

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF MARCH 11, 2014 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. Also attending were City Attorney Chris Latimer, City Planner Buddy Sanders, CAO Taylor Adams, City Engineer Edward Kemp, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated March 11, 2014. Upon the motion of Commissioner Murdock, which was seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as presented.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 14, 2014

Chair Emison called for consideration of approval of the January 14, 2014, minutes. Commissioner Herring moved to approve the minutes, seconded by Commissioner Moore, and the resulting vote for accepting the minutes was unanimous.

CITIZEN COMMENTS

Chair Emison asked if any member of the public cared to address the Commission regarding items not already on the Agenda, reminding them of the Public Hearing on the Agenda and that comments regarding proposed items would be called for at the appropriate time. Dr. Milo Burnham from Ward 2 came forward to ask the Planning & Zoning Commission to address the Board of Aldermen's unanimous reversal on February 18 of a unanimous recommendation made by the Planning & Zoning Commission. Commissioner Herring stated that the Commission serves as an advisory one; Commissioner Murdock responded that the P&Z Commission's decision was made after lengthy deliberation; and Chair Emison responded that, although he didn't vote that night, the Commission's action speaks for itself.

OLD BUSINESS

Chair Emison stated that RZ 13-08, which is currently listed as New Business, is actually Old Business, having been tabled back in July, and he called for a motion to lift RZ 13-08 from the

table. Commissioner Murdock moved to lift RZ 13-08 from the table, seconded by Commissioner Loveless, and the Commission voted unanimously to lift RZ 13-08 from the table.

**RZ 13-08: Request by the Catholic Diocese of Jackson
to rezone property located at or near 102 North Nash Street,
or Lots 16, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District**

Chair Emison asked the City Planner to introduce item RZ 13-08, a Public Hearing noticed by the City of Starkville to rezone property located at or near 102 North Nash Street, or Lots 6, 17, and 18 of Block 28, from R-1 Single Family to B-1 Buffer District.

City Planner Buddy Sanders presented the Applicant's request, stating that when a submission for the rezoning came before the Planning & Zoning Commission on July 24, 2013, neighbors in the Nash Street area expressed concern regarding storm water runoff and traffic issues that potentially could be created by the rezoning. Questions came up regarding the number of parking spaces, number of cars at church services/events, gravel, landscaping, and site design, so the request for a rezoning by the Catholic Diocese of Jackson was tabled until additional information could be provided. Mr. Sanders stated that in the interim, the applicant has submitted a site plan/landscape plan illustrating 29 parking spaces and the requisite landscaping. Additionally, the applicant submitted storm water documentation. Notice for this public hearing was given by mail to adjacent property owners within 300 feet of the subject parcels on February 24, 2014; a notification sign was placed on North Nash Street; and an ad was placed and published in the February 24, 2014, edition of the *Starkville Daily News*.

There are multiple zoning districts and uses adjacent to the subject properties. Saint Joseph Catholic Church is located to the east, in a T-5 zoning district. Located to the south are a convenience store, rental unit(s), and offices facing University Drive, which are also in a T-5 zoning district. To the west are multi- and single-family uses in T-5, C-2, and R-3 zones. The property to the north is owned by the applicant and contains a parking lot that was Approved by Exception in 1994 as R-1.

Mr. Sanders continued with a slide presentation, which depicted the proposed plan of use for the property. Chair Emison reminded the Commission that, although helpful to view renderings of plans for the land, the rezoning to be considered would be a land-use decision, not a site-plan approval, unless conditions are attached that make the presented material necessary. After the presentation, Mr. Sanders listed the criteria for rezoning:

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 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.

City Planner Sanders also described the Proposed Rezoning's Consistency with the Comprehensive Plan and detailed how, in particular, the rezoning would engender growth and the protection of Nash Street. He reported that the City Engineering Staff has reviewed the storm-water and site-plan information and has made the following comments:

- It is suggested that the driveway entering the street be approximately 10 to 15 feet of concrete apron to prevent the gravel from the parking lot from entering the public roadway.
- It is suggested to either have turnarounds at the end of each dead-end driveway or provide a north/south connector from each drive to allow for easier and safer exit in the instances where all the parking spaces on that aisle are full.
- Per the provided storm-water calculations, the post development runoff volume for the two- and 10-year storm events is less than or equal to the predevelopment runoff volumes for those same storm events. Historically, the inlets located on Nash Street have had issues with flooding during heavy rain events. These inlets drain the water from Nash Street roadway, as well as a large majority of the Catholic Church campus. It is suggested, if the Catholic Church is agreeable, to provide an additional inlet and corresponding pipe, which would be located on the Catholic Church property near the northwest corner of the site, that will collect and convey the water from the Catholic Church campus to the existing inlet and storm sewer instead of discharging this storm water into the roadway.

