



OFFICIAL AGENDA

PLANNING & ZONING COMMISSION

CITY OF STARKVILLE, MISSISSIPPI

MEETING OF TUESDAY, JANUARY 14, 2013

CITY HALL - COURT ROOM,

101 E. LAMPKIN STREET, 5:30 PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CITIZEN COMMENTS
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. RZ 13-14: Request by Garden Properties, LLC, to rezone 4.97 acres/parcel 102H-00-060.00 from R-1 Single Family to R-3A Single Family Medium Density; Ward 4.
 - B. PP 13-07: Request by Cottages at Starkville Station, LLC, for approval of a 22 lot Preliminary Plat for the "Cottages at Starkville Station" in an R-5 Zone; Ward 4.
- IX. CONSIDERATION FOR APPROVAL OF THE DECEMBER 10, 2013, MEETING MINUTES
- X. PLANNER'S REPORT
- XI. ADJOURN

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Joyner Williams, at (662) 323-2525, ext. 121, at least forty-eight (48) hours in advance for any services requested.

HISTORIC
STARKVILLE
MISSISSIPPI'S COLLEGE TOWN
THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Buddy Sanders (662-323-2525 ext. 119)
SUBJECT: RZ 13-14: Rezoning Request to Rezone 4.97 Acres from R-1 Single Family to R-3A Single Family Medium Density off Yellow Jacket Drive
DATE: January 10, 2013

BACKGROUND INFORMATION:

In October 2008, Mary Ann Templeton sold 5.76 acres to B & P Developers of Mississippi, LLC. Please see Attachment 1. In Deed Book 2008, pages 6801 and 6802, restrictive covenants require all structures to be detached and single family structures, minimum heated floor area of 1,500 square feet, be 70% brick, and a wooden fence along the east boundary of each phase. Other restrictive covenants are also required of the Deed mentioned above.

On November 13, 2008, 0.79 acre of 5.76 acres was sold from B & P Developers of Mississippi, LLC, to Robert L. Boyd and Priscilla B. Boyd, creating the boundaries of the current subject 4.97 acre property; Deed Book 2008, page 7232.

In March 2009, B & P Developers of Mississippi, LLC, requested a rezoning (RZ 09-01) of parcel 102H-00-060.00 from R-1 Single Family to R-3 Multi Family. The Planning Commission unanimously recommended approval of the request by B & D Developers of Mississippi, LLC, at their April 14, 2009, Hearing. The Board of Aldermen denied the subject Rezoning request on April 21, 2009, with a vote of 4-3.

In July of 2009, B & P Developers of Mississippi, LLC, submitted a second request for a rezoning of parcel 102H-00-060.00 from R-1 Single Family to R-3A Single Family Medium Density. The Planning and Zoning Commission recommended denial of the rezoning request to the Board of Aldermen at their August 11, 2009, Hearing.

On September 25, 2013, B & P Developers of Mississippi, LLC transferred ownership of parcel 102H-00-060.00 became the property of Frank W. Brewer, Sr.; Deed Book 2013, page 5725.

Also on September 25, 2013, ownership of parcel 102H-00-060.00 was divided between Frank W. Brewer, Sr., and Larry T. Herndon; Deed Book 2013, page 5729.

On November 11, 2013, ownership of 4.97 acres was transferred from Frank W. Brewer, Sr., and Larry T. Herndon to Garden Properties, LLC.

The Garden Properties, LLC, property has been listed for sale by Starkville Properties. Staff called Ms. Teresa Brooks who was the listing agent, and Ms. Brooks stated that the property owner decided to take the property off the market and that she would be removing the real estate sign in the near future.

NOTIFICATION:

Notification by mail to adjacent property owners within 300 feet of parcel 102H-00-060.00 took place on December 27, and a notification sign was also placed on Yellow Jacket Drive on the same day. An ad was placed and published in the December 30, 2013, *Starkville Daily News*.

AREA:

The subject area is a 4.97 acre flag lot that is now an open field, zoned R-1 Single Family. To the north and east, properties are zoned R-1 Single Family and are single family/residential in use. Property to the south and west are zoned R-1 Single Family but are civic in use with Starkville High School's athletic facilities (allowed as a Conditional Use). Access to the subject property comes off Yellow Jacket Drive with a storage unit business in a B-1 Buffer District, multi-family housing in an R-3 Multi-Family, and C-2 zoning districts north of Yellow Jacket Drive.

The applicant has submitted a proposed plat, Attachment 2, illustrating what the possible layout of the subdivision may be. It is important to note that the proposed subdivision, if the applicant's request for a Rezoning is approved, will be required to go through the Development Review Committee, and changes will be required.

Please see Attachments 2, 3, 4, and 5.

REZONING REQUEST:

The applicant is requesting to rezone 4.97 acres from R-1 Single Family to R-3A Single Family Medium Density to allow for garden homes to be constructed. Under the City of Starkville's Permitted and Conditional Use chart in Article VIII, Section M, a single family, detached dwelling is listed as a permitted use in an R-3A zoning district. The minimum lot area allowed in an R-3A zone is 5,000 square feet, which would allow for construction of garden homes.

If approved, parcel 102H-00-060.00 will become the second R-3A zoned property in the City.

Differences between R-1 and R-3A zones are:

R-1 Single Family: These [R-1 residential] districts are intended to be composed mainly of single-family residential properties along with appropriate neighborhood facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-1 districts:]

1. See chart for permitted uses.
2. See chart for uses which may be permitted as a special exception.
3. Required lot area and width, yards, building areas and height for

residences:

- (a) Minimum lot area: 10,000 square feet.
- (b) Minimum lot width at the building line: 75 feet.
- (c) Minimum depth of front yard: 30 feet.
- (d) Minimum depth of rear yard: 35 feet.
- (e) Minimum width of each side yard: ten feet.
- (f) Maximum height of structure: 45 feet.

4. Off-street parking requirements: See Article VIII of this ordinance for requirements for other uses.

R-3A Single-Family,

Medium-Density: A. Intent. These districts are intended to be composed of single-family dwellings. Appropriate neighborhood supporting facilities are provided for, and the district's open residential character is protected by requiring minimum yard and area standards. R-3A zoning districts shall be more restrictive than the R-3 (multi-family) district but less restrictive than the R-1 (single-family) district.

- B. Required lot area and width, yards, building areas and height for single-family dwellings:

Front setback: 25 feet.

Side setback: 5 feet.

Rear setback: 20 feet.

Minimum lot area: 5,000 square feet.

Minimum width at building line: 50 feet.

Maximum building height: 45 feet.

- C. Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.

- D. Permitted and conditional uses shall be as follows:

1. The following uses are permitted by right in the R-3A zoning district:

- a. Single-family dwelling.
- b. Garden.
- c. Home occupation

2. The following uses are allowed by conditional use in the R-3A zoning district:

- a. Church or place of worship.
- b. Golf course, not including commercial driving ranges; need not be enclosed within structure.
- c. Public utilities.
- d. Recreational facilities.

- E. Comprehensive plan. The R-3A zoning district shall be considered a medium density residential land use classification allowing a maximum gross density of eight dwelling units per acre, as allowed per Table 32 of the City's comprehensive plan

An R-3A zoning district is considered a medium density residential development. Per Table 32 of the Starkville Comprehensive Plan, a medium density development allows 4 to 8 dwelling units per acre. The maximum gross density that would allow by a zoning change for the subject 4.97 acre lot is 39 single family dwelling units. Please see Attachment 6.

The proposed subdivision drawing provided by the applicant illustrates 23 single family lots on 4.97 acres, with a gross density of 4.6 dwelling units per acre. Net density is listed as 3.55 units per acre. However, please note that the drawing is preliminary and is subject to change.

STATE REZONING CRITERIA:

Per Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, and Appendix A, Article IV, Section A, of the City of Starkville's Code of Ordinances, the Official Zoning Map may be amended only when one or more of the following conditions prevail:

1. **Error.** There is a Manifest Error in the ordinance and a Public Need to correct the error:

There are no errors in need of correction with either the ordinance or zoning map.

2. **Change in conditions.** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Consistency with Comprehensive Plan:

The Starkville Comprehensive Plan supports infill development to achieve greater utilization of existing municipal service and reduce the need for cost of extension of services.

Please see Attachment 7.

Land Use Compatibility:

While the Starkville High School property to the west and south is zoned R-1 and active recreational/educational facilities are a Conditional Use in an R-1 zone, the same active recreational/educational facilities are also a Conditional Use in an R-3A zone.

However, the athletic events and athletic uses will be a more intense use than the proposed garden home subdivision.

The R-1 zoned property to the east and north is properly zoned and the use is single family detached homes, which have a lower density than the garden home subdivision being proposed by the applicant.

To mitigate the effect of existing civic uses on the potential subject development, a buffer yard is recommended. A buffer yard would also mitigate any potential effects on the existing adjacent single family homes.

Changed Conditions:

The Garden Properties, LLC, property, along with adjacent properties to the east, south and west, are classified as R-1 in the 1982-91, 2000, 2012, and 2013 zoning maps.

Zoning changes to the north and along Yellow Jacket Drive have taken place. These changes are:

1982-91 Zoning Map: R-3

2000 Zoning Map: R-3

2012 Zoning Map: R-3, B-1 & C-2

2013 Zoning Map: R-3, B-1 & C-2

Adequate Public Facilities:

Electrical, water, and sewer lines are available in the area.

Access for the property is off Yellow Jacket Drive, which is classified as a collector street. Average Daily Traffic (ADT) counts for Yellow Jacket Drive are listed below and in Attachment 8:

Site ID	535315
ADT 2003	3400
ADT 2004	3500
ADT 2005	3500
ADT 2006	3500
ADT 2007	3500
ADT 2008	3400
ADT 2009	3400
ADT 2010	2600
ADT 2011	2600
ADT 2012	2600

Source: <http://mdot.ms.gov/applications/trafficcounters/>

Natural Environment:

There are no known environmental issues regarding the site.

Economic Effects: There would be an increase in property tax revenue due to the increase in property value over the current use due to the creation of multiple single family homes. Temporary jobs would be created from construction of a proposed development.

Orderly Development: Any development proposal for the subject property would be required to conform to the City's land development regulations and would require review by the City's Development Review Committee prior to the commencement of any construction activities.

Public Need: The proposed Rezoning would allow additional housing options for Starkville and would be an infill development, what the Starkville Comprehensive Plan supports.

The applicant has submitted a market analysis as their support that there is need in Starkville for a new garden home community. See Attachment 9.

PUBLIC INPUT:

Community Development has received e-mails and calls concerning the proposed Rezoning to R-3A, with most of the communications being against the proposed Rezoning. The Pleasant Acres Neighborhood is concerned that an adjacent garden home development would negatively affect their area, which is a traditional neighborhood in an R-1 zoning district. Community Development has received four e-mails against the proposed zoning change. Staff has received one e-mail in favor of the zoning change to R-3A. Please see Attachment 10.

Mr. Clinton Graves of 812 Pine Circle and Ms. Betty Templeton of 800 Lindley Avenue called Community Development and stated that they were against the Garden Properties, LLC, Rezoning request.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of the requested zoning change from R-1 Single Family to R-3A Single Family Medium Density of 4.97 acres with the following conditions:

- 1.) A Type B buffer yard (20 feet wide, 80 planting units per 100 feet) with the exception of the entrance area from Yellow Jacket Drive to the south property line of 102H-00-043.00.
- 2.) All restrictive covenants in Deed Book 2008, page 6800, are required. The restrictive covenants in Deed Book 2008, page 6800, are:

A. LAND USE AND BUILDING TYPE:

No residence shall be erected on the above-described property except structures constructed of at least 70% brick.

B. DWELLING SIZE AND DESIGN:

No dwelling size less than 1,500 square feet of heated and cooled area shall be permitted on any developed lot, exclusive of all open porches and storage. All residences shall have an attached double car garage unless the property is re-zoned by the City of Starkville to R-3A, in which event front door parking shall be allowed and no garages of any type shall be required. All residences shall have lawn sprinkler systems, landscaping, and sodding of the front and back yards at completion of each residence.

D. FENCING:

As each phase of the development is initiated, the developer shall construct a wooden privacy fence along the east boundary of each phase.

Attachment 1

**STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA**

2008 6800
Recorded in the Above
Deed Book & Page
10-30-2008 03:58:07 PM
Monica W. Banks
Oktibbeha County, MS

WARRANTY DEED

For and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, **MARY ANN TEMPLETON**, Grantor, do hereby convey, release, and warrant unto **B & P DEVELOPERS OF MISSISSIPPI, LLC**, a Mississippi limited liability company, Grantee, the following described property situated in the County of Oktibbeha, State of Mississippi, and being more particularly described as follows, to-wit:

All of Lot 2 of Block 92 and part of Block 36-D of the City of Starkville 1974 Map, Oktibbeha County, Mississippi and being further described as follows:

Commence at the recovered iron pin marking the southeast corner of said Lot 2 Block 92 and use as the Point of Beginning; run thence North 89 degrees 29 minutes 10 seconds West for 476.39 feet to a recovered iron pin; run thence North 00 degrees 07 minutes 56 seconds East for 843.99 feet to a set iron pin marking the south right of way for Yellow Jacket Drive; run thence, along said right of way, with a curve to the left having an arc length of 64.67 feet, a radius of 218.71 feet with a chord bearing North 68 degrees 45 minutes 01 second East for 64.43 feet to a set iron pin; run thence South 00 degrees 07 minutes 56 seconds West for 371.79 feet to a set iron pin; run thence North 89 degrees 39 minutes 38 seconds East for 345.50 feet to a recovered iron pin; run thence South 03 degrees 13 minutes 50 seconds West for 144.13 feet to a recovered iron pin; run thence South 77 degrees 31 minutes 53 seconds East for 100.28 feet to a recovered iron pin; run thence South 03 degrees 24 minutes 50 seconds West for 336.91 feet back to the iron pin marking the Point of Beginning.

