APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF JULY 8, 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 Vice Chair Dora Herring, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Dora Herring, James Hicks, Ira Loveless, Jim McReynolds, John Moore, and Jeremy Murdock. Also attending were City Attorney Chris Latimer, Community Development Director Buddy Sanders, City Planner Daniel Havelin, and Recording Secretary Bill Green.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated July 8, 2014. Vice Chair Herring recommended moving the approval of the minutes, as well as adding the election of a chair for this commission, to after item 8 and just before the Planner's Report. Upon the motion of Commissioner Murdock, which was seconded by Commissioner Loveless, the Commission voted unanimously to approve the written agenda as amended.

CITIZEN COMMENTS

Commissioner Herring asked if any member of the public cared to address the Commission regarding items not already on the Agenda. No citizens came forward.

NEW BUSINESS

A. CU 14-02: A Request for Conditional Use approval for allowing a mobile home on a lot currently zoned R-5. Lot is located at 317 Apple Street.

Commissioner Moore asked to be recused because he lives in the subject area, and he left the room for the duration of the discussion. Commissioner Herring asked the Community Development Director to introduce item CU 14-02, a Public Hearing noticed by the City of Starkville, to request Conditional Use approval to allow a mobile home on a lot currently zoned R-5, located at 317 Apple Street. Mr. Sanders explained that the purpose of the Applicant's request is to replace her previous home that was destroyed by fire on March 15, 2013.

After Mr. Sanders's presentation, the Applicant, Deborah Williams, was given the opportunity to present her request. Afterward, Commissioner Herring asked for others who would like to speak regarding this request. As no others came forward, the Public Hearing was closed, and the discussion was opened up to debate among the Commissioners.

Commissioner Herring was first to comment, stating that she personally viewed the lot and that although the area is zoned R-5, she saw only single-family homes and observed that the area fits more of the description of R-1 or R-2. She stated her concern that placing a trailer in a neighborhood of single-family homes would devalue the current neighboring properties and change the character of the neighborhood. She mentioned that in the past, the Charter Accounts did not allow mobile homes in the city limits of Starkville. When the Charter Accounts were revised, mobile homes were officially approved. Although she sympathized with the Applicant's need for a place to live, Commissioner Herring feared that, especially with this particular lot's proximity to downtown (two blocks away), allowing a trend where trailers could be placed in neighborhoods would have an adverse effect on other neighborhoods. Commissioner Murdock addressed the mechanical issue of a 70-foot trailer being moved on the narrow streets of that neighborhood and agreed with Commissioner Herring's statements.

City Attorney Latimer reminded the Commissioners that the legal test for conditional use is less stringent than the standard for an outright rezoning, and is outlined in this meeting's distributed Planner's Report.

After discussion about time limits and likelihood of not being able to enforce conditions, Commissioner Murdock stated that even though he is very sympathetic to the plight of the Applicant, the Commission's decisions on all matters should be made based on land use and that this is a difficult decision that could affect the City's future.

Commissioner Murdock made the motion to recommend denial of the request for Conditional Use approval for allowing a mobile home on a lot currently zoned R-5, based on the finding of fact that it does not meet the criteria for Conditional Use. The motion was seconded by Commissioner Brooks, and the Commission voted unanimously to deny the request of CU 14-02.

Attorney Latimer reminded the Applicant of her rights to appeal. After the vote, Commissioner Moore re-entered the meeting.

B. FP 14-05: Requesting for Final Plat approval for Huntington Subdivision Phase 8, Part 7. The request includes 8 lots totaling 2.17 acres located on the south side of Kingston Court. Property is currently zone R-4.

Commissioner Herring asked the Community Development Director to introduce item FP 14-05 for Jackson Construction, Inc.'s request for Final Plat approval for Huntington Subdivision Phase 8, Part 7. Mr. Sanders reported that the Applicant is seeking to plat eight lots on the south side of Kingston Court. Mr. Sanders recommended three conditions in his Staff Report to be met if the Commission approves the Final Plat:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for R-4 zoning dimensions.
3. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.

After some discussion regarding access and other questions regarding the land, Vice Chair Herring called for further questions, and there being none, Commissioner Murdock moved to recommend Final Plat approval for FP 14-05 contingent upon the three conditions recommended in the Staff Report. The motion was seconded by Commissioner Brooks, and the Commission voted unanimously to approve FP 14-05 contingent upon the three conditions recommended by Staff.

