

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF JULY 13, 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, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. Commission Chairman Dora Herring called the meeting to order. 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 July 13, 2010. After discussion and upon the motion of Commissioner Emison, seconded by Commissioner Loveless, the Commission voted unanimously to approve the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE MAY 11, 2010 MEETING

The Commission considered the matter of approval of the minutes of the May 11, 2010 meeting. After discussion, Commissioner Emison made a motion to table the minutes at City Attorney Chris Latimer's suggestion so that additional information could be included. Commissioner Hicks seconded the motion and the Commission voted unanimously to table the minutes.

ELECTION OF CHAIRMAN

Commissioner Herring nominated Commissioner Jerry Emison to serve as Chairman. Commissioner Moore seconded the motion and the Commission voted unanimously to elect Commissioner Emison to the position of Chairman.

ELECTION OF VICE-CHAIRMAN

Commissioner Emison nominated Commissioner Dora Herring to serve as Vice-Chairman. Commissioner Hicks seconded the motion and the Commission voted unanimously to elect Commissioner Herring to the position of Vice-Chairman.

CITIZEN COMMENTS

Chairman Herring asked if any member of the public cared to address the Commission, stating that there is a public hearing on the agenda and comments regarding that item would be called for at the appropriate time. Ward 2 Alderman and Vice-Mayor Sandra Sistrunk addressed the Commission and thanked them for their good work serving the City of Starkville.

**A PUBLIC HEARING REQUESTED BY DEVELOPMENT ENTERPRISES OF
STARKVILLE, INC., FOR APPROVAL OF A ZONING CHANGE FROM R-1 (SINGLE
FAMILY) TO C-2 (GENERAL BUSINESS) LOCATED ON THE WESTERN SIDE OF MS
HIGHWAY 12 EAST, SOUTH OF PAT STATION ROAD IN WARD 5**

Next there came before the Commission item #RZ 10-04: a public hearing requested by Development Enterprises of Starkville, Inc., for approval of a zoning change from R-1 (Single Family) to C-2 (General Business), located on the western side of MS Highway 12 East, South of Pat Station Road in Ward 5. The City Planner read a brief introduction of the item and asked if any Commissioners had received any communications from anyone regarding the request. None had.

Mr. Andy Gaston introduced himself and addressed the Commission concerning the request. Mr. Gaston stated that he and Mr. Shelton Jones are partners in a company called Development Enterprises of Starkville, Inc. which includes property located on both the eastern and western sides of MS Highway 12 East, all the way to the US Highway 82 bypass. The Mississippi Department of Transportation acquired approximately 10 acres in 2001 to extend MS Highway 12 East to the US Highway 82 Bypass, and as a result, their property was divided in half. Mr. Gaston stated that they have been approached by someone in the hospitality industry who is interested in buying 4.88 acres with an additional 1.9 acres to be used as access to the property from the highway. He stated that the proposed development would increase the City's property tax base and also increase the City's food, beverage and bed tax. Since the property is zoned R-1 (Single Family) a rezoning to C-2 (General Business) is needed to develop a commercial business. Mr. Gaston provided a property survey to the Commissioners, giving a general description of the area and explaining the exact location of the property, with the "Welcome to Starkville" sign at the northeastern corner of the site and the power line at the rear or western side of the property.

Commissioner Emison asked about the access to the property from the highway and stated that he believes this will be a strip development and is not consistent with the comprehensive plan. He stated that if this area of Highway 12 East is allowed to continue to develop with commercial buildings it will soon look like Highway 12 from the MSU campus to Wal-Mart. Commissioner Emison stated that this portion of Highway 12 East connects the US Highway 82 Bypass to the MSU campus and any development in this area should be appealing not just another commercial strip center. Commissioner Emison further stated that he does not believe that there is a public need for this project.

Chairman Herring mentioned the highway frontage and asked if the property backed up to residences located on Old West Point Road. Mr. Gaston answered that it did, but that they were separated by the high-voltage powerline. Commissioner asked about the access easement and Commissioner Hicks asked if the access easement area would remain zoned R-1 (Single Family). Mr. Griffith answered that the easement provided access to the property from a median break in the highway and was not included in the 4.88-acre legal description for the property to be rezoned.

Commissioner Moore asked if the notification letters sent to property owners were sent to property owners within 160 feet or 300 feet. Mr. Griffith answered that all property owners within 160 feet had been notified directly by mail, as required by both the zoning ordinance and the State statute. Chairman Herring asked if anyone else would care to provide public comments and when no one came forward, closed the public hearing.