Being 5.76 acres, more or less, plus or minus a strip of land along the northern most line to the South right of way for Yellow Jacket Drive. Also being subject to all easements as shown

The above described property is conveyed subject to all prior mineral reservations, if any, and also subject to easements for public

utilities and rights of way for public roadways, whether the same appear of record or not, if any, and as specifically shown in Deed Book 492, Page 629 of the land records of Oktibbeha County, Mississippi.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration. The above described property is no part of the Grantor's homestead.

The above described property is conveyed subject to the following restrictive covenants:

A. LAND USE AND BUILDING TYPE;

No residence shall be erected on the above-described property except structures constructed of at least 70% brick.

B. LOT USE:

No lot shall be used for any purpose other than residential purposes. No structure shall be constructed to be used as a duplex or multiplex unit, and shall exclude the use of any dwelling in the within described subdivision by any group's society, association, or fraternal order, and shall exclude the use of any part of a residence constructed in the subdivision for business purposes or rental use of any kind or character.

C. DWELLING SIZE AND DESIGN:

No dwelling size less than 1,500 square feet of heated and cooled area shall be permitted on any developed lot, exclusive of all open porches and storage. All residences shall have an attached double car garage unless the property is re-zoned by the City of Starkville to R3A in which event front door parking shall be allowed and no garages of any

type shall be required. All residences shall have lawn sprinkler systems, landscaping, and sodding of the front and back yards at completion of each residence.

D. FENCING:

As each phase of the development is initiated, the developer shall construct a wooden privacy fence along the East boundary of each phase.

WITNESS MY SIGNATURE this the 30TH day of OCTOBER,
2008.

Mary Ann Templeton
MARY ANN TEMPLETON

Grantor's Address
P.O. Box 764
Starkville, MS 39760
(662) 323-1221

Grantee's Address
1312 Longview Adaton Road
Starkville, MS 39759
(662) 418-1794

2008 6802
Recorded in the Above
Deed Book & Page
10-30-2008 03:58:07 PM

2008 6803
Recorded in the Above
Deed Book & Page
10-30-2008 03:58:07 PM

**STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA**

Personally appeared before me, the undersigned authority in and for the said jurisdiction, the within named **MARY ANN TEMPLETON**, who being by me first duly sworn, states on oath and acknowledges that she signed and delivered the foregoing Warranty Deed as her free and voluntary act and deed and for the purpose therein stated.

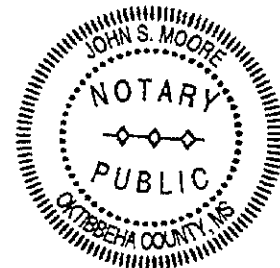
Given under my hand and official seal this the 30TH day of OCTOBER, 2008.


NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Mar 5, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This document prepared by:
Moore Law Office
108 S. Lafayette
Post Office Box 924
Starkville, MS 39760
(662) 323-7740
MS Bar #3450

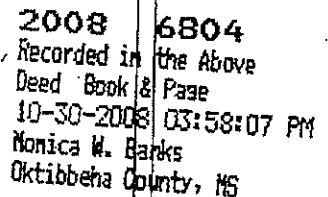


Indexing Instructions:
5.76 acres, more or less, in all of Lot 2, Block 92 and part of Block 36-D,
City of Starkville, Oktibbeha County, Mississippi.

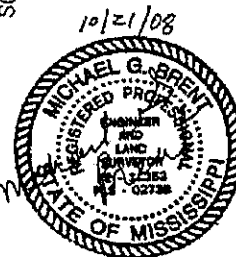
ARC= 64.67'
RADIUS= 218.71'
CHORD= N68°45'01"E 64.43'

Commence at the recovered iron pin marking the southeast corner of said Lot 2 Block 92 and use as the POINT OF BEGINNING; run thence, North 89 degrees 29 minutes 10 seconds West for 476.39 feet to a recovered iron pin; run thence, North 00 degrees 07 minutes 56 seconds East for 343.99 feet to a set iron pin marking the south right-of-way for Yellow Jacket Drive; run thence, along said right-of-way, with a curve to the left having an arc length of 54.67 feet, a radius of 218.71 feet with a chord bearing North 68 degrees 45 minutes 01 seconds East for 64.43 feet to a set iron pin; run thence, South 00 degrees 07 minutes 56 seconds West for 371.79 feet to a set iron pin; run thence, North 89 degrees 39 minutes 38 seconds East for 345.50 feet to a recovered iron pin; run thence, South 03 degrees 13 minutes 50 seconds West for 144.13 feet to a recovered iron pin; run thence, South 77 degrees 31 minutes 53 seconds East for 100.28 feet to a recovered iron pin; run thence, South 03 degrees 24 minutes 50 seconds West for 336.91 feet back to the iron pin marking the POINT OF BEGINNING.

Also being subject to all easements as shown.



Oktibbeha County, MS
I certify this instrument was filed
10-30-2008 03:58:07 PM
and recorded in Deed Book
2008 at pages 6800 - 6804
Monica W. Banks



MICHAEL G. BRENT
MISS. PLS #2738
307-A M.L. KING DRIVE
STARKVILLE, MISSISSIPPI

NOTES:
BEARINGS DETERMINED BY SOLAR OBSERVATION
DISTANCES BY E.D.M.
CALCULATIONS BY COMPUTER
SURVEY PERFORMED WITHOUT CURRENT TITLE SEARCH

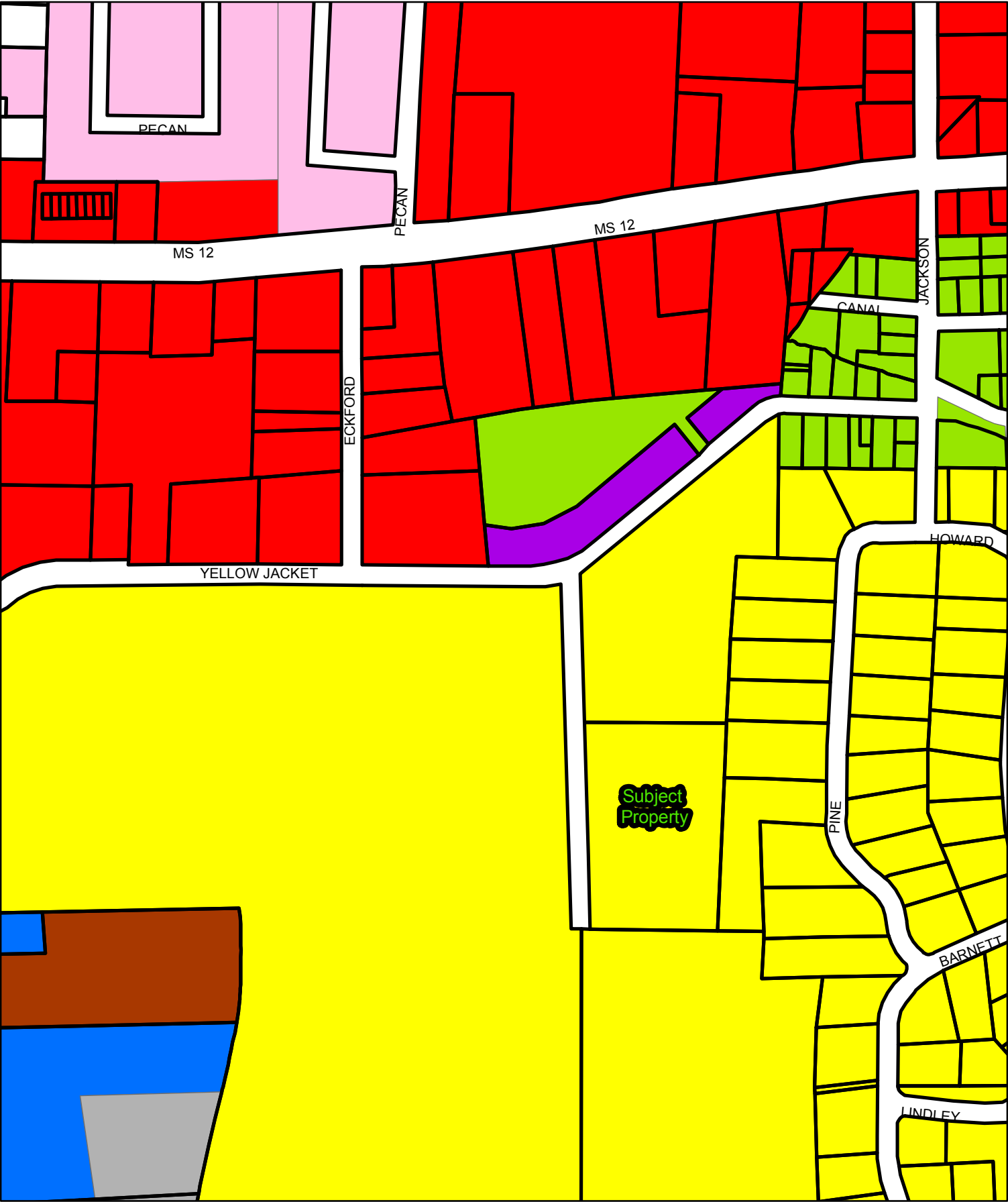
REFERENCE:
DEED BOOK 957 PAGE 110
DEED BOOK 492 PAGE 829
DEED BOOK 2008 PAGE 5482
1974 CITY OF STARKVILLE MAP

- FOUND IRON PIN
- SET 1/2" REBAR
- ⊙ SEWER MANHOLE
- ⚡ POWER POLE W/ OVERHEAD LINE
- FENCE

Attachment 2

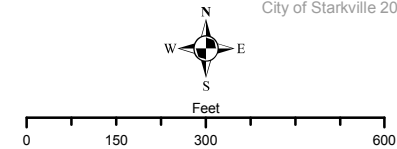
Attachment 3

RZ13-14 Area Zoning



- Zoning Areas**

 - B-1 Buffer District
 - C-1 Neighborhood Commercial
 - C-2 General Business
 - M-1 Manufacturing
 - R-1 Single Family
 - R-3 Multi-Family
 - R-4-A Single Family High Density
 - R-5 Multi-Family, High-Density
 - R-6 Mobile Homes/MHP/MHS



Attachment 4

RZ13-14 Aerial



City of Starkville 2014



0 150 300 600
Feet

Attachment 5



View From Yellow Jacket Drive



North



East



South



West

Attachment 6

- s. Residential growth will be contained and directed into areas where both public water supply and sanitary sewer service can be provided prior to, or as a function of, the development.
- t. The location of new residential developments should be encouraged to occur in a compact pattern rather than strip or sprawl type development.
- u. The negative effects of residential sprawl should be minimized through infilling of vacant land.
- v. Multiple-family developments should be encouraged in areas adequately served by public water supply and sanitary sewer facilities and those sections of the city possessing excellent accessibility, including pedestrian access, to primary thoroughfares, recreational areas, employment centers, shopping facilities, educational facilities, and other community facilities.
- w. Residential land uses should be properly buffered from incompatible land uses. Higher density residential developments could be used as buffers between commercial/office and low density residential land uses. Adequate buffers should also be provided between residential areas of significantly different densities and from existing pollutions.
- x. Zoning regulations which provide opportunities for innovation in the design of residential environments shall be encouraged (more planned developments, like PUDs).
- y. The conservation, rehabilitation, or renewal of existing residential areas shall be encouraged when necessary to maintain a sound residential environment. If a sound residential environment cannot be maintained, then a transition to other suitable uses should be encouraged.
- z. Non-residential land uses should be encouraged within residential neighborhoods only when they provide necessary convenience activities which does not require a service area greater than that of the neighborhood.
- aa. The need for low and moderate income housing should be recognized through a policy of providing a number of developments throughout the city rather than a policy advocating large concentrations of such housing types.

A large portion of the city has been planned for future residential growth and this Plan encourages a wide variety of residential dwelling types to meet the diverse needs of the current and future population of Starkville. The following policies are recommended for developing residential areas:

Table 32
Recommended Gross Density, Type of Dwelling Unit, and Utility Standard for Various
Types of Residential Development in Starkville

CATEGORY	GROSS DENSITY	DOMINANT TYPE OF DWELLING UNITS	USUAL ZONING
AGRICULTURE	1 unit per acre	Single-family (detached)	A-1
LOW DENSITY	1 – 4 DUs per acre	Single family (detached)	R-E, R-1
MEDIUM R-3 DENSITY	4-8 DUs per acre	Single family and two family; MF at the greatest densities of this range	R-2,

HIGH DENSITY	8-15 DUs per acre	Single-family, zero lot line sf, two-family, three-family, four-family and multiple family, cluster	R-4, R-5
--------------	-------------------	---	----------

Note: Higher densities could be achieved through the Planned Unit Development Process.

Low Density

Goal

a. Low Density Urban Residential development should occur at densities greater than one and less than four dwelling units per acre. The dominant dwelling type should be the single-family unit with occasional two-family development at appropriate locations. Cluster development which maintains an overall density of 1 to 4 dwelling units per acre is encouraged. Sanitary sewer services and public water supplies are required for developments in this category.

