then provided a brief overview of the proposed project and offered to answer any questions from the Commissioners.

Commissioner Herring stated that the density was much higher than the 25% increase allowed by the PUD regulations and felt that 12 or 13 units would the estimated amount which would be allowed under the current R-1 zoning. She also cited concerns about landscaping, greenery, restrictive covenants, parking, interior square footage and whether or not the houses would be two-story or not.

Mrs. Kraker replied that the project would be attractive and include amenities and features not required in an R-1 zoning district and asked if the criteria had been met for a change in area conditions and public need.

Chairman Emison asked the City Attorney if these issues were required to be addressed at this time and whether or not the Commission needed to consider the proposed PUD plan as part of the rezoning.

The City Attorney answered that the threshold issues for rezoning must be considered and whether or not the proposed PUD plan meets City specifications. He stated that the applicant should show statistics of public need regarding demand for houses at the targeted price point.

Ms. Melanie Mitchell of Prudential Realty stated that she supported the development and that it was exactly the type of home that generates the most demand in the area: smaller homes on smaller lots for easy care and maintenance for young professionals and retirees. She added that a search of area listings yielded only three homes in Starkville available at this price point.

Ms. Leigh Ann Evans of Coldwell Banker Realty stated that she lives on Boyd Drive to the northeast of the proposed development and was strongly in favor of it. She stated that the project would provide the size and price of homes for which there is a strong demand in Starkville and that she often received complaints from buyers about the lack of homes available in that category. Ms. Evans stated that she had not received any complaints about a lack of parking in Camden Place or Roberts Cove where the Krakers have been building homes. She stated that it was very difficult to find quality homes in Starkville in the $150,000 to $160,000 price range and that there was much demand for homes in this price range from alumni who don't want a large yard to maintain when they come to Starkville for football games and other athletic events.

A lengthy discussion took place between the Krakers and Commissioner Herring regarding the size, look and construction of the homes proposed for the development, and Chairman Emison reminded everyone not to get hung up on the architectural details of the project, but to focus on the land use decision at hand.

An even lengthier discussion took place among the applicants and several Commissioners regarding density of the proposed development and the surrounding zoning classifications of R-1 and R-E, both of which are considered to be "Low Density Residential" by the City's Comprehensive Plan.

Chairman Emison then opened the floor for public comments.

Dr. Greg Ibendahl of 200 Presley Place stated that he was originally opposed to the use, but that he had second thoughts, and asked if it would prevent lower income homes from being built. He also expressed concerns with the proposed density, how it would affect the surrounding areas, and whether or not the project met the City's requirements, suggesting that the developer take out two or three houses to provide more open space.

Mr. Taylor Adams of 106 Bay Meadows Drive expressed support for the proposal and stated that he and others in the Bay Meadows subdivision had provided letters of support to the Krakers, adding that they thought it would be a welcome addition to the north side of town.

Mrs. Marnita Henderson of 208 Pinebrook Road asked how wide the road would be, whether it would be private or public and if sidewalks were included.

Mrs. Jane Loveless of 108 Trotter Lane stated that she was opposed to the request and did not see any need for this type of development or any change in the area because of the road.

Chairman Emison asked if there were any additional public comments and seeing none, closed the public hearing portion of the meeting.

Commissioner Herring had questions regarding density calculations and several of the Commissioners took part in another lengthy discussion on the subject.

Commissioners Murdock and Walker discussed the merits of creative and innovative design for PUDs and how the Kraker's proposal met the criteria.

Chairman Emison directed the Commissioners attention to the four conditions of approval provided by Planning staff, if a motion were to be made.

Commissioner Herring stated that she still did not understand the net density calculations and another lengthy discussion ensued among the Commissioners.

Chairman Emison stated that he needed a motion, one way or another, and that it needed to include a finding of fact regarding change in the area, public need and the conditions provided by Planning staff.

After discussion, Commissioner Walker made a motion to recommend approval of the request to the Mayor and Board of Aldermen, based on the change in area conditions as provided in the staff report dated September 8, 2011, public need as presented at the public hearing, and subject to the four conditions provided by Planning staff in the staff report, adding a fifth condition to correct the net density calculation for the Board packet, as follows:

1. The applicant shall submit a preliminary plat which shall include detailed infrastructure plans to the City's Development Review Committee within 6 months of the PUD approval by the Mayor and Board of Aldermen.