Mr. Sanders continued the presentation by stating the positive Economic Effects the rezoning would have on the subject property (no additional property taxes from a non-profit entity and creation of jobs from the construction), the 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), and the Public Need for the Rezoning (the construction of a parking lot would allow for additional off-street parking, creating a safer parking option).

Public input from notice consisted of two calls asking for additional information on the Public Hearing and one call voicing support of the Rezoning.

STAFF RECOMMENDATION:

At the conclusion of his presentation, Mr. Sanders stated that if the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-1 Single Family to B-1 Buffer, Staff recommends the following conditions:

1) North Nash Street traffic flow recommendations:

a.) Access to parking lot from North Nash Street should be right-turn in only;

-or-

b.) No access allowed from North Nash Street.

2) Existing trees should be preserved, and proper measures should be used during and after construction to protect existing trees.

3) If property is ever developed, current trees on the subject properties shall not be cut.

4) Storm water runoff should be addressed to the satisfaction of the City Engineer (see three bullet points on previous page).

Chair Emison asked City Attorney Latimer if item 4 would be specific enough to be actionable, and Mr. Latimer queried the City Engineer, who stated that more specific actionable conditions would be preferable. Mr. Latimer suggested using the wording in the Staff Report in the bullet points on page 4 (in these minutes on page three), which was agreed upon by the City Engineer.

Mr. Loveless suggested that condition number 3 would be too stringent to hold in perpetuity, and Commissioner Emison stated that although he agreed, amendments could be made to the conditions further along in the process.

Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant. Mr. Jeff Artigues gave a brief history of the presence of the Catholic Church in Starkville. Over the past decade, church membership has increased, and since numbers have continued to grow, available parking is necessary. The church has consulted an engineer and a design group, who averred that potential problems with runoff water can be avoided and that the green areas will be preserved. He went on to describe the proposed improvement in landscaping, as well as the current parking conditions, showing a need for more parking for the church's three masses on Sundays. A parking analysis was done, and the projection in 2009 based on 2 percent growth shows that in 2015, 163 spaces would be needed; the church currently has 139, so church growth has exceeded that growth projection. In addition, he presented photos of overflow parking in the neighborhood, as well as images of trees that will be preserved throughout the process. He addressed the concern about access to Nash Street and proposed that

limiting the access would not reduce the traffic on Nash Street, since drivers would turn on Nash regardless. He reminded the Commission that the traffic issue would occur only on Sundays.

After Mr. Artigues's presentation, Commission Chair Emison called for questions. City Attorney Latimer asked for and received clarification from Mr. Artigues that all his materials in his report were to be part of the public record. Mr. Emison asked if the conditions specified in the Staff Recommendations were acceptable to the church, and the Applicant agreed that they were generally acceptable.

Chair Emison opened the floor for citizen comments, and John Hamilton signed in to comment. Mr. Hamilton expressed concern over rain events and explained that water channels down the sidewalk onto his driveway and then onward to a low point, so he asked that the runoff issue would be addressed. Secondly, he asked if the church would allow parking in their lot on game days, which would make more traffic on days in addition to Sundays; efforts have been made to ameliorate game-day traffic on Nash Street, and he is concerned that a high-traffic situation on Nash Street will return as a result. Thirdly, he requested that the school bus be parked elsewhere besides on the street.

Following Mr. Hamilton's comments, Commissioner Herring asked for clarification regarding the runoff situation depicted in Mr. Hamilton's photos, whether they depicted the current situation, and if he thought the parking lot would make the situation worse. Mr. Hamilton agreed that from the engineer's report, the parking lot wouldn't make things worse. Commissioner Herring noted that even though the parking lot would not make the situation worse, Mr. Hamilton would like consideration for making the water runoff situation better through the process of building a parking lot.

The next citizen to comment was Mr. Boyle, who spoke of his appreciation for the careful effort taken to consider what was best for Nash Street, but his concern is that, should the request be taken to the Board of Aldermen for their approval, the conditions placed in the Staff Recommendation would not be maintained.