Policies

- a. The principal land uses intended for this category include single-family detached dwellings.
- b. Suitable secondary uses, subject to control of potential adverse impacts on household residential uses and public facilities, are activities in the following general use group.
 - (1) Public and private non-profit community services that do not have an extensive impact (like large campus high schools and large church complexes).
 - (2) Utility installations.
 - (3) Low impact non-structural recreational uses in flood prone areas (passive recreation)
 - (4) Customary home occupations (low intensity uses only, i.e., office, sales, etc.)
- c. The R-E and R-1 districts should dominate the LDR categories. Densities at the high end of the density range should be encouraged to be achieved through the provisions of a Planned Unit Development.

Exceptions to Residential Designations

The need may arise for commercial services in the more remote areas of the city which are classified LDR. This exception permits limited convenience commercial services in a residential land use category (rezoning to Neighborhood Commercial). This exception is strictly construed so as to serve entire neighborhoods, and not individual subdivisions. The use of this exception to zone commercial property at the entrance of each new subdivision would constitute a misuse of this exception. Consideration may be given to accommodating small-scale offices for transitional purposes and convenience retail activities based on the locational and other criteria contained in this section; conformance of these uses with the Future Land Use Map is not required. The applicable criteria are as follows.

1. Small-scale office activities used principally for transition and buffering between residential uses and incompatible non-residential activities may be considered on their merits in accordance with the following guidelines and criteria.

Attachment 7

Objectives

- a. To identify the appropriate density of urban residential development in relation to adjacent densities and land uses, capability of existing and proposed utilities, capability of existing/proposed thoroughfares, consistency with community goals, and the natural character of the site and map it on the Future Land Use map.
- b. To protect the integrity and stability of existing residential areas from encroachment by incompatible land uses and identify the proper spatial relationship between various residential land uses.
- c. To encourage the creation of unified neighborhoods throughout the community.
- d. To provide a choice of housing types suitable to surrounding land uses.
- e. To encourage renewal and stabilization activities in older neighborhoods where it is determined that residential uses are still appropriate.

Policies

- a. Appropriate infilling of developable vacant land should be encouraged and promoted in order to achieve greater utilization of existing municipal services and facilities, to reduce the need for the costly extension of services.
- b. New residential development should be encouraged and supported in areas contiguous to existing development, where extension of municipal services can be accomplished in an orderly and efficient manner. "Leap frog" development should be discouraged.
- c. The intensity of residential development should be appropriately related to the ability of the land to accommodate that development without jeopardizing the health or safety of future occupants, and without adversely affecting the surrounding built and natural environment.
- d. In residential areas essential services which should be provided as development occurs include roadway access (both local roads and facilities serving the development), public water for both domestic use and fire protection, sanitary sewers, and storm drainage facilities.
- e. Stable residential areas should be protected and preserved. Stable residential areas will be protected from disruptive uses such as incompatible higher density residential structures, and encroaching industrial and commercial uses.
- f. Routine maintenance by private property owners is encouraged and the overall condition of the property should be upgraded where necessary to preserve stable development. When necessary, the city shall utilize code enforcement to protect and preserve stable residential areas. Vacant land adjoining stable areas or occupied land to be redeveloped should be utilized for residential, public, or semi-public development.
- g. Densities of new residential development shall be compatible with surrounding residential areas and a buffer will be provided when there is a significant difference in densities. Reuse of existing residential structures will be designed to occur at a density compatible with surrounding structures. Existing commercial uses and other uses incompatible with the residential character of stable areas are encouraged to be phased out and replaced with compatible uses, except for appropriate planned mixed use areas.
- h. Proposed residential development which has a significantly different size, height, or mass from adjacent existing development will be discouraged if the proposed differences detract from the use and privacy of the adjacent development.
- i. Special care should be taken to protect existing historical areas and promote the preservation of the city's unique historical assets.

j. Maintenance and improvements to the public infrastructure should receive attention necessary to help maintain the stable areas.

k. Transitional areas are typically characterized by older housing stock, deferred maintenance, conversions from single-family uses to more intensive uses, and the introduction of incompatible uses. Public and private efforts should focus on upgrading the condition of those residential areas which are in transition. Specific efforts to include area residents in these planning efforts should be made. Transitional residential areas will be protected from disruptive uses such as encroaching industrial and non neighborhood commercial uses.

l. Improvement of property through reconstruction and/or an extensive maintenance program by individual owners is encouraged. When necessary, the City shall utilize strict code enforcement to protect and revitalize transitional residential areas.

m. Vacant land adjoining transitional areas or occupied land to be redeveloped should be utilized for residential, public, or semi-public development unless specific revitalization plans, adopted by the Planning & Zoning Commission and the Mayor and Board of Aldermen, dictate otherwise. Revitalization plans may consist of a neighborhood plan, historic overlay district, or an economic redevelopment plan.

n. Existing commercial and industrial uses and other uses incompatible with the residential character of transitional areas are encouraged to be phased out and replaced with compatible uses.

o. Urban residential development should be located on sites offering a diversity of both man-made and natural physical features. Public utility services must be provided for urban residential areas prior to development or as a function of the development. These services should possess adequate capacity, flow, and pressure for the type and density of the potential residential development. Residential land uses should be adequately buffered from incompatible land uses such as industry, commercial centers, agricultural areas, or other potentially incompatible activities (like higher density residential areas). Incompatibility should be determined by:

1. differences in the intensity of each use;
2. the physical relationships among each use; and
3. the external effects generated by each use.

Residential areas of substantially different densities should also be adequately buffered by open space or transitional residential uses of an intermediate density. Urban residential development should preserve or create a completely unified neighborhood, having safe, convenient access to school(s), churches, park sites, and other community activity centers and encourage pedestrian and bike access. Small local shopping facilities oriented to the every day needs of the neighborhood residents may be encouraged at appropriate locations.

p. Residential development should be located in proximity to major thoroughfares or transit facilities providing direct access to employment, shopping and recreation centers. Urban residential areas should be bounded, but not penetrated by major thoroughfares in order to preserve a unified neighborhood and to provide an interconnection of neighborhoods. The design for traffic circulation in residential developments should provide adequate ingress and egress to neighborhoods without encouraging through traffic.

q. Residential development shall be prohibited in areas subject to flooding.

r. Residential densities should be compatible with the natural capability of the site to accommodate such development. Soil conditions, geological features, drainage characteristics, and topography should be evaluated as to their effects on density.

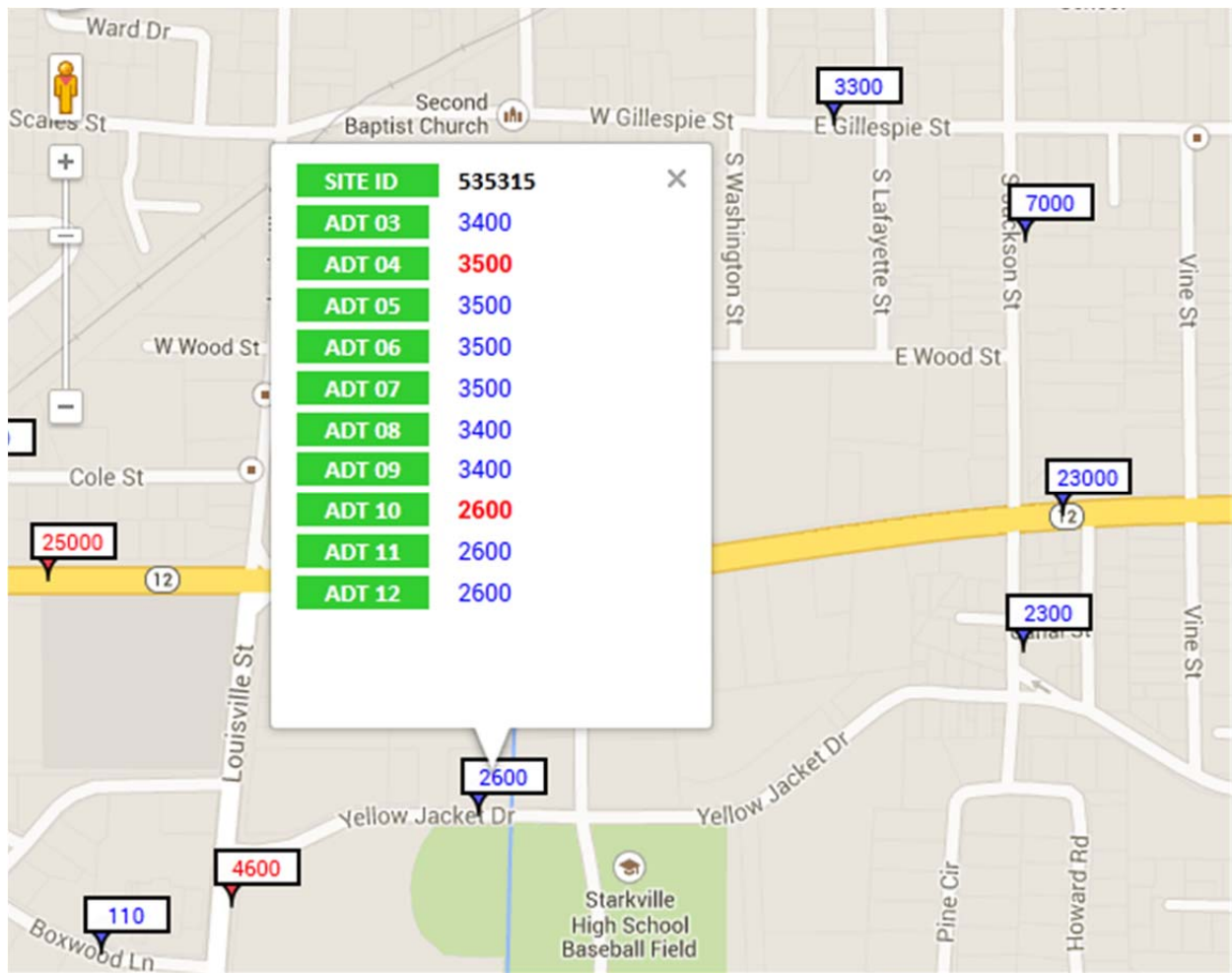
- s. Residential growth will be contained and directed into areas where both public water supply and sanitary sewer service can be provided prior to, or as a function of, the development.
- t. The location of new residential developments should be encouraged to occur in a compact pattern rather than strip or sprawl type development.
- u. The negative effects of residential sprawl should be minimized through infilling of vacant land.
- v. Multiple-family developments should be encouraged in areas adequately served by public water supply and sanitary sewer facilities and those sections of the city possessing excellent accessibility, including pedestrian access, to primary thoroughfares, recreational areas, employment centers, shopping facilities, educational facilities, and other community facilities.
- w. Residential land uses should be properly buffered from incompatible land uses. Higher density residential developments could be used as buffers between commercial/office and low density residential land uses. Adequate buffers should also be provided between residential areas of significantly different densities and from existing pollutions.
- x. Zoning regulations which provide opportunities for innovation in the design of residential environments shall be encouraged (more planned developments, like PUDs).
- y. The conservation, rehabilitation, or renewal of existing residential areas shall be encouraged when necessary to maintain a sound residential environment. If a sound residential environment cannot be maintained, then a transition to other suitable uses should be encouraged.
- z. Non-residential land uses should be encouraged within residential neighborhoods only when they provide necessary convenience activities which does not require a service area greater than that of the neighborhood.
- aa. The need for low and moderate income housing should be recognized through a policy of providing a number of developments throughout the city rather than a policy advocating large concentrations of such housing types.

A large portion of the city has been planned for future residential growth and this Plan encourages a wide variety of residential dwelling types to meet the diverse needs of the current and future population of Starkville. The following policies are recommended for developing residential areas:

Table 32
Recommended Gross Density, Type of Dwelling Unit, and Utility Standard for Various
Types of Residential Development in Starkville

CATEGORY	GROSS DENSITY	DOMINANT TYPE OF DWELLING UNITS	USUAL ZONING
AGRICULTURE	1 unit per acre	Single-family (detached)	A-1
LOW DENSITY	1 – 4 DUs per acre	Single family (detached)	R-E, R-1
MEDIUM R-3 DENSITY	4-8 DUs per acre	Single family and two family; MF at the greatest densities of this range	R-2,

Attachment 8



Source: Mississippi Department of Transportation

<http://mdot.ms.gov/applications/trafficcounters/>

Site: 535315

Attachment 9

MOORE LAW OFFICE

***JOHN STUART MOORE
ATTORNEY AT LAW***

***108 SOUTH LAFAYETTE
STARKVILLE, MS 39759
POST OFFICE BOX 924
STARKVILLE, MS 39760-0924
(662) 323-3784
(662) 323-7740
FAX (662) 324-2262***

December 16, 2013

Mr. Buddy Sanders
City Planner
City of Starkville
Starkville, MS 39759

Re: Garden Properties, LLC
Re-zoning - Yellow Jacket Drive

Dear Mr. Sanders:

Significant changes have occurred since the development of Pleasant Acres in 1954. The entire development of South Montgomery has occurred in that time frame. The obvious residential density of South Montgomery has increased as you approach Highway 12 as indicated by the developments of Larry Tabor, John Hartlein, Charlie Morgan, Clyde Jackson, Frank Jones, College Station, Church of God, and The Veranda. The inclusion of our property in the next phase of change is a logical step in the next area of development of our town and is consistent with the ongoing growth in the area.

This zoning change will allow us to add eleven additional lots to our development. It will only increase the lot density by two lots on the property line joining Pleasant Acres. The remaining increase in lots will be along the Starkville High School baseball field, and the south boundary of the property. Other than the lots on the Pleasant Acres property line, the remaining lots will not be visible by the Pleasant Acres homeowners.

A comparison of Pleasant Acres, our nearest neighbor to the development, would be beneficial to show the benefits we provide to the area. The restrictive covenants placed on the property when purchased serve to give protection to our Pleasant Acres neighbors, but also serve to protect the home owners purchasing in our development.

