APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF SEPTEMBER 14, 2010 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, John Moore, Jason Walker, Jeremy Murdock and Ira Loveless. The meeting was called to order by Commission Chairman Jerry Emison. 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 September 14, 2010. After discussion and upon the motion of Commissioner Murdock, seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE AUGUST 10, 2010, MEETING

The Commission considered the matter of approval of the minutes of the August 10, 2010 meeting. After discussion, and upon the motion of Commissioner Herring, seconded by Commissioner Loveless, the Commission voted unanimously to approve said minutes.

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 public comments were received.

A PUBLIC HEARING REQUESTED BY MR. MARK WELCH FOR APPROVAL OF A ZONING CHANGE FROM R-3 (MULTI-FAMILY) TO C-2 (GENERAL BUSINESS) LOCATED AT 711 VINE STREET IN WARD 7

Next there came before the Commission item #RZ 10-06: a public hearing requested by Mr. Mark Welch for approval of a zoning change from R-3 (Multi-Family) to C-2 (General Business) located at 711 Vine Street in Ward 7. The City Planner read a brief introduction and asked if any of the Commissioners had been contacted by anyone regarding the request; none had.

Mr. Welch presented the request, stating that the Sonic Drive-In has been in its present location for over thirty-seven years. He stated that the subject property was purchased in 2003 for $50,000 and

that a dilapidated house of questionable use was demolished the same year. At that time, a zoning request was presented to the Planning & Zoning Commission to change the zoning from R-3 (Multi-Family) to C-2 (General Business) in order to enlarge the Sonic Drive-In building, patio cover, and increase the number of customer parking stalls. The request was denied by the Planning & Zoning Commission and upheld by the Mayor and Board of Aldermen. In 2004, the request was made again, and it too was denied. Mr. Welch stated that he no longer plans to expand the Sonic Drive-In building or increase the number of customer parking stalls. If the rezoning request is granted, the dumpster container and storage building will be moved from their current location along Vine Street onto the subject property and an employee parking area will be built on the lot. The property will be cleaned up and made presentable and more attractive to customers and the residents along Vine Street.

Commissioner Herring stated that she had been on the Commission when the previous requests were heard and remembered the complaints of the neighbors on Vine Street, which were mostly about traffic, trash and the dumpster close to the street.

Mr. Welch stated that he was aware of these concerns and that he would like to address them by moving the dumpster and storage building onto the adjacent lot, adding an employee parking lot and a buffer and fence, but that the City Planner would not let him do so because the R-3 zoning would not allow it. He added that he had renovated the exterior and "spruced up" the site, but that he could do none of the improvements to the adjacent lot due to the R-3 zoning.

Chairman Emison invited members of the public to comment.

Ms. Mynyown Arnold who lives at 712 Vine Street addressed the Commission concerning the request. Ms. Arnold said she lives across the street from the Sonic Drive-In and she is concerned for the elderly who live on Vine Street because of increased commercial traffic and the noise. Ms. Arnold said she is opposed to the zoning change and believes Mr. Welch could clean up the property without changing the zoning. She then detailed her concerns and the problems she and her neighbors had with the Sonic Drive-In. Ms. Arnold stated that she had provided a petition opposing the rezoning to the City Planner which had been signed by eleven residents of Vine Street. She was also concerned with the C-2 zoning of her and other residential properties on Vine Street and did not understand how it could be.

Mr. Griffith explained that he had discussed this with Ms. Arnold, showing her the progression of zoning maps which appeared to show that some of the properties closest to Highway 12 were in fact zoned C-2 and had been for many years, going back to the oldest zoning map available from 1978.

Ms. Machaunda Bush who lives at 713 Vine Street addressed the Commission with concerns for trash, commercial traffic, no buffer from the street and no sidewalks for pedestrian traffic making it dangerous for residents who live on Vine Street. Ms. Bush said that employees of Sonic Drive-In use her driveway to turn around and provided more details regarding her concerns and problems she and her neighbors had with the Sonic Drive-In.