Next to address the Commission was Cindy Miller, of 112 North Nash, who spoke of her yard's drainage problems resulting from the Catholic Church's construction of the previous parking lot. Additionally, she is concerned about protecting the historic significance of the neighborhood and that she would be against any ingress or egress on Nash Street because of the street being used as a cut through and wondered if any effort would be made (e.g., an entry gate) to prevent cars from driving through the parking lot during non-church services. She also wanted verification that a rumored long-range plan for the gravel parking lot would be prevented in the future. She also proposed installing traffic calming devices as a solution.

Cindy Harris, a parishioner of St. Joseph Catholic Church, came forward to say that St. Joseph has been known as a good partner to the community and that the church's plans for landscaping would improve the current look of the neighborhood.

Mike Ryan, who owns the rental property across the street from St. Joseph and who is a parishioner of the church, addressed his concern regarding the wording in the condition attached to the Staff Recommendation that would prohibit trees being cut down for any reason. Mr. Ryan also stated that the proposed lot is not part of the historical district and shouldn't be treated as such. Regarding the water-runoff issue and traffic-flow issues, he argued that Nash Street isn't the only area affected by drainage problems and that it is the best route to 182; the drains are old, and the parking lot will not affect a traffic situation that is not likely to change. He said that St. Joseph's current landscaping is evidence of their concern for aesthetics, and they are in dire need of parking space.

After the citizen comments, Chair Emison closed the Public Hearing and opened the discussion for the Commissioners to deliberate on the matter of rezoning the property from R-1 to B-1. Commissioner Murdock expressed concern with rezoning the property to B-1, because it would open the door to many other uses, and a B-1 Buffer District is a designation intended more for urban sprawl areas. The evidence for the needed Change in Conditions criterion is not met in this case, because the changes have been more toward historic preservation, not urban sprawl. Additionally, the parking lot usage would need to be approved through Conditional Use, regardless, so perhaps another zoning designation would be more appropriate. He suggested that one solution would be to aggregate into one all the church property, which is currently zoned T-5; rezoning to a Transect District would not change the current plan, and worries would be alleviated about future use and preservation of the historic district. Commissioner Herring suggested that in order to move forward, the board could approve the B-1 rezoning and apply specific conditions to prevent unwanted outcomes.

After much discussion regarding the type of district designation that would be appropriate for the Change in Conditions and Public Need, Commissioner Loveless moved, and Commissioner Herring seconded, that the Planning & Zoning Commission grant the Rezoning Request from R-1 Single Family to B-1 Buffer, based on Change in Neighborhood, Change in Conditions, and Public Need for parking as demonstrated, subject to the following conditions:

- A. Existing trees should be preserved and proper measures should be used during and after construction.
- B. Storm-water runoff should be addressed to the satisfaction of the City Engineer as specified by the following three bullet points:
 - It is suggested that the driveway entering the street be approximately 10 to 15 feet of concrete apron to prevent the gravel from the parking lot from entering the public roadway.

- It is suggested to either have turnarounds at the end of each dead-end driveway or provide a north/south connector from each drive to allow for easier and safer exit in the instances where all the parking spaces on that aisle are full.
- Per the provided storm-water calculations, the post development runoff volume for the two- and 10-year storm events is less than or equal to the predevelopment runoff volumes for those same storm events. Historically, the inlets located on Nash Street have had issues with flooding during heavy rain events. These inlets drain the water from Nash Street roadway, as well as a large majority of the Catholic Church campus. It is suggested, if the Catholic Church is agreeable, to provide an additional inlet and corresponding pipe, which would be located on the Catholic Church property near the northwest corner of the site, that will collect and convey the water from the Catholic Church campus to the existing inlet and storm sewer instead of discharging this storm water into the roadway.

C. Items from the Staff Recommendation report, below, amended to replace “right-turn in only” in 1a with “from the north or the south”:

1) North Nash Street traffic flow recommendations:

a.) Access to parking lot from North Nash Street should be entry from the north or the south;

-or-

b.) No access allowed from North Nash Street.

2) Existing trees should be preserved, and proper measures should be used during and after construction to protect existing trees.

3) If property is ever developed, current trees on the subject properties shall not be cut.

4) Storm water runoff should be addressed to the satisfaction of the City Engineer.