The Restrictive Covenants comparison shows our development to be more restricted than Pleasant Acres.

Pleasant Acres

1. 900 square foot minimum living area
2. Minimum cost of construction \$8,500.
3. No privacy fences required.

Garden Properties

1. 1,500 square foot minimum living area
2. Minimum cost of construction \$150,000.
3. Privacy fences required along Pleasant Acres property line.

Mr. Buddy Sanders
City Planner
City of Starkville
December 16, 2013
Page Two

- | | |
|---------------------------------|---|
| 4. No requirement of brick. | 4. 70% of structure must be brick. |
| 5. No exclusion against rental. | 5. Rental and business use strictly prohibited. |
| 6. No landscaping requirements. | 6. Sodded yards and sprinkler system required. |

The average assessed value of the homes in Pleasant Acres is \$117,688.75. The average assessed value of the homes in Garden Properties will be \$190,000.00. These values were obtained directly from the tax records of Oktibbeha County, Mississippi.

It is apparent from these comparisons, our development will not only serve to enhance and secure the values of the residences in Pleasant Acres, but the values of our homeowners as well. I have enclosed data showing the sales for garden homes in Starkville. As you can see, these homes have the highest demand and shortest time period on the market, showing a need for these houses in the market. As such, this development will further serve as a step to improve the areas between Yellow Jacket Drive and Highway 12, and further fill a need and demand in the community.

Sincerely,



John S. Moore

JSM:vcs

Enclosures

CMA: Comparable Properties

	13-759	13-760	13-1177
			
	207 Suzanne Avenue Starkville MS	209 Suzanne Avenue Starkville MS	303 Suzanne Avenue Starkville MS
List Price	\$222,000	\$222,000	\$229,000
Original List Price	\$217,000	\$217,000	\$229,000
Sold Price			
Status	Active	Active	Active
Status Date	04/29/2013	04/29/2013	06/28/2013
Days on Market	220	220	157
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,700	1,700	1,850
Lot Size	50x133.3	50x133.3	50x133.3
Lot Acres	0.15	0.15	0.15
Style	Traditional	Traditional	Traditional
Year Built	2013	2013	2013
Garage Stall	2	2	2
Garage Type	Garage W/DR	Garage W/DR	Garage W/DR
Price	\$222,000	\$222,000	\$229,000

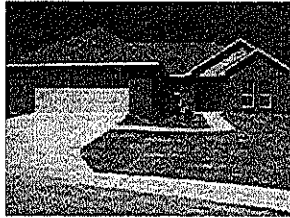
CMA: Comparable Properties

	13-1201	13-1237	13-1240
			
	113 Kenswick Court Starkville MS	505 Leigh Lane Starkville MS	507 Leigh Lane Starkville MS
List Price	\$299,900	\$222,900	\$219,900
Original List Price	\$309,900	\$222,900	\$219,900
Sold Price			
Status	Active	Active	Active
Status Date	07/02/2013	07/08/2013	07/08/2013
Days on Market	156	152	152
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	2,389	1,750	1,650
Lot Size	32x133	49.95 x 125	49.95 x 125
Lot Acres			
Style	Traditional	Traditional	Traditional
Year Built	2003	2013	2013
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage Attached
Price	\$299,900	\$222,900	\$219,900

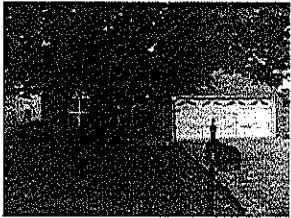
CMA: Comparable Properties

	13-1245	13-1283	13-1645
			
	509 Leigh Lane Starkville MS	413 Suzanne Starkville MS	525 HUMMINGBIRD LN Starkville MS
List Price	\$219,900	\$212,000	\$248,000
Original List Price	\$219,900	\$212,000	\$248,000
Sold Price			
Status	Active	Active	Active
Status Date	07/08/2013	07/15/2013	08/28/2013
Days on Market	152	140	97
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,650	1,673	1,911
Lot Size	49.95 x 125	51.3x133.3	117 x 133 x 164 x 65
Lot Acres		0.16	
Style	Traditional	Traditional	Traditional
Year Built	2013	2010	2004
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage Attached
Price	\$219,900	\$212,000	\$248,000

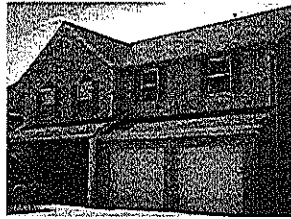
CMA: Comparable Properties

	13-1764	13-1857	13-1965
			
	124 ROSE PERKINS EVANS ST Starkville MS	220 KING RICHARD RD Starkville MS	111 Edwin Avenue Starkville MS
List Price	\$210,000	\$212,900	\$224,900
Original List Price	\$210,000	\$218,900	\$224,900
Sold Price			
Status	Active	Active	Active
Status Date	09/17/2013	10/03/2013	10/22/2013
Days on Market	77	62	45
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,620	1,863	1,700
Lot Size	112.02 x 195.37	55 ' x 105'	51.6x125
Lot Acres			
Style	Traditional	Other	Traditional
Year Built	2013	2006	2011
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage W/DR	Garage W/DR
Price	\$210,000	\$212,900	\$224,900

CMA: Comparable Properties

	13-1989	13-2049	13-2065
			
	116 KING RICHARD RD Starkville MS	100 TRUMPET VINE LN Starkville MS	204 Lavender Starkville MS
List Price	\$198,000	\$210,000	\$295,000
Original List Price	\$198,000	\$210,000	\$295,000
Sold Price			
Status	Active	Active	Active
Status Date	10/28/2013	11/05/2013	11/07/2013
Days on Market	39	28	25
Total Bedrooms	3	2	4
Total Bathrooms	2.00	2.00	3.00
Total SqFt.	1,828	1,828	2,450
Lot Size	52 x 100	50 x 144	125x171x125x170.8
Lot Acres			
Style	Traditional	Traditional	Traditional
Year Built	1996	2007	1997
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage Attached
Price	\$198,000	\$210,000	\$295,000

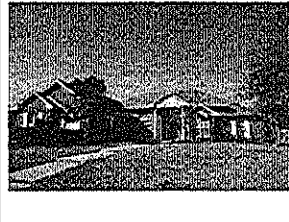
CMA: Comparable Properties

	13-2150	12-1522	12-1523
			
	31 Lakes Blvd Starkville MS	311 Suzanne Ave Starkville MS	315 Suzanne Ave Starkville MS
List Price	\$214,900	\$215,000	\$219,000
Original List Price	\$214,900	\$215,000	\$219,000
Sold Price		\$215,000	\$218,000
Status	Active	Sold	Sold
Status Date	11/22/2013	04/02/2013	04/02/2013
Days on Market	10	221	221
Total Bedrooms	4	3	3
Total Bathrooms	2.50	2.00	2.00
Total SqFt.	2,050	1,770	1,790
Lot Size	120x62	133.33x520	133.33x520
Lot Acres		0.15	0.15
Style	Traditional	Traditional	Traditional
Year Built	2008	2012	2012
Garage Stall	2	2	2
Garage Type	Garage W/DR	Garage Attached	Garage Attached
Price	\$214,900	\$215,000	\$218,000

CMA: Comparable Properties

	12-1779	12-1781	12-1784
			
	300 River Road #87 Starkville MS	300 River Road #89 Starkville MS	117 Edwin Starkville MS
List Price	\$204,900	\$204,900	\$221,900
Original List Price	\$204,900	\$204,900	\$221,900
Sold Price	\$204,900	\$204,900	\$220,000
Status	Sold	Sold	Sold
Status Date	03/22/2013	03/21/2013	12/17/2012
Days on Market	167	154	67
Total Bedrooms	2	2	3
Total Bathrooms	2.50	2.50	2.00
Total SqFt.	1,390	1,390	1,625
Lot Size	Condo	Condo	Corner
Lot Acres			
Style	Condo	Condo	Traditional
Year Built	2012	2012	2009
Garage Stall	No	No	2
Garage Type	None	None	Garage Attached
Price	\$204,900	\$204,900	\$220,000

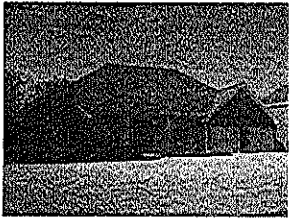
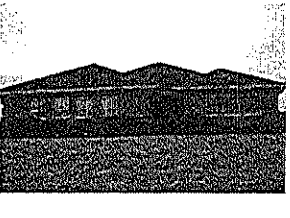
CMA: Comparable Properties

	12-1787	12-1803	12-1913
			
	421 Suzanne Ave Starkville MS	503 LEIGH LANE Starkville MS	203 Lavender Starkville MS
List Price	\$209,900	\$219,900	\$289,900
Original List Price	\$209,900	\$219,900	\$294,900
Sold Price	\$205,000	\$219,900	\$282,500
Status	Sold	Sold	Sold
Status Date	12/20/2012	05/28/2013	06/24/2013
Days on Market	72	226	234
Total Bedrooms	3	3	4
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,615	1,675	2,626
Lot Size	51.3x133.3x50x133.3	Irregular	125x162.9 irreg
Lot Acres	0.16		
Style	Traditional	Traditional	Traditional
Year Built	2010	2012	1998
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage W/DR
Price	\$205,000	\$219,900	\$282,500

CMA: Comparable Properties

	12-1919	12-2140	13-101
			
	106 Gardenia Starkville MS	104-B South Nash Street Starkville MS	208 King Richard Road Starkville MS
List Price	\$265,500	\$239,900	\$204,900
Original List Price	\$265,500	\$269,900	\$204,900
Sold Price	\$257,000	\$212,500	\$203,500
Status	Sold	Sold	Sold
Status Date	03/14/2013	07/31/2013	04/19/2013
Days on Market	129	227	92
Total Bedrooms	4	3	3
Total Bathrooms	2.50	2.25	2.00
Total SqFt.	2,463	1,506	1,809
Lot Size	120x170	2476 sq ft	20.61x162.25x104x109.2
Lot Acres			
Style	Traditional	Other	Traditional
Year Built	1995	2002	2008
Garage Stall	2	0	2
Garage Type	Garage Attached	None	Garage W/DR
Price	\$257,000	\$212,500	\$203,500

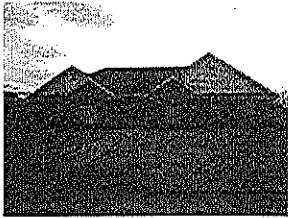
CMA: Comparable Properties

	13-106	13-115	13-125
			
	109 DERBYSHIRE RD Starkville MS	33 LAKES BLVD Starkville MS	210 Brook Starkville MS
List Price	\$279,900	\$298,750	\$230,000
Original List Price	\$279,900	\$298,750	\$230,000
Sold Price	\$279,000	\$296,750	\$225,000
Status	Sold	Sold	Sold
Status Date	02/25/2013	04/22/2013	03/07/2013
Days on Market	40	84	46
Total Bedrooms	3	4	3
Total Bathrooms	2.00	3.00	3.00
Total SqFt.	2,180	2,651	2,028
Lot Size	132.5 x 184 x 100	Lot 8 & part of 9	115x173
Lot Acres			
Style	Traditional	Traditional	Traditional
Year Built	1999	2005	2002
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage W/DR	Garage Attached
Price	\$279,000	\$296,750	\$225,000

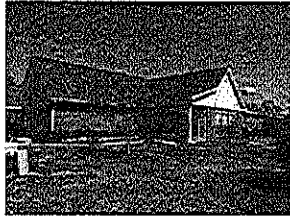
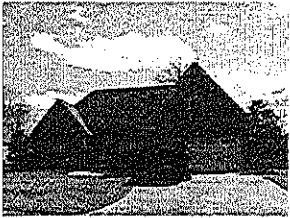
CMA: Comparable Properties

	13-222	13-330	13-403
			
	305 Suzanne Ave Starkville MS	200 Lavender Starkville MS	204 Winterset Starkville MS
List Price	\$215,000	\$289,900	\$249,900
Original List Price	\$215,000	\$289,900	\$259,900
Sold Price	\$219,000	\$275,000	\$240,000
Status	Sold	Sold	Sold
Status Date	06/19/2013	04/30/2013	09/12/2013
Days on Market	126	64	195
Total Bedrooms	3	4	4
Total Bathrooms	2.00	3.00	2.50
Total SqFt.	1,680	2,511	2,435
Lot Size	50x133.3	125x172.1	79.3 x 178.9
Lot Acres	0.15		
Style	Traditional	Traditional	Traditional
Year Built	2013	1998	2000
Garage Stall	2	2	2
Garage Type	Garage W/DR	Garage Attached	Garage Attached
Price	\$219,000	\$275,000	\$240,000

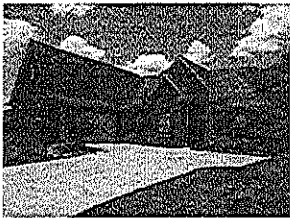
CMA: Comparable Properties

	13-406	13-418	13-456
			
	1406 Cedar Creek Lane Starkville MS	100 Lavender Lane Starkville MS	105 Francis Lane Starkville MS
List Price	\$299,900	\$253,900	\$285,000
Original List Price	\$299,900	\$255,000	\$285,000
Sold Price	\$291,500	\$245,000	\$275,000
Status	Sold	Sold	Sold
Status Date	07/02/2013	08/15/2013	05/21/2013
Days on Market	116	159	64
Total Bedrooms	4	4	4
Total Bathrooms	3.00	2.50	3.50
Total SqFt.	2,961	2,308	2,349
Lot Size	Irregular	120x207	125x195
Lot Acres	0.94		0.56
Style	Traditional	Traditional	Traditional
Year Built	2007	1998	2005
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage Attached
Price	\$291,500	\$245,000	\$275,000