Commissioner Emison expressed his concerns about the rezoning, citing sections from the Comprehensive Plan regarding strip commercial development and pointing out that there was an

excessive amount of commercially-zoned properties around the City. Chairman Herring stated that the Comprehensive Plan was not against commercial strip development. Mr. Gaston asked what Commissioner Emison meant by “strip commercial development” to which Commissioner Emison answered that “strip development” was understood to be “one lot deep” and went on to ask that if the City wanted to have the Highway 12 East area look like the “strip commercial development” on Highway 12 from Wal-Mart to the university, the Commissioners should recommend approval of the rezoning request, and if not, they should deny it.

City Attorney Chris Latimer stated that the legal test for the rezoning was whether there had been enough change in the neighborhood to justify the proposed rezoning and whether there was a public need for the proposed rezoning.

Commissioner Emison made a motion to recommend denial of the rezoning request to the Mayor and Board of Aldermen, based on the belief that there was no public need to justify the rezoning and Commissioner Walker seconded the motion.

Commissioner Hicks stated that since the Comprehensive Plan is undergoing review, that there was a cloud over the issue. Commissioner Emison stated that strip commercial development undercuts other land uses and that the test for the Commissioners is whether they want the Bypass to look like Highway 12 from Wal-Mart to MSU. Commissioner Hicks agreed that Highway 12 was unsightly, but asked if there was a guarantee that we would see the same outcome or product on the Bypass. Commissioner Emison answered that maybe not today, but to wait ten years and see if any of the commercial uses would be the same, adding that things change over time and that the Commissioners should consider the land use for the future.

Chairman Herring stated that she sees the land available for commercial development to the west of the MSU campus and that this strip of land was conducive for commercial use as offices in a strip fashion, adding that she did not think that it would be all that bad. Commissioner Emison stated that just because it was that way to the south, did not mean that the Commissioners had to continue it. He stated that it could be a mixed-use nodal development and that in ten years it would be too chopped up to do anything beyond strip commercial development, comparing it to falling dominoes. Commissioner Hicks stated that he did not see anyone else developing that particular corridor in any other way. Commissioner Emison stated that something else could be done, but that we won’t ever see anything like that if we continue doing the same old thing, adding that the Comprehensive Plan reflects his earlier statement that there is an over-abundance of commercially-zoned property throughout the City, keeping the price of land artificially low, which in turn, encourages more strip commercial development.

Hearing no further discussion, Chairman Herring asked for a roll call vote and the Commissioners voted as follows:

Hicks-----Nay
Emison-----Yea
Walker-----Yea
Murdock-----Yea
Loveless-----Nay
Moore-----Yea

Having received a majority, the request was denied by a 4—2 vote.

A REQUEST BY MR. MIKE BRENT FOR APPROVAL OF “FIRESTATION BUSINESS PARK” A FINAL SUBDIVISION PLAT IN A C-1/C-2 (NEIGHBORHOOD COMMERCIAL/GENERAL BUSINESS) ZONING DISTRICT LOCATED NORTHWEST OF THE INTERSECTION OF JACKSON STREET (MS HIGHWAY 389) AND GARRARD ROAD IN WARD 6

Next there came before the Commission a request by Mr. Mike Brent for approval of “Firestation Business Park” a final subdivision plat in a C-1/C-2 (Neighborhood Commercial/General Business) zoning district, located northwest of the intersection of Jackson Street (MS Highway 389) and Garrard Road in Ward 6. The City Planner read a brief introduction of the item.

Mr. Brent addressed the Commissioners, stating that the property owners would like to construct another building on the property and had a potential buyer for one of the existing buildings. He stated that he understood that the property would be required to be subdivided in order to sell any real property, which is why they were requesting approval of a final subdivision plat.

Commissioner Emison asked why the plat showed the sidewalk inside the fence. Mr. Brent stated that there is no curb or guttering on Firestation Road and the fence abuts the ditch, so there is not room for a sidewalk outside of the fence. He stated that the sidewalk ordinance requires a sidewalk in all newly platted subdivisions. Several Commissioners expressed concern regarding the sidewalk being located inside the fence, part of which is located within the public right-of-way. The property owners were asked if they would consider removing the fence, to which they responded negatively because it was necessary for security.

Commissioner Emison asked how condition #7 could be met to install the sidewalk. Mr. Brent answered that the owners had met with the City Engineer on-site and suggested that they seek a variance from the Mayor and Board of Aldermen. Commissioner Emison then asked how the Commissioners could approve the plat with condition #7. Mr. Brent stated that he had considered showing the plat without the sidewalk and that his clients preferred not to build the sidewalk, but did not want the sidewalk issue to hold up their investment in the property. Commissioner Emison stated that if the sidewalk was built, the public must have access to it. Mr. Brent stated that the area was not a good one for a sidewalk, but it was required by the ordinance and that he and his clients did not want to defy the ordinance, which required a sidewalk because of the platting. He felt that the spirit of the ordinance had been addressed.