D. Ingress/egress from the north or the south be allowed to a 12-foot drive at the southwest corner of lot.

E. The use be restricted to gravel parking lot or other similar church-related function.

F. The landscaping plan be implemented.

The motion carried by a vote of four Commissioners in favor and two Commissioners against.

RZ 14-02: “Cottages at Starkville Station”, LLC, Rezoning request of 4.03 acres located west of the Starkville Station RV Park or at the end of R.V. Way

City Planner Buddy Sanders presented the Rezoning Request by “Cottages at Starkville Station”, LLC. He stated that the Applicant is seeking to Rezone 4.03 acres from R-5 Multi-Family High Density to R-4A Single Family High Density to allow for the construction of a 22-lot garden home community. The subject property is located west of the Starkville Station R.V. Park, or at the end of R.V. Way.

A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The Applicant has applied for the subject property Rezoning for R-4A, to allow for a smaller lot width. The Applicant has also submitted a revised Preliminary Plat, to meet the requirements of an R-4A development and is on the Planning & Zoning Agenda for consideration.

Notification by mail to adjacent property owners within 300 feet of the subject parcels took place on February 20, 2014, and a notification sign was also placed at the end of R.V. Way. An ad was placed and published in the February 24, 2014, *Starkville Daily News*.

The earliest zoning map that Staff has available illustrates the subject properties being R-2 Single Family. The 1982 zoning map lists the subject properties as being zoned R-5, which is the current zoning district today.

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 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, reduce the need for cost of extension of services, and provide housing options.

Land Use Compatibility: An R-4A development would be compatible with adjacent uses in that the proposed Cottages at Starkville Station single family units would mix well with existing

single family residential areas to the north, and the density of the proposed Cottages at Starkville Station development would fit with the Polo Apartments to the south and the Bella Grove Condominiums to the west yet would be a medium density development, by having 5.46 units per acre. A medium density development is 4-8 units per acre; high density is 8-15 units per acre.

Changed Conditions: There has been significant change at the intersection on South Montgomery Street and Yellow Jacket Drive since 2007, with the multi-family/condo developments of Annabella and Belle Grove to the west. The Starkville Station R.V. Park to the west was rezoned from R-5 to C-2 in 2008.

Adequate Public Facilities: Water, sewer, and electrical lines are available.

Natural Environment: There are no known environmental issues. An R-4A development requires 20 percent of the proposed development to be open space. The Applicant is also proposing to have a bio-retention area as part of the development. Buffer yards would be required on the east, west, and south property lines. The applicant is encouraged to seek a waiver from the Tree Advisory Board for the buffer yard required along the north property line due to an underground gas transmission line.

Economic Effects: There would be an economic gain to the City of Starkville in the form of increased property tax revenue, sales tax revenue being spent at local merchants, and creation of jobs from temporary construction.

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. The Cottages at Starkville Station Preliminary Plat has been reviewed by the Development Review Committee.

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

STAFF RECOMMENDATION:

If the Planning & Zoning Commission decides to approve the Applicant's rezoning request from R-5 Multi-Family High Density to R-4A Single Family High Density, Staff recommends the following conditions:

- 1) The developer is to utilize bio-retention as a means of storm-water management with a plan to be submitted to and approved by the City Planner and Engineer during the Development Review process.
- 2) A Waiver is required from the Starkville Tree Advisory Board for the required north buffer yard.

3) Development is limited to 22 lots for single family homes.

After Mr. Sanders made his presentation, Chair Emison called for other questions and then opened up the Public Hearing to comments, first from the Applicant.

Mike Brent of Brent Engineering Service addressed the Commission, stating that after having come before the Commission in January when the lot width issue arose, he spoke with the owners, and they preferred not to lose four lots as would be required with an R-5 rezoning. A meeting with Mr. Sanders provided an alternative solution, and it was determined that an R-4A rezoning would be a suitable solution that would meet the needs of the owners, as well as meeting the infill need from the City.

Since there were no others coming forward to speak, the Public Hearing was closed and opened up to discussion among the Commissioners. Commissioner Herring agreed that an R-4A zoning would be an appropriate designation for the property. Commissioner Murdock queried whether the rezoning qualified under Change in Conditions, when historically the zones went from less intense to more intense, with this proposed change trending in the opposite direction.

After discussion among the Commissioners, Commissioner Herring moved to approve the rezoning to R-4A, based on the finding of Public Need and Change in Conditions and with the three conditions set forth in the Staff Recommendation. Commissioner Loveless seconded the motion, and the motion carried by a vote of five to one.