CMA: Comparable Properties

	13-461	13-525	13-539
			
	26 LAKES BLVD Starkville MS	108 Kerling Starkville MS	500 River Road #88 Starkville MS
List Price	\$195,000	\$229,900	\$204,900
Original List Price	\$195,000	\$229,900	\$204,900
Sold Price	\$192,500	\$221,000	\$204,900
Status	Sold	Sold	Sold
Status Date	05/16/2013	04/18/2013	05/17/2013
Days on Market	56	25	49
Total Bedrooms	3	3	2
Total Bathrooms	2.00	2.00	2.50
Total SqFt.	1,700	1,783	1,390
Lot Size	50 x 135	80x126	Condo
Lot Acres			
Style	Traditional	Traditional	Condo
Year Built	2001	2008	2012
Garage Stall	2	2	No
Garage Type	Garage Attached	Garage W/DR	None
Price	\$192,500	\$221,000	\$204,900

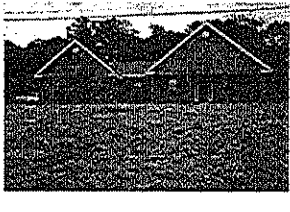
CMA: Comparable Properties

	13-556	13-560	13-565
			
	104 Gardenia Starkville MS	102 LAUREL EAST CV Starkville MS	406 Suzanne Ave Starkville MS
List Price	\$289,900	\$289,000	\$229,900
Original List Price	\$297,500	\$289,000	\$229,900
Sold Price	\$280,000	\$289,000	\$215,000
Status	Sold	Sold	Sold
Status Date	09/25/2013	04/01/2013	06/05/2013
Days on Market	180	4	65
Total Bedrooms	4	4	4
Total Bathrooms	2.50	2.50	3.00
Total SqFt.	2,619	2,300	2,271
Lot Size	120FX170LSX120RX170RS	146 x 65 x 126 x 85	68.39x125
Lot Acres			
Style	Traditional	Traditional	Traditional
Year Built	1995	2013	2009
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Garage W/DR
Price	\$280,000	\$289,000	\$215,000

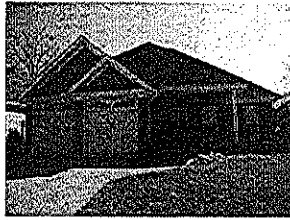
CMA: Comparable Properties

	13-580	13-645	13-697
			
	107 Rose Perkins Evans Starkville MS	110 Kerkling Drive Starkville MS	115 CAMDEN PL Starkville MS
List Price	\$179,500	\$235,000	\$164,900
Original List Price	\$179,500	\$235,000	\$164,900
Sold Price	\$178,000	\$230,000	\$164,900
Status	Sold	Sold	Sold
Status Date	05/17/2013	07/01/2013	06/03/2013
Days on Market	44	84	42
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,417	1,807	1,220
Lot Size	85 x 146.52	44x102x88x126	97.84 x 50
Lot Acres			
Style	Traditional	Traditional	Other
Year Built	2009	2008	2008
Garage Stall	2	2	0
Garage Type	Garage Attached	Garage W/DR	None
Price	\$178,000	\$230,000	\$164,900

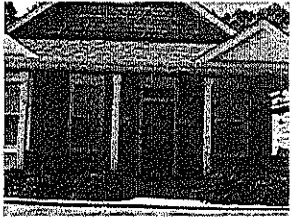
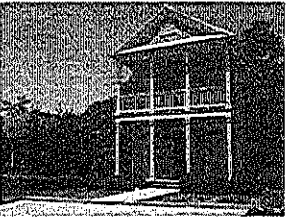
CMA: Comparable Properties

	13-762	13-780	13-831
			
	301 Suzanne Avenue Starkville MS	857 White Oak Starkville MS	31 Lakes Boulevard Starkville MS
List Price	\$239,000	\$250,000	\$199,900
Original List Price	\$239,000	\$250,000	\$199,900
Sold Price	\$239,000	\$250,000	\$197,000
Status	Sold	Sold	Sold
Status Date	07/11/2013	06/07/2013	06/24/2013
Days on Market	70	37	45
Total Bedrooms	3	4	4
Total Bathrooms	2.00	2.00	2.50
Total SqFt.	1,850	2,300	2,050
Lot Size	50x133.3	150x133	61x120
Lot Acres	0.15		
Style	Traditional	Ranch	Traditional
Year Built	2013	2013	2008
Garage Stall	2	2	2
Garage Type	Garage W/DR	Garage Attached	Garage W/DR
Price	\$239,000	\$250,000	\$197,000

CMA: Comparable Properties

	13-835	13-1071	13-1167
			
	501 Suzanne Ave. Starkville MS	405 Suzanne Ave Starkville MS	109 KENSWICK CT Starkville MS
List Price	\$214,900	\$214,500	\$254,900
Original List Price	\$214,900	\$214,500	\$254,900
Sold Price	\$205,000	\$213,000	\$245,000
Status	Sold	Sold	Sold
Status Date	06/28/2013	07/26/2013	07/31/2013
Days on Market	50	42	35
Total Bedrooms	3	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,654	1,728	2,074
Lot Size	51.3x133.3	51.3x133.3	55.52 x 140
Lot Acres			
Style	Traditional	Traditional	Other
Year Built	2009	2010	2003
Garage Stall	2	2	2
Garage Type	Garage W/DR	Garage Attached	Garage Attached
Price	\$205,000	\$213,000	\$245,000

CMA: Comparable Properties

	13-1304	13-1313	13-1327
			
	102 ROSE PERKINS EVANS ST Starkville MS	109 Hummingbird Starkville MS	327 Critz Street Starkville MS
List Price	\$178,000	\$172,500	\$165,000
Original List Price	\$178,000	\$172,500	\$165,000
Sold Price	\$178,000	\$170,000	\$160,000
Status	Sold	Sold	Sold
Status Date	07/17/2013	09/12/2013	07/19/2013
Days on Market	0	56	0
Total Bedrooms	3	3	2
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,436	1,440	1,309
Lot Size	85 x 146	50x100	37.3x150.4x37.3x150.2
Lot Acres			0.13
Style	Traditional	Ranch	Other
Year Built	2008	2003	2009
Garage Stall	2	0	0
Garage Type	Garage Attached	None	None
Price	\$178,000	\$170,000	\$160,000

CMA: Comparable Properties

	13-1440	13-1640	13-1696
			
	121 MAISON DE VILLE Starkville MS	115 Edwin Starkville MS	522 Hummingbird Starkville MS
List Price	\$239,900	\$237,800	\$212,000
Original List Price	\$239,900	\$237,800	\$212,000
Sold Price	\$237,500	\$225,500	\$207,000
Status	Sold	Sold	Sold
Status Date	08/07/2013	10/21/2013	10/17/2013
Days on Market	2	51	46
Total Bedrooms	2	3	3
Total Bathrooms	2.00	2.00	2.00
Total SqFt.	1,356	1,731	1,668
Lot Size	Irregular	51.6x125	141.3x50 irreg
Lot Acres			
Style	Other	Traditional	Ranch
Year Built	2013	2009	2005
Garage Stall	2	2	2
Garage Type	Garage Attached	Garage Attached	Carport Detached
Price	\$237,500	\$225,500	\$207,000

CMA: Comparable Properties

	13-1804		
			
	123 Maison de Ville Starkville MS		
List Price	\$243,500		
Original List Price	\$243,500		
Sold Price	\$243,500		
Status	Sold		
Status Date	09/24/2013		
Days on Market	0		
Total Bedrooms	3		
Total Bathrooms	2.00		
Total SqFt.	1,325		
Lot Size	53x86		
Lot Acres			
Style	Other		
Year Built	2013		
Garage Stall	2		
Garage Type	Garage Attached		
Price	\$243,500		

CMA: Statistical Summary

Price Analysis

Summary of Closed Listings							
MLS #	Address	List Price	DOM	Sold Date	Sold Price	Total Adjustments	Adjusted Price
13-697	115 CAMDEN PL, Starkville MS	\$164,900	42	05/31/2013	\$164,900	-	\$164,900
13-1327	327 Critz Street, Starkville MS	\$165,000	0	07/19/2013	\$160,000	-	\$160,000
13-1313	109 Hummingbird, Starkville MS	\$172,500	56	09/12/2013	\$170,000	-	\$170,000
13-1304	102 ROSE PERKINS EVANS ST, Starkville MS	\$178,000	0	07/16/2013	\$178,000	-	\$178,000
13-580	107 Rose Perkins Evans, Starkville MS	\$179,500	44	05/17/2013	\$178,000	-	\$178,000
13-461	26 LAKES BLVD, Starkville MS	\$195,000	56	05/14/2013	\$192,500	-	\$192,500
13-831	31 Lakes Boulevard, Starkville MS	\$199,900	45	06/21/2013	\$197,000	-	\$197,000
12-1779	300 River Road #87, Starkville MS	\$204,900	167	03/21/2013	\$204,900	-	\$204,900
12-1781	300 River Road #89, Starkville MS	\$204,900	154	03/08/2013	\$204,900	-	\$204,900
13-539	500 River Road #88, Starkville MS	\$204,900	49	05/16/2013	\$204,900	-	\$204,900
13-101	208 King Richard Road, Starkville MS	\$204,900	92	04/19/2013	\$203,500	-	\$203,500
12-1787	421 Suzanne Ave, Starkville MS	\$209,900	72	12/20/2012	\$205,000	-	\$205,000
13-1696	522 Hummingbird, Starkville MS	\$212,000	46	10/15/2013	\$207,000	-	\$207,000
13-1071	405 Suzanne Ave, Starkville MS	\$214,500	42	07/26/2013	\$213,000	-	\$213,000
13-835	501 Suzanne Ave., Starkville MS	\$214,900	50	06/27/2013	\$205,000	-	\$205,000
13-222	305 Suzanne Ave, Starkville MS	\$215,000	126	06/17/2013	\$219,000	-	\$219,000
12-1522	311 Suzanne Ave, Starkville MS	\$215,000	221	04/01/2013	\$215,000	-	\$215,000
12-1523	315 Suzanne Ave, Starkville MS	\$219,000	221	04/01/2013	\$218,000	-	\$218,000
12-1803	503 LEIGH LANE, Starkville MS	\$219,900	226	05/24/2013	\$219,900	-	\$219,900
12-1784	117 Edwin, Starkville MS	\$221,900	67	12/14/2012	\$220,000	-	\$220,000
13-525	108 Kerkling, Starkville MS	\$229,900	25	04/17/2013	\$221,000	-	\$221,000
13-565	406 Suzanne Ave, Starkville MS	\$229,900	65	06/05/2013	\$215,000	-	\$215,000
13-645	110 Kerkling Drive, Starkville MS	\$235,000	84	06/28/2013	\$230,000	-	\$230,000
13-1640	115 Edwin, Starkville MS	\$237,800	51	10/17/2013	\$225,500	-	\$225,500
13-762	301 Suzanne Avenue, Starkville MS	\$239,000	70	07/05/2013	\$239,000	-	\$239,000
13-1440	121 MAISON DE VILLE, Starkville MS	\$239,900	2	08/02/2013	\$237,500	-	\$237,500
12-2140	104-B South Nash Street, Starkville MS	\$239,900	227	07/30/2013	\$212,500	-	\$212,500
13-1804	123 Maison de Ville, Starkville MS	\$243,500	0	09/19/2013	\$243,500	-	\$243,500
13-403	204 Winterset, Starkville MS	\$249,900	195	09/12/2013	\$240,000	-	\$240,000
13-780	857 White Oak, Starkville MS	\$250,000	37	06/06/2013	\$250,000	-	\$250,000
13-418	100 Lavender Lane, Starkville MS	\$253,900	159	08/15/2013	\$245,000	-	\$245,000

13-1167	109 KENSWICK CT, Starkville MS	\$254,900	35	07/31/2013	\$245,000	-	\$245,000
12-1919	106 Gardenia, Starkville MS	\$265,500	129	03/07/2013	\$257,000	-	\$257,000
13-106	109 DERBYSHIRE RD, Starkville MS	\$279,900	40	02/25/2013	\$279,000	-	\$279,000
13-456	105 Francis Lane, Starkville MS	\$285,000	64	05/21/2013	\$275,000	-	\$275,000
13-560	102 LAUREL EAST CV, Starkville MS	\$289,000	4	03/29/2013	\$289,000	-	\$289,000
13-330	200 Lavender, Starkville MS	\$289,900	64	04/30/2013	\$275,000	-	\$275,000
13-556	104 Gardenia, Starkville MS	\$289,900	180	09/25/2013	\$280,000	-	\$280,000
12-1913	203 Lavender, Starkville MS	\$289,900	234	06/20/2013	\$282,500	-	\$282,500
13-115	33 LAKES BLVD, Starkville MS	\$298,750	84	04/19/2013	\$296,750	-	\$296,750
13-406	1406 Cedar Creek Lane, Starkville MS	\$299,900	116	06/28/2013	\$291,500	-	\$291,500
13-125	210 Brook, Starkville MS	\$230,000	46	03/07/2013	\$225,000	-	\$225,000