Chairman Emison asked if there were any further public comments and seeing none, closed the public hearing.

Commissioner Herring was concerned about the narrow 60-foot width of the lot and Commissioner Murdock was concerned about the 149+ uses and wide-ranging businesses that were allowed in the C-2 zoning classification.

City Attorney Chris Latimer explained the legal test for a rezoning request—that being whether there was an original mistake in the zoning, or whether the neighborhood had changed enough to justify the proposed rezoning and that there was a public need for the proposed change.

Chairman Emison asked the City Planner to review the changes in the area from the staff report and Mr. Griffith provided a brief summary of the changes.

Chairman Emison then asked the City Attorney about the land use changing from R-3 to C-2 and whether the Commission had to find that there had been enough change to warrant a rezoning and whether or not there was a public need. Mr. Latimer answered affirmatively that these were the tests.

Commissioner Loveless stated that he was confused by the public need. Mr. Latimer answered that the Mississippi Supreme Court had ruled that public need is a required component of the rezoning test if the request is not based on an original error in the zoning map.

Commissioner Hicks stated that he understood what the applicant wanted to do but was not sure if he could do it in this location.

The City Attorney asked the City Planner to explain the less intense C-1 zoning in the staff report. Mr. Griffith explained that the C-1 zoning classification would allow the applicant to do what he wanted to on the subject property and would also provide a transitional zoning from the adjacent residential zonings.

Chairman Emison asked if the Commission could recommend a "downzone" based on what had been advertised and published? Mr. Latimer answered that the Commission could recommend a zoning classification of lesser intensity.

Chairman Emison then asked the City Planner what other zoning classifications would allow a parking lot. Mr. Griffith referenced the Code of Ordinances and answered that stand-alone parking lots were allowed by right in C-1 and C-2 zones and that they were allowed by conditional use in the B-1 (Buffer District) classification.

After further discussion, Chairman Emison stated that he didn't feel that there was a strong feeling on the Commission to recommend approval of rezoning to either C-2 or C-1 and suggested that the applicant consider meeting with the City Planner and the neighbors and perhaps consider applying for a B-1 (Buffer District) zoning along with a conditional use to expressly address the concerns of the neighbors and provide a plan for the proposed site improvements.

Commissioner Walker stated that the Chairman's suggestion provided a real opportunity to make the Sonic Drive-In something more than just another commercial property.

Mr. Welch formally withdrew his request for a zoning change from R-3 (Multi-Family) zone to C-2 (General Business) zone and stated that he will look at his options and come to a decision.

A PUBLIC HEARING REQUESTED BY MS. BETTYE BELL TO APPROVE A CONDITIONAL USE TO ALLOW PLACEMENT OF A MANUFACTURED HOME IN AN R-4 (ZERO LOT LINE CLUSTER DEVELOPMENT) ZONE LOCATED AT 973 SUDDUTH ROAD IN WARD 6

Next there came before the Commission Item #CU 10-04: a public hearing requested by Ms. Bettye Bell to approve a conditional use to allow placement of a manufactured home in an R-4 (Zero Lot Line/Cluster Development) zone, located at 973 Sudduth Road in Ward 6. The City Planner read a brief introduction of the item and asked if any of the Commissioners had been contacted by anyone regarding the request; none had.

Ms. Bettye Bell presented the request. Ms. Bell stated that she is requesting a conditional use so her daughter can move a manufactured home on the property. She added that she has owned the property for years and that there are several other manufactured homes in the area owned by other family members, so this would not be the only one.

Commissioners Herring and Hicks asked the City Planner the difference between a mobile and a manufactured home, compared to a traditional "stick-built" home. Mr. Griffith explained the requirements spelled out by the Department of Housing and Urban Development (HUD) as well as the State regulations and City ordinance.

Chairman Emison closed the public hearing and asked how the property had come to be zoned R-4 Zero Lot Line/Cluster Development. Mr. Griffith answered that the property was part of the 1998 Annexation and was given the same zoning classification as others in the general area.

