APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF MAY 10, 2011
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, Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. 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 May 10, 2011. City Planner Ben Griffith informed the Commission that the applicant for the first public hearing on the agenda was not present and asked the Commission to move item number 1 to the end of the agenda to allow time for the applicant to arrive. After discussion, and upon the motion of Commissioner Murdock, seconded by Commissioner Moore, the Commission voted unanimously to approve the agenda with the revision.

AN ORDER APPROVING THE MINUTES OF THE APRIL 12, 2011 MEETING

The Commission considered the matter of approval of the minutes of the April 12, 2011 meeting. After discussion and upon the motion of Commissioner Herring, seconded by Commissioner Hicks, the Commission voted unanimously to approve said minutes as presented.

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 citizen comments were received.

A PUBLIC HEARING REQUESTED BY TABOR PROPERTIES, LLC TO ALLOW MULTI-FAMILY RESIDENTIAL CONDOMINIUM USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 701 SPRING STREET IN WARD 4

Next there came before the Commission item #CU 11-04: a public hearing requested by Tabor Properties, LLC to allow multi-family residential condominium use in a C-2 (General Business) zoning district, located at 701 Spring Street in Ward 4. The City Planner read a brief introduction of the item.

Mr. Jeremy Tabor and Mr. Larry Tabor of Tabor Properties, LLC presented the request.
Mr. Jeremy Tabor told the Commissioners that he was requesting a conditional use to allow multi-family residential condominiums in a C-2 zoning district. The condominium units would be available for fee-simple sale. There are two buildings on the site with a total of 100 motel rooms. He stated that his intention was to convert these 100 motel rooms into 52 condominium units.

Mr. Larry Tabor told the Commissioners that it was a good project for Starkville and would be an asset to the community.

Commissioner Hicks asked if it was the same project which had been brought before the Commission last year.

Mr. Jeremy Tabor replied that it was the same project and that it had been denied by the Mayor and Board of Aldermen, but a year had passed and he was allowed to bring it forward again.

Chairman Emison asked if was still being considered for hotel-condominium use or if it was just condominiums to be offered for sale.

Mr. Jeremy Tabor responded that after looking more closely into the hotel-condominium concept, they had found that was not as marketable for the Starkville area.

Commissioner Herring stated that she could see no adverse impact on the neighborhood and the land use was already in place.

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

After discussion, Commissioner Herring made a motion to recommend approval of the conditional use based on the findings of fact and conclusions of the staff report dated May 5, 2011, and the following conditions:

1. The applicant shall obtain all necessary permits prior to the commencement of any construction activities on the site.

2. Certificates of Occupancy for each building shall be obtained from the Building Department prior to the occupancy of any individual units.

3. A condominium plat shall be submitted to the City for review, approval and recording within six (6) months of the approval to the conditional use by the Board of Aldermen.

4. A new conditional use application shall be required if the multi-family residential use of the property ceases for more than six (6) months.

5. The applicant shall obtain Certificates of Occupancy with in eighteen (18) months of approval by the Board of Aldermen.

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

Commissioner Walker seconded the motion and the Commission voted unanimously to recommend approval to the Mayor and Board of Aldermen.

A PUBLIC HEARING REQUESTED BY APARTMENT EQUITY SOLUTIONS I, LLC FOR APPROVAL OF A PUD (PLANNED UNIT DEVELOPMENT) SITE PLAN FOR "STATE VIEW AT THE COTTON DISTRICT" LOCATED AT 300 COLLEGE VIEW DRIVE IN WARD 4

Next there came before the Commission item #PD 11-01: a public hearing requested by Apartment Equity Solutions I, LLC for approval of a PUD (Planned Unit Development) site plan for "State View at the Cotton District" located at 300 College View Drive in Ward 4. The City Planner then read a brief introduction of the item.

Mr. Zach Hines, Mr. Clay Landers and Mr. John Gumpert presented the request. Mr. Hines told the Commissioners the he was proposing a student housing project which will contain approximately 208 dwelling units in three, four-story building wings wrapped loosely around a parking garage. He stated that Mississippi State University officials had indicated that there was an immediate need for off-campus student housing in the area. The site would be easily accessible to the campus and he believed that it would be good project which would be compatible with the Cotton District area.

Mr. Sumner Davis addressed the Commission concerning the request. He read from the notification letter which had been mailed to residents within the required notification area and asked the City Planner about density requirements.

The City Planner stated that the density is based on dwelling units not the number of bedrooms. The applicant is requesting a density of approximately 25.15 dwelling units per acre, based on 208 proposed units, divided by the 8.27 acre site.

Mr. Davis asked about parking requirements and the zoning of the surrounding properties. He stated that he believed that the density of the project was the biggest issue and the fact that this particular project was not compatible with the adjacent neighborhood and the Cotton District area. He closed by stating the he was speaking for the Camp Family and others in the immediate area, as well as himself, and that they were all totally opposed to the project.