Summary of Active Listings						
MLS #	Address	Orig. List Price	DOM	List Price	Total Adjustments	Adjusted Price
13-1989	116 KING RICHARD RD, Starkville MS	\$198,000	39	\$198,000	-	\$198,000
13-2049	100 TRUMPET VINE LN, Starkville MS	\$210,000	28	\$210,000	-	\$210,000
13-1764	124 ROSE PERKINS EVANS ST, Starkville MS	\$210,000	77	\$210,000	-	\$210,000
13-1283	413 Suzanne, Starkville MS	\$212,000	140	\$212,000	-	\$212,000
13-1857	220 KING RICHARD RD, Starkville MS	\$218,900	62	\$212,900	-	\$212,900
13-2150	31 Lakes Blvd, Starkville MS	\$214,900	10	\$214,900	-	\$214,900
13-1240	507 Leigh Lane, Starkville MS	\$219,900	152	\$219,900	-	\$219,900
13-1245	509 Leigh Lane, Starkville MS	\$219,900	152	\$219,900	-	\$219,900
13-759	207 Suzanne Avenue, Starkville MS	\$217,000	220	\$222,000	-	\$222,000
13-760	209 Suzanne Avenue, Starkville MS	\$217,000	220	\$222,000	-	\$222,000
13-1237	505 Leigh Lane, Starkville MS	\$222,900	152	\$222,900	-	\$222,900
13-1965	111 Edwin Avenue, Starkville MS	\$224,900	45	\$224,900	-	\$224,900
13-1177	303 Suzanne Avenue, Starkville MS	\$229,000	157	\$229,000	-	\$229,000
13-1645	525 HUMMINGBIRD LN, Starkville MS	\$248,000	97	\$248,000	-	\$248,000
13-2065	204 Lavender, Starkville MS	\$295,000	25	\$295,000	-	\$295,000
13-1201	113 Kenswick Court, Starkville MS	\$309,900	156	\$299,900	-	\$299,900

Low, Average, Median, and High Comparisons			
	Closed	Active	Overall
Low	\$160,000	\$198,000	\$160,000
Average	\$227,030	\$228,831	\$227,527
Median	\$219,950	\$220,950	\$219,950
High	\$296,750	\$299,900	\$299,900

Overall Market Analysis (Unadjusted)										
Status	#	List Vol.	Avg. List Price	Sold Vol.	Avg. Sold Price	Avg. Sale/List Price	Avg. Total SqFt.	Avg. List \$/Total SqFt.	Avg. Sold \$/Total SqFt.	Avg. DOM
Closed	42	9,737,850	231,854	9,535,250	227,030	0.98	1,885	125.91	123.45	88
Active	16	3,661,300	228,831	0	0	0.00	1,851	124.10	0.00	108
Overall	58	13,399,150	231,020	9,535,250	227,030	0.98	1,876	125.41	123.45	93

Attachment 10

Buddy Sanders

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Thursday, January 02, 2014 8:26 AM
To: 'PBoyd38580@aol.com'
Subject: RE: questions regarding rezoning of property in Pleasant Acres

Ms. Boyd:

The subject case is under review and many of your questions cannot be answered at this time.

Regards,

Buddy Sanders
City Planner
City of Starkville
101 East Lampkin Street
Starkville, MS 39759

Voice: 662.323.2525, Ext. 119
Fax: 662.323.4143

From: PBoyd38580@aol.com [mailto:PBoyd38580@aol.com]
Sent: Wednesday, January 01, 2014 4:55 PM
To: b.sanders@cityofstarkville.org
Subject: questions regarding rezoning of property in Pleasant Acres

Dear Buddy Sanders:

Thank you for speaking to me on November 27th by phone.

I would appreciate it if you could answer the following questions in your staff report for the requested rezoning of parcel number 102H-00-060.00 located southeast of the intersection of Yellow Jacket and Eckford Drives in Ward 4. Please also enter these questions into the public record for this rezoning case.

1. Is this rezoning request in accordance with the comprehensive plan? The comprehensive plan states that stable residential areas should be protected and preserved.
2. Has there been a for-sale sign in front of the property being considered for rezoning since October 2009?
3. Is there and has there been a for-sale sign in front of the undeveloped property rezoned by P&Z for B&P LLC on Academy road ever since P&Z rezoned the property?
4. On November 27th 2013, Priscilla Boyd spoke with the City Planners office and Buddy Sanders says a preliminary plat is not a part of the rezoning process. He says that the preliminary plat and proof of financing comes later in process. When is preliminary plat required? When is proof of financing required?

5. Is it true that although this property has been brought before the planning and zoning commission on April 14th 2009 Aug 11th 2009 and Dec 10th 2013 that the board has not requested a preliminary plat or proof of financing?

6. What changes in the affected area (Pleasant Acres) have occurred since October 13th 2009 that would necessitate rezoning?

7. Has there been a demonstrated Public need for rezoning this area? What is it? The key word is area changes that necessitate a rezoning. How do you determine necessity? A necessity for whom?

8. Is there land in Starkville City limits that has been rezoned R-3A since October 10th 2009 that has not yet been developed? Is there ANY property in Starkville city limits that has been rezoned R-3A that has not been developed?

9. Is it true that the amendment section of the zoning ordinance does not speak to the number of times an applicant may submit a rezoning request for the same property?

10. How does the City Planners Office protect residents from harassment by continuous rezoning requests?

11. Do the covenants in the original deed still apply to the property? Are they enforceable? If they are enforceable, by whom? See deed book Oct. 2009 page 5851.

12. Has P&Z presented or investigated traffic patterns or property values of current homeowners and taxpayers? Has a cost/benefit analysis been performed?

13. Will the decision-making on this rezoning case be in line with the Code of Ethics of the American Institute of Certified Planners (AICP)?

Thank you so much for your diligent efforts on behalf of the residents of Starkville.

Sincerely,

Priscilla Boyd

Buddy Sanders

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Tuesday, January 07, 2014 9:27 AM
To: 'Lynn Parker'
Subject: RE: Rezoning opposition

Ms. Parker:

Your e-mail has been received.

Your e-mail will be placed in the RZ 13-14 file and shared with the Planning Commission.

Regards,

Buddy Sanders
City Planner
City of Starkville
101 East Lampkin Street
Starkville, MS 39759

Voice: 662.323.2525, Ext. 119
Fax: 662.323.4143

From: Lynn Parker [mailto:lynn.gardener@att.net]
Sent: Saturday, January 04, 2014 8:53 AM
To: b.sanders@cityofstarkville.org
Subject: Rezoning opposition

Dear Sir:

I am a resident of Pleasant Acres subdivision, and I am e-mailing you to voice my opposition to the proposed rezoning request to change parcel 102H-00-060.00 from R-1 to R-3A (located southeast of the intersection of Yellow Jacket and Eckford Drive (Ward 4).

I am not able to attend the board meetings because I am the caretaker of my sister who has Down's Syndrome and my mother who is going blind. My mother is also opposed to this rezoning, but she is unable to e-mail because of her vision.

Please consider the residents of Pleasant Acres before agreeing to this issue.

Thank you for your consideration.

Lynn Parker

Buddy Sanders

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Tuesday, January 07, 2014 9:36 AM
To: 'Camille'; 'p.wiseman@cityofstarkville.org'; 'j.walker@cityofstarkville.org';
'buildingdept@cityofstarkville.org'
Subject: RE: Rezoning Parcel 102H-00-060.00

Your e-mail has been received.

Your e-mail will be placed in the RZ 13-14 file and shared with the Planning Commission.

Regards,

Buddy Sanders
City Planner
City of Starkville
101 East Lampkin Street
Starkville, MS 39759

Voice: 662.323.2525, Ext. 119
Fax: 662.323.4143

From: Camille [mailto:camillemulrooney@hotmail.com]
Sent: Sunday, January 05, 2014 10:30 AM
To: p.wiseman@cityofstarkville.org; j.walker@cityofstarkville.org; buildingdept@cityofstarkville.org;
b.sanders@cityofstarkville.org
Subject: Rezoning Parcel 102H-00-060.00

Mayor Parker Wiseman,
Mr Jason Walker,
Mr Michael Brooks,
Mr Buddy Sanders,

This is to voice my opposition to the rezoning of Parcel 102H-00-060.00. I feel doing so will increase the traffic through Pleasant Acres' streets because students, who would likely inhabit the development, would traverse our Pleasant Acres neighborhood streets on their way to MSU; therefore, our quiet, safe neighborhood would likely be compromised.

Thank you,
Camille & Joe Mulrooney
813 Howard Rd
Starkville, MS 39759
camillemulrooney@hotmail.com

Buddy Sanders

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Tuesday, January 07, 2014 9:43 AM
To: 'godotgo'; 'p.wiseman@cityofstarkville.org'; 'j.walker@cityofstarkville.org';
'buildingdept@cityofstarkville.org'
Cc: 'Brewer Construction Frank'
Subject: RE: Re-zoning 5acres Pleasant Acres

Ms. Hendrick:

Your e-mail has been received.

Your e-mail will be placed in the RZ 13-14 file and shared with the Planning Commission.

Regards,

Buddy Sanders
City Planner
City of Starkville
101 East Lampkin Street
Starkville, MS 39759

Voice: 662.323.2525, Ext. 119
Fax: 662.323.4143

From: godotgo [mailto:godotgo@yahoo.com]
Sent: Monday, January 06, 2014 8:58 AM
To: p.wiseman@cityofstarkville.org; j.walker@cityofstarkville.org; buildingdept@cityofstarkville.org;
b.sanders@cityofstarkville.org
Cc: Brewer Construction Frank
Subject: Re-zoning 5acres Pleasant Acres

Mayor Parker Wiseman
Alderman Jason Walker
Michael Brooks
Buddy Sanders,

I live in Pleasant Acres and have received notice of a proposal to rezone parcel 103H-00-060.00 to R-3.

I took the initiative to meet with Frank Brewer and Johnny Moore and review the plan.

We DO have a need for more garden home neighborhoods. Yes the housing demand has changed. The current trend in real estate is "less is more". The success and aesthetic value of several similar developments is unquestionably an asset to Starkville. I see no reason or benefit for new homeowners to cut through Pleasant Acres, as they have access to Yellow Jacket Drive and Jackson St., which are more direct routes of travel.

As Starkville boasts of their move to a retirement community, these proposed brick homes are low maintenance, and allow the elderly a minimum care single-family dwelling, close to shopping and convenient to medical care. In addition to full-time residents, garden neighborhoods provide MSU alumni a low maintenance 2nd home. This is a prime location for our alums to re-invest in Starkville. Look at the success of Annabella, Pitot House and River Road for 2nd homes. Same exact convenience to MSU.

I don't believe the Pleasant Acres homeowners are aware of the deeded covenants that were conveyed by the Templetons on that parcel. I trust those covenants will be upheld.

1. 1'500 sq foot minimum
2. Brick
3. Non-rental usage

I have never heard a complaint about Sherwood Commons, Academy Place, Carpenter Place or Maison de Ville. From what I understand, the value of the proposed homes will surpass the highest value of existing homes in Pleasant Acres. This is positive to an existing neighborhood. I would fight tooth and nail against this rezoning if it was for condos, apartments or a rental village, but it is not.

I have heard concerns about sewage runoff. If this re-zoning is approved, please take extra care to insure no added sewage travels to Pleasant Acres.

I am NOT AGAINST the proposal.

Best Regards,

Dorothy Watson Hendrick
927 Barnett Drive
Pleasant Acres

Sent from my personalized C Spire Wireless Galaxy S III

Buddy Sanders

From: Buddy Sanders <b.sanders@cityofstarkville.org>
Sent: Thursday, January 09, 2014 1:33 PM
To: 'kristen.dechert@yahoo.com'
Cc: Jason Walker (walker4ward4alderman@gmail.com); wmbrooks@wmbrooks.com
Subject: FW: Letter to for P&Z Jan 14 Meeting
Attachments: P&Z Letter.docx

Ms. Dechert:

I have received your e-mail and I am placing both your letter and e-mail in the file. Also, a copy of your e-mail and letter will go to the Planning and Zoning Commission.

I am copying Mr. Brooks. A copy of the staff report will be delivered to you Friday afternoon or evening.

Regards,

Buddy Sanders
City Planner
City of Starkville
101 East Lampkin Street
Starkville, MS 39759

Voice: 662.323.2525, Ext. 119
Fax: 662.323.4143

-----Original Message-----

From: Kristen Dechert [mailto:kristen.dechert@yahoo.com]
Sent: Thursday, January 09, 2014 9:51 AM
To: b.sanders@cityofstarkville.org
Cc: Jason Walker; buildingdept@cityofstarkville.org
Subject: Letter to for P&Z Jan 14 Meeting

Dear Ms. Sanders,

I was unable to find contact information for P&Z representatives on the Starkville website. Would you please forward this letter to my representative for Ward 4, Michael Brooks? Also, I would like this to be included in any hard copies or e-packets provided to all P & Z commissioners prior to the meeting.

Thanks for your help.

Sincerely,
Kristen Dechert
662.617.0343
809 Pine Cir, Ward 4

January 4, 2014

Michael Brooks
Planning and Zoning Representative, Ward 4

Dear Mr. Brooks:

We request that you vote do deny the request for rezoning of Parcel 102H-00-060.00 from R-1 to R-3A. This property, which lies between the Pleasant Acres subdivision and the Starkville High School athletic facilities, is adjacent to our backyard with no buffer of any kind.

While we are not opposed to this property being developed for housing, we do not support rezoning the property. This small piece of land with unusual access via a long drive needs careful attention if developed as it butts against one of the most desirable neighborhoods in Starkville for those seeking moderately priced, older homes as well as one of the most trafficked areas in town, Starkville High School and athletic fields.

We ask that you deny the rezoning request and ask the developer to either develop the land at R-1 status (our first preference) or proceed with a PUD plan to present to the board for approval. Simply rezoning this land without a PUD presents too many unknowns for Starkville schools and for the Pleasant Acres subdivision.