Commissioner Emison then asked if a variance could be granted by the Commission regarding the sidewalk or if the Commissioners could recommend asking the Board of Aldermen to grant a variance. Mr. Laitmer answered that that the Commission could recommend that the Board of Aldermen grant a variance, but that he would have to research whether the Board could truly grant a variance with respect to sidewalks, as sidewalks were required improvements for subdivisions.

Commissioner Walker asked how things could be worked out. The owners, Michael Everitt and Jonathan Byrum, discussed the need for the fence and various options for the sidewalk and fence. Commissioner Loveless stated that this was another example of a sidewalk to nowhere, such as Clayton Richardson’s abandoned development on Stark Road. Commissioner Murdock stated that an ordinance cannot be written to fit every situation, but that the intent of the ordinance was to start having developers build sidewalks, eventually having sidewalks everywhere in fifty years or more. The Commissioners discussed various situations and whether or not a sidewalk would be required or not.

After further discussion, Commissioner Emison made a motion to recommend approval of the request to the Mayor and Board of Aldermen with the recommendation that the City Attorney research and give the Board of aldermen advice concerning issuing a variance, striking conditions #7 and #8 and adding a new condition #9 as follows:

- ~~7. When constructed, the sidewalk shall be open, unobstructed and available at all times to provide access to the traveling public.~~
- ~~8. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.~~
9. A variance shall be granted to remove the sidewalk requirement, due to physical constraints, subject to research and advice of the City Attorney.

Commissioner Hicks seconded the motion and the Commission voted 5—1 in the affirmative, with Commissioner Murdock casting the dissenting vote.

COMPREHENSIVE PLAN WORK SESSION

At approximately 7:00 PM, City Attorney Chris Latimer asked to address the Commissioners regarding the Comprehensive Plan. He stated that there were several ordinances which needed to be addressed as soon as possible, including those relating to rezonings, notifications, appeals, and anything involving a public hearing. Mr. Latimer stated that that the Planning & Zoning Commission ordinance should be updated and revised to more accurately reflect the number of Commissioners and clearly define the administrative procedures of the Commission so they could do away with the By-Laws. He emphasized the need to revise the zoning amendment section of the ordinance so that it would more closely conform to State statutes and the need to free the city planner up so that he could address these issues. Mr. Latimer then left the meeting, along with Recording Secretary Sara McHann.

Alderman Dumas then opened the Comprehensive Plan work session by making a brief presentation to the Commissioners, updating them on the progress of the Comprehensive Planning Committee. He stated that several of the items discussed by the Commissioners this evening have been also been discussed by the Committee. He also stated that the only sub-committee was one that was formed to develop an all-inclusive public participation process. Alderman Dumas stated that the City was looking into participating in the State's "Main Street" program and that Sasaki & Associates, a nationally known planning firm, was working on an updated master plan for MSU so he felt that it was an exciting time for the City to be updating its Comprehensive Plan.

He asked the Commissioners to discuss what issues that they see need to be addressed, since the Planning & Zoning Commission is often the forum where many controversial items are first discussed in a public meeting. Some of the items discussed were: infill development, overlay districts, growth management, changing conditions, definition/delineation of neighborhood boundaries, roadways and transportation networks, Planned Unit Developments, difference between changing conditions and substantial change, design guidelines, existing land uses, future land uses, updated zoning and future land use maps, design review committee, extending the Central Business District from downtown all the way down University Drive to the MSU campus, entryways and gateways to the City, form-based codes, planning personnel, ordinance implementation, mobile and manufactured homes, rezonings, stormwater, City vision, development review process, gray areas in ordinances and codes, public hearings, parking regulations, capitol improvement budget, public facilities, future of planning and growth, strategic

planning, comp plan vision, annexations, special assessments, millage and taxes, economic development, job creation and growth, subdivision plats, site plan review, multi-family residential housing, and quality of life.

Alderman Dumas concluded by stating that he would prioritize the items discussed and that he was considering holding several charrettes to create strong public interest and input, adding that over the next six months, everyone would begin to see some changes. He concluded by stating that there would be at least another Comprehensive Plan work session with the Planning & Zoning Commission and that there would then be a public hearing by the Planning & Zoning Commission on a draft Comprehensive Plan before it would be brought before the Mayor and Board of Aldermen for final approval.

PLANNER'S REPORT

City Planner Ben Griffith stated that there would be a rezoning and two plats on the agenda for the next Planning & Zoning Commission meeting, as well as several sets of meeting minutes to approve. He also reminded the Commissioners to be mindful of all *ex parte* communications and to not hesitate to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

At approximately 8:30 PM, Commissioner Hicks made a motion to adjourn, which was seconded by Commissioner Murdock. The next meeting of the Planning & Zoning Commission will be Tuesday, August 10, 2010, in the City Hall Courtroom.

Dora Herring, Chairman

Ben Griffith, AICP, City Planner