

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION SPECIAL CALLED MEETING JULY 24, 2013 THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi held its special called meeting in the Community Development Office at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 4:00 PM. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Ira Loveless, John Moore and newly commissioned Mike Brooks. Absent were Commissioner Jeremy Murdock (subsequently excused) and Community Development Director Bill Snowden. The meeting was called to order by Commission Chair Jerry Emison. Attending the Commissioners were City Attorney Chris Latimer, City Planner Buddy Sanders, and Recording Secretary Bill Green.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated July 24, 2013. With no further discussion, and upon the motion of Commissioner Herring, seconded by Commissioner Moore, the Commission voted unanimously to approve the written agenda.

AN ORDER APPROVING THE MINUTES OF THE JUNE 11, 2013, MEETING

The Commission considered the matter of approval of the minutes of the June 11, 2013, meeting. Commissioner Emison noted one change on page three that ACCP should be AICP. Commissioner Loveless made a motion to approve the minutes as presented, duly seconded by Commissioner Moore. The vote was unanimous in favor.

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 that item would be called for at the appropriate time. No citizen comments were received.

NEW BUSINESS

A. **RZ 13-09**: A public hearing request by Michael Frazier, agent for Catholic Diocese of Jackson, seeking a rezoning from R-1 to B-1 for property located on Lots 16, 17, and 18 of Block 28 or on 102 North Nash Street.

There came before the Commission the matter of the consideration of a rezoning request for three properties located on North Nash Street, owned by the Catholic Church in an R-1 zoning district in Ward 4.

City Planner Buddy Sanders presented the matter and reported on the conditions that were included as part of the comments. The church is requesting the three lots be rezoned from R-1 to B-1 to allow the property to be used as a parking lot.

The Applicant, Mr. Mike Frazier, answered questions from the Commissioners: Commissioner Herring inquired about the current use of the three lots. The applicant stated that the three lots are currently vacant,

with two curb cuts for ingress and egress. The church wants to remove one curb cut and replace it with a curb; the second curb cut would be used for exiting the property onto North Nash Street, with the possibility of being gated when the property is not in use.

After several property owners from the surrounding Nash Street District presented their opinions of St. Joseph's planned and present parking along Nash Street and University Drive, Mr. Frazier, speaking for the church, responded to the questions posed by the neighborhood. Mr. Frazier noted that the church doesn't plan to change the slope of the land, other than to divert water as necessary, also noting that adding soil above the roots of a tree is certain to kill the tree. Some of the complaints from the neighbors were about the existing paved lots, and this was the first that Mr. Frazier had heard of such issues. Mr. Frazier did offer that he will address the water runoff issues for the neighbors.

Mr. Frazier asked permission to address a question from Mr. Peter Melby, a resident on Nash Street. There had been a request to provide one tree for each ten parking spaces, since a single tree can absorb 200 to 400 gallons of water in a day. Mr. Frazer replied that the church planned to keep as many trees as possible and would have no problem in achieving the minimum of one-tree-per-ten parking spaces as addressed.

Commissioner Herring requested a better understanding of the use of what type of gravel or rock the church proposed to use. Mr. Frazer responded that he wants to use crushed rock, as it is easier to contain and doesn't run downhill. The crushed rock will be a permeable surface, unlike the asphalt that is not permeable.

Commissioner Emison closed the Public Hearing and offered the opportunity for Commissioners to discuss the issue at hand. Mr. Emison flagged the necessity for the Commissioners to make two findings before a rezoning can take place: Change in Land Use and Public Need. Mr. Emison offered that his knowledge of the situation was not sufficient for making these necessary findings. The argument for what the change at hand is, is fairly small, and the applicant was unable to tell the Commission in an organized way how many people attend various services, how many cars are there, and how many parking spaces are available now and how many are needed under different conditions. Mr. Emison also noted that if the Commission decides to move ahead with approval, the runoff issue will need to be resolved, the conditions need better documentation, and a proposal for the landscaping provision needs to be submitted.

City Attorney Latimer added that the burden of proof is on the applicant, and that the evidence should be clear and convincing.

Commissioner Brooks offered that he understood the applicant proposed between 37 and 45 parking spaces, and there are approximately 40 parking spaces available now, but these counts are only an estimate.

Commissioner Loveless also pointed out that people parking on University Drive and Nash Street may be parking there by choice rather than necessity or convenience. But doing so brings a safety issue because those parking there will be opening the driver side door into a moving traffic lane. As well, Mr. Loveless pointed out that two houses with rooftops are now gone, and their absence exposes more dirt for absorption of rain water, theoretically resulting in less runoff than before. As for now, dirt is exposed, but in the future, grass may be seeded or will grow in naturally and will offer the impediment needed to discourage runoff. The concerns of runoff from the paved lots are irrelative to the two lots being considered.

Commissioner Herring offered that the church owns these two lots and should be able to use them. But at the same time, the Historic District needs to be protected. Setting the lots back from the street and

having the landscaping look park-like would be satisfactory solutions for addressing the aesthetic concerns, and such restrictions seem logical.

Commissioner Emison asked the other Commissioners in each presented rezoning proposal to consider whether the findings presented are sufficient to grant each request. Mr. Emison also suggested that the church present a better proposal of their needs in addition to meeting with the members in the neighborhood to discuss options that will benefit all parties concerned.

Commissioner Ira Loveless made a motion to Table the matter and to ask the applicant to solidify the numbers, as well as address the drainage and safety issues that were mentioned. The motion was seconded by Commissioner Brooks, and the members in attendance voted unanimously to approve the motion to Table.

PLANNER'S REPORT

City Planner Buddy Sanders indicated that he had no material to present.

ADJOURNMENT

There being no further business to discuss, the Chairman made a motion, seconded by Commissioner Loveless, to adjourn the meeting at approximately 7:00 PM. The next regularly scheduled meeting will be Tuesday, August 13, 2013, at 5:30 PM in the City Hall Courtroom.



Jerry Emison, Chairman



Buddy Sanders
City Planner