This is the third or fourth time the property owner has requested rezoning since purchasing the land in 2009, and each time, he has made promises that he will build with integrity. However, he has yet to produce any evidence other than covenants he has with the previous owners. As we all know, these covenants do not bind him to anyone but the previous owner, nor are they permanent.

The property on all sides of this parcel is zoned R-1. Placing an R-3A zone in the middle of R-1 zones is illogical and could potentially affect the zoning of undeveloped land that borders, further destabilizing established areas.

To be clear, we are not against development, nor are we against medium density when needed. This rezoning is not needed, nor does it stand to best benefit Starkville if poorly developed. We ask that you send the message to the owner that he should either develop the property as intended at R-1 status or apply for a PUD, which would more clearly outline his intentions for the development.

Thank you for your consideration and your service to Ward 4.

Sincerely,
Edmond and Kristen Dechert
809 Pine Cir, Ward 4

Buddy Sanders

From: Building Department <buildingdept@cityofstarkville.org>
Sent: Friday, January 10, 2014 7:25 AM
To: Buddy Sanders
Subject: FW: Pleasant Acres Rezoning

Another to add to the list

From: ETempl6474@aol.com [mailto:ETempl6474@aol.com]
Sent: Thursday, January 09, 2014 6:06 PM
To: buildingdept@cityofstarkville.org
Subject: Pleasant Acres Rezoning

Please do not rezone the property in our neighborhood for the small houses. We need to have more homes the size of home already here. We have enough of the smaller homes in Starkville. We have a lot of widows in our neighborhood and we need the property value to stay as high as it can. Thank you for your consideration and support for the disapproval of this rezoning.

Betty Templeton
800 Lindley Ave.
Starkville, MS 39759

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4259 / Virus Database: 3658/6988 - Release Date: 01/09/14

THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Buddy Sanders City Planner (662-323-2525 ext. 119)
CC: PP 13-07 Cottages At Starkville Station
DATE: December 10, 2014

BACKGROUND INFORMATION:

Cottages at Starkville Station, LLC, is requesting Preliminary Plat approval of a 22 lot subdivision west of the Starkville Station RV Park. Please see Attachments 1 and 2. Zoning for the property is R-5 (Multi-Family, High-Density). Lot requirements for an R-5 zone are:

Required lot area and width, yards, building areas, and height for residences:

- (a) Minimum lot area, per unit: 1,800 square feet.
- (b) Minimum lot width at building line:
 - Single-family and multi-family dwelling of less than eight units: 50 feet.
 - Townhouse dwelling: 16 feet.
 - Multi-family dwellings of eight units or more: 100 feet.
- (c) Minimum depth of front yard: 25 feet.
- (d) Minimum width of side yard: Five feet.
- (e) Minimum depth of rear yard: 20 feet.
- (f) Maximum height of structure: 45 feet.

Lots, as illustrated, of the proposed Cottages at Starkville Station meet the requirements of an R-5 zoning district.

Please note that the areas illustrated as Right of Way in the PP 13-07 Area Zoning and PP 13-07 Aerial maps is not Public Right of Way. In 1998 the City issued a Release of Roadway Easement and Quit Claim Deed for both Hoover Drive and Shady Lane. Please see Attachment 3.

PLAT PROPOSAL
General Information

The applicant is requesting Preliminary Plat approval of a 22 lot subdivision totaling 4.03 acres. Please see Attachment 4.

Easements and Dedications

The proposed lots will front an extension of RV Way and a new street to be named Station Lane. RV Way takes access off Lincoln Green Street. There is an existing 10-foot sewer/utility easement along the western property line and an existing gas/utility easement along the northern property line.

The applicant will have 10-foot utility easements fronting all new streets of the proposed subdivision, and electrical, water, and sewer services are available.

Findings and Comments

The Cottages at Starkville Station Preliminary Plat was reviewed by the Development Review Committee on December 19. There are no significant concerns regarding the subject Preliminary Plat, but the Engineering Division did note that upstream storm water will need to be routed through the development in some fashion without it going through the detention facility.

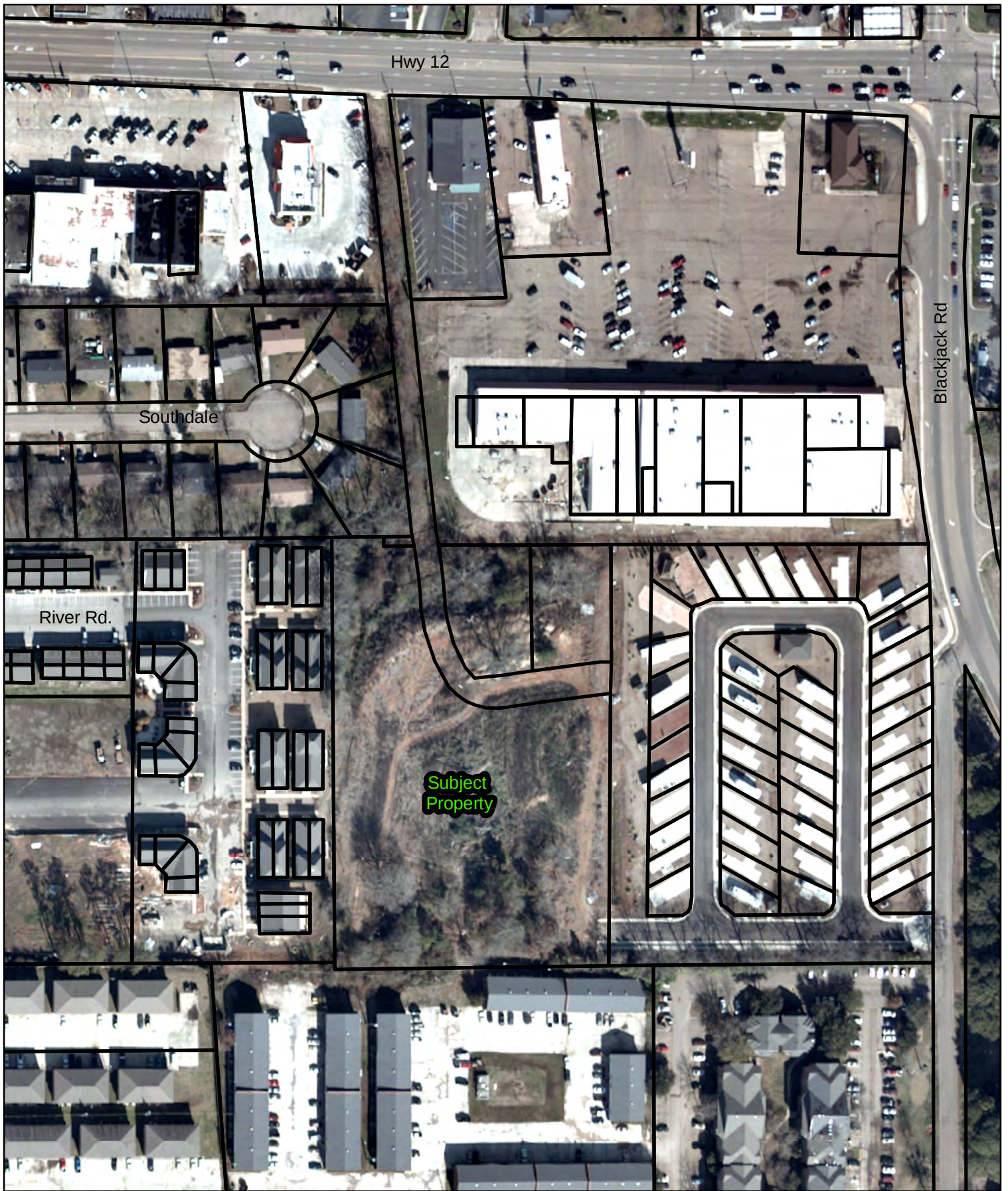
CONCLUSIONS

Staff recommends approval of the "Cottages at Starkville Station" Preliminary Plat. It is recommended that the following conditions be issued with recommendation of approval:

1. Additional easements may be required.
2. Upstream storm water will need to be routed through the development in some fashion without it going through the detention facility.
3. Infrastructure drawings will be required upon Preliminary Plat approval prior to construction.

Attachment 1

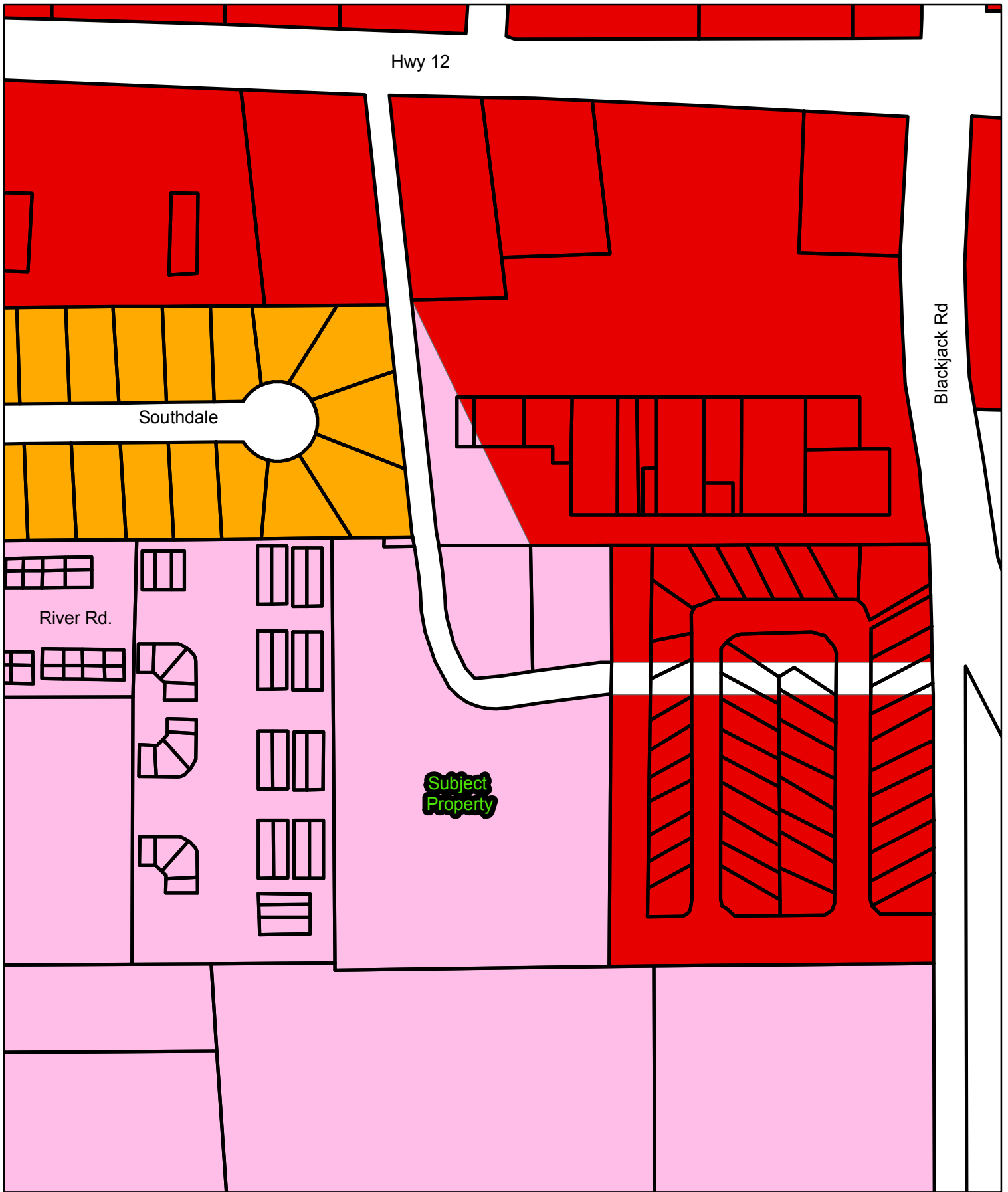
PP13-07 Aerial



Feet
0 80 160 320

Attachment 2

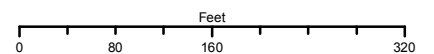
PP13-07 Area Zoning



City of Starkville 2014

Zoning Areas

- | | |
|--|--|
|  R-5 Multi-Family, High-Density |  C-2 General Business |
|  R-3 Multi-Family |  R-1 Single Family |
|  B-1 Buffer District | |



Attachment 3

336

DB 95 6/336

STATE OF MISSISSIPPI:

COUNTY OF OKTIBBEHA:

RELEASE OF ROADWAY EASEMENT

AND

QUIT CLAIM DEED

In consideration of Ten Dollars cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CITY OF STARKVILLE, MISSISSIPPI, GRANTOR, do hereby convey, quit claim and release unto POLO EAST, LLC, GRANTEE, the following described tract or parcel of land situated in Oktibbeha County, Mississippi, to-wit:

All of the roadway area designated as "Hoover Drive" and "Shady Lane" as shown on the plat of University Heights Subdivision #1 of the City of Starkville, Mississippi filed November 8, 1961 and recorded in Plat Book 1 at page 42 in the office of the Chancery Clerk of Oktibbeha County, Mississippi.

It is expressly understood and agreed that the purpose of this conveyance is to release and reconvey unto Polo East, LLC all of the right, title and interest held by the City of Starkville in the roadway areas designated as "Hoover Drive" and "Shady Lane" obtained by the City of Starkville by dedication of said roadway areas pursuant to the filing of a subdivision plat of University Heights Subdivision #1 as referenced above, or otherwise.