2. The applicant shall submit an application to the City's Board of Adjustments & Appeals for the dimensional variances requested for the internal streets, sidewalks and proposed right-of-ways, prior to presentation of a preliminary plat and infrastructure plan to the Planning & Zoning Commission and Board of Aldermen.

3. The applicant shall provide restrictive covenants that include provisions for the maintenance of common areas, especially the areas along and adjacent to the creek, and the City Attorney's standard hold-harmless indemnification clause.

4. The applicant shall be required to submit a "Floodplain Development Permit" application form with the preliminary plat submittal package and comply with the City's adopted floodplain management ordinance.

5. <u>Planning staff shall provide corrected net density calculations so the staff report is accurate and correct.</u>

The motion was duly seconded by Commissioner Murdock. There was no further discussion and Commissioners Walker, Murdock and Hicks voted in favor of the request. Commissioner Moore voted against and Commissioner Herring abstained. The City Attorney stated that a simple majority would be required to approve the request and Chairman Emison voted in the affirmative. The final vote was tabulated as follows: 4 in favor, 1 opposed, and 1 abstention.

A PUBLIC HEARING REQUESTED BY BONDS OF LOVE MINISTRY TO ALLOW A PLACE OF WORSHIP IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT AT 305 DR. MARTIN LUTHER KING, JR. DRIVE IN WARD 5

There came before the Commission item #CU 11-06: A request by Bonds of Love Ministry to allow a place of worship in a C-2 (General Business) zoning district at 305 Dr. Martin Luther King, Jr. Drive, in the former "Precision Photo" building, in Ward 5. The Assistant City Planner then read a brief introduction of the item.

Ms. Glenda Butler presented the request, giving a brief overview of the ministry, stating that purchase of the property was contingent upon approval of the conditional use request. She stated that a multi-year parking easement agreement allowing access and parking in the parking lot of the adjacent shopping center was included in the deed.

Chairman Emison asked if the Commission needed to consider the length of the easement agreement and the City Attorney answered that the Commission should consider what was presented to the Commissioners at the present time.

After asking three times, and seeing that no members of the public cared to address the Commission regarding the request, Chairman Emison closed the public hearing portion of the meeting.

The City Attorney advised the Commission on the legal test for a conditional use.

After discussion, Commissioner Moore made a motion to recommend approval of the conditional use request to the Mayor and Board of Aldermen, based on the findings of fact of the staff report dated September 8, 2011, and the following conditions as proposed by Planning staff:

1. The footprint of the existing structure shall not be increased in size.

2. All signage shall conform to the City's signage ordinances. Permits shall be obtained from the City's Building Department prior to the placement of any signage on the site.

3. A new conditional use application shall be required if there is a change in ownership of the property which requires a conditional use, or if the use ceases for more than six months.

4. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

Commissioner Herring seconded the motion and a lengthy discussion ensued regarding the required distance separation for an establishment which serves alcohol from a church. The pros and cons included positive re-use of a currently vacant building, removal of the property from the tax rolls, stable land uses in depressed or blighted areas, and negative impacts on future potential businesses regarding the alcohol distance separation.

After further discussion, the Commission voted 4—1 (Murdock) in favor of recommending approval of the conditional use request to the Mayor and Board of Aldermen.

PLANNER'S REPORT

City Planner Ben Griffith stated that there would be a public hearing at the October 11th meeting and possibly a plat or two for review. He stated that he would like to have the Commissioners review a draft of a proposed permitted and conditional land use chart in a work session setting, from which the draft Form Based Code would draw its land use categories. He also asked if the Commissioners would be opposed to holding a special call meeting towards the end of October to review the Form Based Code draft in a work session setting prior to the scheduling of public hearings, in order to focus their attention on the draft without any other items of business to consider. 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 Walker, to adjourn the meeting at approximately 7:40 PM. The next regularly scheduled meeting of the Planning & Zoning Commission will be Tuesday, October 11, 2011 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