

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF MARCH 9, 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 P.M. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. The meeting was called to order by Commission Chairman Dora Herring. 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 March 9, 2010. After discussion and upon the motion of Commissioner Walker, seconded by Commissioner Murdock, the Commission voted unanimously to approve the written agenda.

AN ORDER APPROVING THE MINUTES OF THE DECEMBER 2, 2009, MEETING

The Commission considered the matter of approval of the minutes of the December 2, 2009 meeting. After discussion, and upon the motion of Commissioner Loveless, seconded by Commissioner Hicks, the Commission voted unanimously to approve said minutes with two typographical errors corrected.

CITIZEN COMMENTS

Chairman Herring asked if any member of the public cared to address the Commission, reminding them that there was a public hearing on the agenda and comments regarding that item would be called for at the appropriate time. Ward 5 Alderman Jeremiah Dumas addressed the Commission concerning updates to the City's Comprehensive Plan. Alderman Dumas stated that a committee had been appointed by the Mayor and Board of Aldermen to update the Comprehensive Plan, referring to a list which had been provided to the Commissioners. He added that the Planning & Zoning Commission would be involved in the process through work sessions and presentations from the committee and ultimately for the Commissioners' recommendation of approval to the Mayor and Board of Aldermen. Chairman Herring asked staff if the Comprehensive Plan had actually been adopted by the Aldermen. Sumner Davis, former Ward 1 Alderman, approached the Commission and answered that the Comprehensive Plan had been adopted but that the enabling ordinances recommended by Consultant Shelly Johnstone, had not. No further citizen comments were received.

A PUBLIC HEARING REQUESTED BY MR. CARLOS WHITE FOR A ZONING CHANGE FROM R-1 (SINGLE-FAMILY) AND R-3 (MULTI-FAMILY) TO C-1 (NEIGHBORHOOD COMMERCIAL), LOCATED AT THE SOUTHWESTERN CORNER OF HOSPITAL ROAD AND HIWASSEE DRIVE IN WARD 6.

Next there came before the Commission item # RZ-10-01: a public hearing requested by Mr. Carlos White for a zoning change from R-1 (Single-Family) and R-3 (Multi-Family) to C-1 (Neighborhood Commercial), located at the southwestern corner of Hospital Road and Hiwassee Drive in Ward 6. The City Planner read a brief introduction and asked if any Commissioners had received any communications from anyone regarding the request. Commissioner Emison said he had been contacted concerning the zoning request. The City Attorney asked if their contact would in any way affect his decision to which Commissioner Emison answered in the negative. Mrs. Debbie White, wife of Carlos White, presented the request. Mrs. White told Commissioners the property had been owned by the White family for more than 50 years and that their desire is to sell the property to developers to be developed for medical and health care industry-related uses. A zoning designation of C-1 (Neighborhood Commercial) would make the property more desirable to potential developers.

Attorney Latimer stated that the question of change in the neighborhood as presented in the staff report on page 5, should reflect changes either taking place or which have already occurred. He continued that only those changes which had occurred to date should be considered and that design and planning phases should not be considered.

Chairman Herring then asked for public comments.

Reverend Buren Blankenship of Trinity Presbyterian Church told Commissioners that rezoning the property to a C-1 (Neighborhood Commercial) zone would change the character of the neighborhood. Reverend Blankenship stated that rezoning the property would not be compatible with the comprehensive plan, from which he then read several selected policies. He further stated that he did not believe that any more commercial property is needed in that area, and if so, they could locate on the east end of Hospital Road and leave their neighborhood alone.

Mrs. Eleanor "Pinks" Dudley addressed the Commission stating that she was a charter member of the church and she is against any zoning change that would affect the character of the neighborhood which had not changed in 30 years.

Angela Parnell of 604 Hospital Road, stated that the area has large single-family residential lots across the street from the church and that the Commissioners should consider the natural habitat with deer and foxes when making their decision.

David & Brenda McCoy of 500 Carver Drive, stated their opposition for the same reasons Reverend Blankenship and that a zoning change would change the nature of their neighborhood.

Patricia McCarthy of 2007 Hickory Street, stated that although she didn't live in this area, she would not want to see commercial encroachment similar to what she has experienced in the Green Oaks neighborhood, citing examples of trash, flooding, traffic and noise.