Mr. Latimer reminded the Commissioners that the conditional use would need to meet the five criteria listed on pages 2 and 3 of the staff report.

After discussion, Commissioner Walker made a motion to recommend approval of the request to the Mayor and Board of Aldermen based on the findings of fact presented at the meeting and subject to the following six conditions proposed in the Planners report:

1. The applicant shall obtain all necessary permits prior to the commencement of any construction activities on the site.
2. The proposed manufactured home shall comply with all ordinances and building codes currently adopted by the City of Starkville.
3. A Certificate of Occupancy shall be issued by the Building Department prior to the occupancy of the proposed manufactured home.
4. The conditional use shall apply for the proposed manufactured home as long as it is located on the subject property.
5. The placement of a manufactured home on the subject property shall be permanent and the conditional use approval shall run with the land.

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

Commissioner Moore seconded the motion and the Commission voted unanimously to recommend approval of the request.

A REQUEST BY MR. DAVEY MCREYNOLDS FOR APPROVAL OF THE "VINE STREET COVE SUBDIVISION" A PRELIMINARY/FINAL PLAT LOCATED AT 502 & 504 VINE STREET IN WARD 7

Next there came before the Commission item #FP 10-06: a request by Mr. Davey McReynolds for approval of the "Vine Street Cove Subdivision" a preliminary/final subdivision plat, located at 502 & 504 Vine Street in Ward 7. The City Planner read a brief introduction of the item for the Commissioners.

Mr. Davey McReynolds presented the request. Mr. McReynolds stated that the subdivision consists of two lots on a 0.89 acre site. A building permit for one single-family home has been issued and construction is nearly completed. Mr. McReynolds stated that one more single-family home could be built on Lot 2 and if his plans changed, the land would go through the subdivision process. Utilities for the subdivision already exist and both lots face an established street.

Commissioner Herring asked how Lot 2 would be accessed and Mr. Griffith answered that there was a 50-foot wide strip that would allow for a public right-of-way if Lot 2 were ever to be subdivided further.

Commissioner Hicks asked about the encroachment of a fence at the northwest corner of the site and pointed out several small "housekeeping" revisions which should be added to the final plat prior to recording.

After discussion, Commissioner Murdock made a motion to recommend approval to the Mayor and Board of Aldermen subject to the seven conditions recommended by the planning staff and review by the City Engineer and adding an eighth condition to include the "housekeeping" revisions pointed out by Commissioner Hicks:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.
2. The final plat shall meet the minimum requirements for R-2 zoning dimensions.
3. All public utilities are currently in place.
4. Any future development proposed to take place on "Lot #2" of the currently proposed plat which requires the dedication of utility and/or other easements, shall require the submittal of a preliminary plat for review and approval by the Mayor and Board of Aldermen prior to the commencement of any development activities on the property.
5. Erosion control vegetation shall be established on all disturbed areas.
6. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.

7. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.
8. The following items shall be included onto the final plat prior to recording, if deemed necessary by the City Engineer:
   a. Building setback lines to Lot #2.
   b. Width of Vine Street.
   c. Distance to the nearest street intersection.

Commissioner Herring seconded the motion and the Commission voted unanimously to recommend approval of the request.

PLANNERS REPORT

City Planner Ben Griffith stated that there would be a conditional use request and a plat or two on the next meeting agenda and reminded the Commissioners to be mindful of all *ex parte* communications.

Commissioner Murdock requested that he be excused from the meetings of May 11th and June 29th which were due to work-related conflicts. Chairman Emison asked for a motion. Commissioner Herring made a motion to excuse Commissioner Jeremy Murdock from the May 11th and June 29th meetings of the Planning & Zoning Commission, due to work-related conflicts. Commissioner Moore seconded the motion, which was unanimously approved by the Commission.

ADJOURNMENT

At approximately 6:55 PM, Commissioner Herring made a motion to adjourn, which was seconded by Commissioner Loveless. The next meeting of the Planning & Zoning Commission will be Tuesday, October 12, 2010, beginning 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