Mr. Harry Bell addressed the Commission concerning the proposed PUD, stating that his mother lives near the proposed development and that he was opposed to apartments because of noise and traffic concerns.

Mr. Mark Guyton addressed the Commission, stating that he was opposed to the project because of the high density proposed and that he would much rather see single family houses.

Mr. R.H. Gilmer addressed the Commission and stated he was opposed to the density that was being proposed. He stated that he was not opposed to the property being developed, but he believed that this type of development would be wrong for the area.

Mrs. Ann Bell told Commissioners that she is retired from Mississippi State University and knows of the need for student housing, but this project is too dense for the neighborhood.

Mrs. Cindy Gilmer told Commissioners that she lives on University Drive and she does not believe that this project is in keeping with the image of the Cotton District.
Mr. Larry Tabor said he thought that the Stateside development was a wonderful development for the area, but that as a developer himself, he did feel that the State View development was appropriate for the area.

Mrs. Marnita Henderson asked the Commission how the request could be called a PUD without mixed uses if residential was all that was proposed. The City Planner answered that the PUD regulations did not require mixed uses.

Mr. David Britton told commissioners that he is opposed to the project because the Cotton District is a community where people walk or bike to businesses and that this type of high density development would increase traffic.

After asking for and receiving no further public comments, Chairman Emison closed the public hearing. Chairman Emison stated that there was going to be an increased demand for off-campus student housing as the University's enrollment grows. Residential housing will be needed. Every two to three years, student enrollment increases. This project was in a good location, close to the campus, but the problem was that for this to be good planning, it should be harmonious with the neighborhood. He concluded by stating that the density base lines moved around and that the proposed development was not really a PUD bur more of an apartment complex.

Commissioner Herring asked if a PUD approval was not used within a certain time frame, would it become void, and whether or not everything should be in place with a PUD.

Commissioner Walker stated that there was very little offered in the request for PUD zoning, some of the things in the request have merit, but that the Cotton District was a walking community and this plan did not offer the same Cotton District appeal.

Commissioner Hicks stated that he was concerned with the density of the project and was concerned that with a PUD zoning and no mixed use proposed at the same time, that he was concerned what might develop later.

After much discussion, Commissioner Walker made a motion to recommend denial of the PUD request to the Mayor and Board of Aldermen. Commissioner Murdock seconded the motion and the Commission voted unanimously to recommend denial.

With item numbers 2 and 3 under new business having been presented and acted upon, it was time for item number 1 which was moved to the last agenda item. The City Planner stated that Ms. Belk was still not present. Chairman Emison asked the City Attorney if the request could be heard without the applicant present. City Attorney Chris Latimer stated that the Commission could act on the request without the applicant being present.

A PUBLIC HEARING REQUESTED BY MS. EMMA BELK FOR APPROVAL OF A ZONING CHANGE FROM R-1 (SINGLE FAMILY) TO R-6 (MOBILE HOMES, MHP/MHS) LOCATED AT 1582 ROCKHILL ROAD IN WARD 6

Next there came before the Commission item #RZ 11-01: a public hearing requested by Ms. Emma Belk for approval of a zoning change from R-1 (Single Family) to R-6 (Mobile Homes, MHP/MSH) located at 1582 Rockhill Road in Ward 6. The City Planner then read a brief introduction of the item.

There were no public comments concerning the request.

After a brief discussion, Commissioner Moore made a motion to recommend approval of the request to the Mayor and Board of Aldermen, based on an error in the City's Official Zoning Map. Commissioner Murdock seconded the motion and the Commission voted unanimously to recommend approval.

PLANNERS REPORT

City Planner Ben Griffith reminded the Commissioners of the PlaceMakers consulting firm's form based code workshop scheduled for Friday, May 13th in the City Hall Courtroom at 1:30. He stated that Commissioners Loveless and Moore's terms were about to expire and that both Commissioners were eligible for reappointment. Mr. Griffith asked the Commissioners to submit letters of interest to CAO Lynn Spruill for placement and consideration on the next Board of Aldermen agenda. He stated that there were two public hearings and a plat scheduled for the June 14th meeting. Mr. Griffith also stated that he had been working on a proposed landscape and tree protection ordinance and that the Tree Advisory Board had been providing technical input as well. He asked the Commissioners if they would consider holding a worksession at the next meeting so that he could receive feedback from the Commissioners and they agreed to allow placement of the item onto the June 14th meeting agenda. 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 upcoming agenda items.

Chairman Emison informed the Commissioners that he would not be present at the June 14th meeting and could he be excused. Commissioner Herring made a motion to excuse Chairman Emison from the June 14, 2011 meeting. Commissioner Walker seconded the motion and the Commissioners voted unanimously to excuse Chairman Emison.

ADJOURNMENT

Commissioner Murdock made a motion, which was seconded by Commissioner Walker to adjourn the meeting at 7:15 PM. The next scheduled meeting will be June 14, 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