PP 14-01: “Cottages at Starkville Station”, LLC

Next there came before the Commission, presented by City Planner Buddy Sanders, a request by “Cottages at Starkville Station”, LLC, for a Preliminary Plat approval of a 22 lot subdivision west of the Starkville Station RV Park. Zoning for the property is R-5 (Multi-Family High-Density). A subdivision plat for the subject property was reviewed at the January 8, 2014, Planning & Zoning Commission meeting. Questions regarding the R-5 zoning district and lot width were discussed in the meeting, and the Preliminary Plat request was withdrawn by the applicant. The applicant has requested a Rezoning to R-4A to allow for a lot width less than 50 in width.

The Developmental Review Committee has reviewed the request twice and found 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, with a slight adjustment in the turning radius at the end of R.V. Way.

Three off-street parking spaces per lot are required of an R-4A development. In order to reduce the amount of impervious surface area, a pervious surface parking area, such as Grasscrete, should be used for at least the third parking space.

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.
- 4) Parking spaces are to be illustrated and surface type listed on the final plat. The third parking space per lot is to be pervious.
- 5) Rezoning approval to an R-4A Single Family High Density zoning district is required.

After the presentation by Mr. Sanders, the Commissioners discussed the wording of percentages of gross versus net in the setbacks. Commissioner Herring requested that, going forward, a table be available showing the exact method of calculation for the 20 percent. Mr. Brent agreed to show how the calculations were made when making the presentation before the Board of Aldermen if this Commission approves. Commissioner Murdock queried about the purpose of the recreational area around the outer edge, and Mr. Brent responded that it would be a common use, open space area. He went on to describe the usage of the detention areas with the goal of long, flat slopes so that during most times, the fact that the area is a detention area will not be obvious.

Commissioner Murdock asked Mr. Sanders why there is a requirement on a dead-end street for changing the width of the road from 24 to 33 feet, at great cost to the City, and the City Planner responded by saying that the increase is for compliance to City standards, which is required for a public right-of-way under R-4A. To amend this, a variance request would have to be approved. The requirement for three off-street parking spaces in a higher density area would also have to change through variance request, as well.

City Attorney Latimer advised that it is within the powers and duties of the Planning & Zoning Commission to prepare and propose regulations governing subdivision of land to change the ordinance, subject to approval of the Board of Aldermen.

After discussion among the Commissioners, Commissioner Hicks made a motion to recommend approval of the Preliminary Plat with the attached conditions recommended by Staff, which was seconded by Commissioner Moore, and the motion passed five to one to approve the Preliminary Plat.

PLANNER'S REPORT

Chair Emison then asked for Mr. Sanders to present the Planner's Report. Mr. Sanders reported that a courtesy letter was sent out to the occupants of the Research Park regarding the rezoning of the Research Park, and the rezoning request should come before this board in May.

Commissioner Herring asked about the second section in the Research Park and whether it would require a rezoning. Mr. Sanders responded that he has included those areas in the rezoning, and in his recent letters to the current occupants, he made them aware that the section is to be included in the rezoning.

Commissioner Hicks asked if research had been made into the restrictive covenants and made a recommendation that the Special Exception be looked at again so that a complete rezoning to allow a parking lot would not be necessary; Conditional Use seems too strong, but a Special Exception to be used on an extreme limited basis would be more appropriate.

Mr. Latimer reminded Staff that the St. Joseph Catholic Church should be made aware that the rezoning has to come back in the approval process as a Conditional Use. Commissioner Herring asked if the conditions placed on the parking lot rezoning would suffice instead of adding a Conditional Use, and Mr. Latimer responded by saying that since the parking lot is only allowed by condition in a B-1 zone and is a different legal test, a two-step process is necessary.

Before the close of the meeting, Chair Emison announced the news of his election to the College of Fellows of the American Institute of Certified Planners and was congratulated by the members of the Commission for this honor.

ADJOURNMENT

Commissioner Emison called for a motion to adjourn. Commissioner Murdock made the motion, seconded by Commissioner Hicks, and the Commission voted unanimously to adjourn the meeting at 8:08 PM. The next regularly scheduled meeting will be Tuesday, May 13, 2014, at 5:30 PM, in the City Hall Courtroom.

Jerry Emison, Chair

Buddy Sanders, City Planner