Larry Campbell of 101 Hiwassee Drive, stated that he lived at the northwest corner of Hospital Road and Hiwassee Drive and voiced his objection to the applicant's opening statement of requesting the rezoning for financial gain which would cause him to lose money since his property values would be negatively affected.

Graham Wells of 1104 Sorbonne, stated that he had been a friend of the church since it was formed and that it had an active community service of assisting underprivileged children in the Starkville area. He referred to the wooded setting of redbud trees which would soon begin to bloom and of the deer and foxes there, adding that it was one of the most beautiful settings for a church he had ever seen.

Chairman Herring asked if anyone else wished to speak and seeing none, closed the public hearing.

Commissioner Emison asked counsel if the Commissioners had to find change which had occurred now and not in the future. Attorney Latimer answered that the case law considers only past changes. After a brief discussion, Commissioner Emison made a motion to deny the request based on the belief that there has not been enough change in the neighborhood and there was not a public need. Commissioner Hicks seconded the motion and the Commission voted unanimously to deny the request.

**A REQUEST BY RMR INVESTMENT COMPANY, LLC, FOR APPROVAL OF
"WESTERN CROSSING DEVELOPMENT---PHASE II" A PRELIMINARY-FINAL
SUBDIVISION PLAT LOCATED NORTHWEST OF THE INTERSECTION OF NEW
LIGHT ROAD AND THE HIGHWAY 25 BYPASS IN WARD 1**

Next there came before the Commission item #FP 09-06: a request by RMR Investment Company, LLC, for approval of "Western Crossing Development---Phase II" a preliminary-final subdivision plat, located northwest of the intersection of New Light Road and the MS Highway 25 Bypass in Ward 1. The City Planner read a brief introduction and Mr. Mike Brent of Brent Engineering presented the request for the applicant. Mr. Brent told Commissioners that the preliminary plat and phase one portion of the "Western Crossing Development" was approved in September of 2004. The proposed Phase II plat will complete the platting process for the development. Commissioner Loveless asked about the ownership of the street already in place. The street has not been dedicated to the City. After discussion, Commissioner Emison made a motion to recommend approval of the request to the Mayor and Board of Aldermen subject to staff conditions. Commissioner Loveless seconded the motion and the Commission voted 5 to 0 in favor of the motion. Commissioner Walker abstained.

**A REQUEST BY RMR INVESTMENT COMPANY, LLC, FOR APPROVAL OF
“UNIVERSITY CROSSING CONDO PLAT REVISION #1” A CONDO PLAT
LOCATED AT THE 600 BLOCK OF MS HIGHWAY 12 EAST IN WARD 4**

Next there came before the Commission item #FP 10-01: a request by RMR Investment Company, LLC, for approval of “University Crossing Condo Plat Revision #1” a condo plat located at the 600 block of MS Highway 12 East in Ward 4. The City Planner read a brief introduction and Mr. Mike Brent of Brent Engineering presented the request for the applicant. After a brief discussion, Commissioner Hicks made a motion to recommend approval of the request to the Mayor and Board of Aldermen subject to staff conditions. Commissioner Moore seconded the motion and the Commission voted unanimously in the affirmative.

PLANNERS REPORT

Mr. Griffith stated that there would be two rezonings, a conditional use and probably a final plat for review at the next meeting. He added that the rezonings were requests to allow mobile homes in the Rockhill Road area and that the reason the Commission was seeing more and more of these was that since the construction of sanitary sewer lines, residents were required to now come forward and seek connection, whereas before they simply built a septic tank that the City never knew about. Mr. Griffith referred to the 2009 P&Z Activity Report and asked if Chairman Herring would like to schedule her annual report to the Mayor and Board of Aldermen for Tuesday, April 6th to which she replied affirmatively. Mr. Griffith concluded by reminding the Commissioners to be mindful of all *ex parte* communications and to call the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

Commissioner Murdock made a motion, seconded by Commissioner Walker, to adjourn the meeting at 6:45 P.M. The next scheduled meeting will be Tuesday, April 13, 2010 at 5:30 P.M. in the City Hall Courtroom.

Dora Herring, Chairman

Ben Griffith, AICP, City Planner