By acceptance of this conveyance, Grantee releases the City of Starkville, Mississippi from any further obligations for the installation and maintenance of utilities located within said roadway areas.

Executed this the 23rd day of April, 1998.

CITY OF STARKVILLE, MISSISSIPPI

BY:

Mack Rutledge
MACK RUTLEDGE, MAYOR

ATTESTED BY:

Vivian E. Collier
VIVIAN COLLIER, CLERK

Attachment 4

UNAPPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF DECEMBER 10, 2013 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. The meeting was called to order by Commission Chair Jerry Emison. Present were Commissioners Michael Brooks, Jerry Emison, Dora Herring, James Hicks, Ira Loveless, John Moore, and Jeremy Murdock. Attending the Commissioners were City Attorney Chris Latimer, City Planner Buddy Sanders, Director of Finance Taylor Adams, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

Commission Chair Jerry Emison brought a suggestion before the Commission, to consider the placement of the Approval of the Minutes to before the Planner's Report and after New Business instead of its current placement at the front of the Agenda, so that citizens attending the meeting would not be inconvenienced by having to wait for their needs to be heard. Upon the motion of Commissioner Herring to amend the written Agenda as suggested, seconded by Commissioner Moore, the Commission voted unanimously to approve the written Agenda dated December 10, 2013, as amended.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission, reminding them that there is a public hearing on the Agenda and comments regarding proposed items would be called for at the appropriate time. No citizen comments were received.

NEW BUSINESS

RZ 13-13: A PUBLIC HEARING REQUESTED BY THE CITY OF STARKVILLE TO REZONE 6.017 ACRES WEST OF THE INTERSECTION OF SOUTH MONTGOMERY STREET AND WEDGEWOOD ROAD FROM A-1 AGRICULTURAL TO B-1 BUFFER DISTRICT, WARD 3

Chair Emison opened the Public Hearing and asked the City Planner to introduce item RZ 13-13, a Public Hearing requested by the City of Starkville to rezone 6.017 acres west of the intersection of South Montgomery Street and Wedgewood Road from A-1 Agricultural to B-1 Buffer District, Ward 3.

City Planner Buddy Sanders stated that Ramsey Partners, LP, is requesting the rezoning change because of their plans to place an assisted-living facility in the proposed location. The surrounding areas (across the street) consist of subdivisions and a country club, which are zoned R-1 and R-4. For a zoning change in Mississippi to occur, one of two criteria has to apply: Manifest Error in Mapping or Change of Condition. There are no mapping errors, and although zoning hasn't changed, conditions have changed: the residential subdivisions in the area have been developed over the past 20 years, a new traffic light at South Montgomery Street and Poor House Road was installed (the only traffic light existing outside the city limits), water and electrical lines are already available along South Montgomery, and city sewer lines are available southeast of subject site; thus, the criterion for change in zoning applies. While the facility is commercial in nature, it is primarily residential, and Mr. Sanders stated that the zoning change was appropriate for these 6.017 acres. The Staff recommends approval of this request for a zoning change from A-1 to B-1 with the following conditions:

1. The 6.017 acres will be required to be a separate parcel *as described in attachment four, the land title survey*. [This phrase was added after the minutes were completed.]
2. A copy is to be provided of the Recorded Deed to Community Development.
3. Use of the property is limited to a retirement/assisted-living use.

Chair Emison called for discussion on the Public Hearing. The applicant, Saunders Ramsey, spoke of the need for a retirement community in Starkville, and on the behalf of the developer, they have identified that it falls within a five-mile radius of the hospital, and the location of the development meets demographic needs. Chair Emison called for questions, and there being none, he called for the public to speak on this matter.

Alex Harris, who owns a home and land around the proposed area, is supportive of the development but has three questions regarding what was mentioned at the last board meeting: 1) Is this development consistent with the development of South Montgomery in changing the zone to light commercial; 2) Has the increase of traffic been taken into consideration fully; 3) Has a Certificate of Need been granted to the developer by the State of Mississippi. Also, Mr. Harris noted that at the November meeting, this board suggested that the Applicant contact the surrounding neighbors regarding this development, and he asked if this step had been taken.

Chair Emison called for others who want to speak on this matter in a Public Hearing.

Cindy Harris, wife of Alex Harris, came forward asking if others had been notified of the meeting regarding the Applicant's rezoning request. Mr. Sanders responded saying that everyone within 300 feet of all the Ramsey's property had been notified, which is beyond the requirement of 160 feet of the rezoning area. In addition, there was a notification of Public Hearing published in the *Starkville Daily News* 15 days prior to the hearing, and a sign was placed on the property of the proposed rezoning area; all the requirements for notification have been met.

Rob Tatum, the developer of the assisted-living project, answered Mr. Harris's third question, stating that there is no Certificate of Need, as required by the State of Mississippi, but a site approval was granted from the Mississippi Department of Health.

Saunders Ramsey addressed the concerns regarding the development: the development is for retirement use only; the traffic study was taken into account and has shown that the traffic in the Wedgewood area is a Level A, the best possible. Regarding future use, widening of South Montgomery is planned, and the development is to allow more than enough buffer for widening to occur. The development welcomes a limited use for retirement and assisted living only.

Upon the recommendation by the Staff to approve the requested zoning change from A-1 Agricultural to B-1 Buffer of 6.017 acres, Chair Emison suggested that a fourth condition be met in addition to the three recommended by Staff: 4) Staff should establish the clear legal definition of the plat that conforms to the site as it has been identified before this matter goes before the Board of Alderman. City Attorney Latimer observed that a legal description already exists on the land survey for the property and would suffice for the fourth condition.

After discussion and clarification regarding whether condition one would change if the Applicant should request rezoning as a plat versus subdividing a parcel, Commissioner Hicks suggested that the phrase “as described in attachment four, the land title survey” be added to condition one, which was supported by Mr. Latimer.

Commissioner Murdock moved to recommend approval of the rezoning request of RZ 13-13 on the basis of Change of Condition in the neighborhood and Public Need, with the three conditions asserted by the Staff and amended by the Commission, which was seconded by Commissioner Brooks. The motion carried unanimously.

**FP 13-06B: A PUBLIC HEARING REQUESTED FOR AN ADDITIONAL LOT
TO “THE MILL AT MSU,” LOCATED AT THE INTERSECTION
OF MILL AND RUSSELL STREETS,
T-6 ZONING DISTRICT, WARD 4**

Next there came before the Commission item FP 13-06B: a public hearing regarding a request for an additional lot to “The Mill at MSU,” located at the intersection of Mill and Russell Streets, T-6 Zoning District, Ward 4. Chair Emison, recused himself from this portion of the meeting and left the room after turning the meeting over to Commissioner Herring, who opened the Public Hearing. City Planner Buddy Sanders presented the request of an addition of a lot, Lot 1A, to “The Mill at MSU.” Mr. Sanders stated that although the Board of Aldermen have already approved the Final Plat, with conditions, there were some changes to the lot due to an imminent deadline in financing, and therefore re-approval is required. Staff recommends approval with the same conditions, Item 11 being the only change.

Commissioner Herring called for a spokesperson on behalf of the Applicant, and Mark Castleberry came forward to answer questions. Commissioner Hicks asked if the designation of the Final Plat had been added to the Plat; Mr. Castleberry answered in the affirmative that the designation had been added. After discussion, Mr. Latimer summarized that the Applicant is expressly recognizing

Lot 1A as a separate and distinct piece of property, and to avoid leaving Lot 1B undesignated from the result of the subdivision of Lot 1, he recommended that Lot 1B be recognized as a new piece of property as well.

Commissioner Herring called for the public to speak, and after no comments were brought forth, the Public Hearing was closed.

Following the Staff recommendation to recognize Lot 1A and 1B together in the revised Final Plat, Commissioner Murdock expressed concerns about the long-term implications for the potential development of land facing Russell Street if the land were separated from the protection of the Cooley Building's National Historic Register status. After discussion among the Commissioners, the Applicant, the City Attorney, the City Planner, and the Director of Finance, it was agreed that a new legal description combining Lot 1A and 1B as Lot 1 would eliminate concern. Commissioner Hicks raised concern regarding proper procedure with last-minute changes, and City Attorney Latimer recommended that a clean document be created that reflects the revised legal reconfiguration of the combined lots, without the delineation of the dividing line, before submitting the proposal to the Board of Aldermen.

Commissioner Murdock made a motion to approve, with the revision of the legal description of the Final Plat to recognize Lot 1 reconfigured as a combination of Lot 1A and Lot 1B with no delineation. Commissioner Brooks seconded the motion, which passed unanimously.

After the vote, Chair Emison reentered the room, and Commissioner Herring relinquished control of the meeting.

**CONSIDERATION/RECONSIDERATION FOR APPROVAL
OF THE MINUTES OF THE MEETINGS
OF JULY 24, 2013; AUGUST 13, 2013; SEPTEMBER 10, 2013;
OCTOBER 8, 2013; AND NOVEMBER 12, 2013**

Chair Emison called for a motion to reconsider approval of the July 24, 2013, minutes. Commissioner Loveless made the motion, with Commissioner Moore seconding, and the Commission voted unanimously to reconsider the minutes of July 24, 2013. Suggested changes to the minutes were: 1) to add "subsequently excused" in the first paragraph on page 1 after Mr. Murdock's name; 2) to remove "through Maxine Hamilton" at the end of the first paragraph of page 2; 3) to replace the word *us* with "the Commission" in the fourth paragraph on page 2; 4) to delete the letter *t* in the last paragraph on page 2; and 5) to delete the words after the word *Table* in the last sentence before the Planner's Report.

Commissioner Loveless moved to approve the minutes as amended, seconded by Commissioner Moore, and the resulting vote was unanimous with the exception of Commissioner Murdock, who abstained.

A motion was called for to reconsider approval of the August 13, 2013, minutes. Commissioner Murdock made the motion, with Commissioner Moore seconding, and the Commission unanimously voted to reconsider the approval. Suggested changes for the minutes were: 1) to move the first item of new business to the end of the New Business; 2) to amend the first line of the third paragraph on page 2 to read “presented the matter concerning Mr. Robert Rogers’s request” instead of “presented the matter for Mr. Roberts Rogers”; 3) to delete the third paragraph on page 3; 4) to delete the word *Apparently* from the last sentence of what is now the third paragraph on page 3; 5) to add “The motion carried unanimously among Commissioners present.” to the end of the first full paragraph on page 3; 6) to delete the paragraph beginning “After much discussion, and no finding of errors.”

Commissioner Murdock moved to accept the minutes as amended, which was seconded by Commissioner Hicks, and the Commission voted unanimously to approve the minutes of August 13, 2013, as amended, with the proviso that Staff will note who made the motions and voted.

Chair Emison called for a motion to reconsider approval of the minutes of September 10, 2013. Commissioner Hicks made the motion, with Commissioner Moore seconding, which was unanimously approved by the Commission. Suggested changes for the minutes were: 1) to change on page 2, the fourth paragraph, the words *has confusion in* to “disagrees with”; 2) on page 3, paragraph 2, to add the word *to* between the words “over” and “the” and to add the phrase “and departed the meeting” at the end of the sentence. 3) add item number CU 13-07 to the “Mill Development Parking Deck” and delete “conditional” before “exception”; 4) to ensure that the first two instructions in the fifth paragraph on page 2 were inserted into the list of conditions; 5) to remove all references to “Conditional Use” in the CU 13-07 section and delete the number 6 on page 4 in the last requirement and adjusting the introductory text as “The relevant criteria for the Use by Exception is in the Transect Section...”; 6) to change the name from *Dell Partner Architects* to “Dale Partner Architects” in the last paragraph on page 4; 7) to change, in the third paragraph on page 5, *private parking garage* to “public parking garage”; 8) to change the phrase *from 37 to 50 feet* to “from 50 feet to 37 feet” in the first numbered paragraph on page 6.

Commissioner Murdock moved to approve the minutes as amended, seconded by Commissioner Hicks, and the resulting vote was unanimous.

Chair Emison introduced the minutes from October 8, 2013, to be considered for approval. Suggested changes to the minutes were: 1) to add “and departed the hearing room” after the word *deliberation* in the first paragraph on page 2.

Commissioner Murdock moved to approve the minutes as amended, seconded by Commissioner Hicks, and the resulting vote was unanimous.

Chair Emison introduced the minutes from November 12, 2013, to be considered for approval. Suggested changes to the minutes were: 1) to change, in the third heading on page 1, the words *AN ORDER APPROVING* to “CONSIDERATION OF”; 2) to add on page 3 the following sentence to the end of the last paragraph: “The Commission took no action on the October 8 minutes pending a comprehensive review by City Staff of the accuracy and completeness of these and other

minutes.”; 3) to delete the last sentence before the heading on page 3; 4) to delete the sentence that begins with “City Attorney Latimer suggested that statistics and empirical evidence should be . . .” on page 2 in the second paragraph; 5) to delete the last sentence on page 4.

Commissioner Hicks moved to approve the minutes from November 12, 2013, as amended, seconded by Commissioner Moore, and the resulting vote was unanimous, with Commissioner Murdock abstaining.

PLANNER'S REPORT

Commissioner Herring asked Mr. Sanders if he had researched the Zoning at the Research Park, and he responded in the affirmative, and that after his findings, he and Mr. Adams indicated a desire to move forward with possible rezoning based on the discovery at the beginning of the year.

ADJOURNMENT

Commissioner Emison called for a motion to adjourn. Commissioner Herring made the motion, seconded by Commissioner Hicks, to adjourn the meeting at 7:23 PM. The next regularly scheduled meeting will be Tuesday, January 14, 2013, at 5:30 PM in the City Hall Courtroom.