C. PP 14-06 and

D. FP 14-06: Requesting for Preliminary Plat approval for correction of improper subdivision. Subdivision is located on the north side of Butler Road. Property is currently zoned R-6.

Commissioner Herring asked the Community Development Director to introduce item PP 14-06, a request for Preliminary Plat approval to bring into compliance an improper subdivision, located on the north side of Butler Road, currently zoned R-6.

Mr. Sanders reminded the Commission that Helen Virgil purchased two acres from Luther and Allie Hunter on January 3, 2014. Unknown to both the Grantor and Grantee, a subdivided lot of under five acres requires the review of the Planning and Zoning Commission and approval by the Board of Aldermen. Therefore, Helen Virgil is seeking to bring the two-acre lot she purchased this year into compliance by asking for Preliminary and Final Plat approval so she can occupy a mobile home on the property as her residence.

To bring the property into compliance, an additional property of 1.2 acres is being purchased. This additional property will create a lot with a combined acreage of 3.2 and 50 linear feet of frontage along Butler Road. When the 1.2-acre parcel is created and transferred to Helen Virgil and a lot aggregation is completed, the 3.2-acre lot will be in compliance. Applicant will need to submit a site plan to Community Development, illustrating that a proposed mobile home meets setback and parking requirements.

After Mr. Sanders's presentation in which he recommended the condition of documentation from the Mississippi State Department of Health stating that a septic system can be installed on the subdivided property, City Attorney Latimer proposed adding to the Staff Report a second condition, which would be to require the purchase of the 1.2-acre parcel (parcel 2-A) and the aggregation of the two lots.

After discussion regarding the process of ownership for the lot that would give access to Butler Road and making sure these steps would bring the lot into compliance, Commissioner Murdock made a motion to recommend approval of PP 14-06, with the one condition stated in the Staff Report as well as the addition to the Staff Report recommended by Mr. Latimer (the purchase of the 1.2-acre parcel, 2-A, and the aggregation of the two lots). The motion was seconded by Commissioner Moore, and the Commission voted unanimously to recommend approval of PP 14-06.

Commissioner Murdock made a motion to recommend approval of FP 14-06, with the one condition stated in the Staff Report as well as the addition to the Staff Report recommended by

Mr. Latimer (the purchase of the 1.2-acre parcel, 2-A, and the aggregation of the two lots). The motion was seconded by Commissioner Brooks, and the Commission voted unanimously to recommend approval of FP 14-06.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 11, 2014

Vice Chair Herring called for consideration of approval of the March 11, 2014, minutes. Commissioner Moore moved to approve the March 11, 2014, minutes, which was seconded by Commissioner Murdock, and the resulting vote for accepting the minutes was unanimous.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF MAY 13, 2014

Vice Chair Herring called for consideration of approval of the May 13, 2014, minutes. Commissioner Moore moved to approve the May 13, 2014, minutes, which was seconded by Commissioner Loveless, and the resulting vote for accepting the minutes was unanimous.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 10, 2014

Vice Chair Herring called for consideration of approval of the June 10, 2014, minutes. Commissioner Murdock moved to approve the June 10, 2014, minutes, which was seconded by Commissioner Brooks, and the resulting vote for accepting the minutes as amended was unanimous.

ELECTION OF COMMISSION CHAIR

Vice Chair Herring asked for nominations for the position of Commission Chair and Vice Chair. Mr. Latimer stated that because of the 45-day time limit to fill the seat left vacant by Mr. Emison, the Board of Aldermen is required to make a recommendation by August 5. Within 30 days of the appointing of a Commissioner, the Chair should be elected, as well as a vice chair, to serve two-year terms.

Mr. Latimer also informed the Commission that according to the bylaws, the Commission Chair and Vice Chair shall have at least two years' experience on the Commission. Commissioner Murdock moved to table the election of Chair and Vice Chair until the August meeting, which was seconded by Commissioner Loveless, and the Commission voted unanimously to table the election.

PLANNER'S REPORT

Mr. Sanders welcomed City Planner Daniel Havelin and Commissioner McReynolds to the Planning & Zoning Commission, and they were both welcomed by the Commissioners.

ADJOURNMENT

Commissioner Murdock moved to adjourn the meeting at 6:39 PM, which was seconded by Commissioner Loveless, and the Commission voted unanimously to adjourn. The next regularly scheduled meeting will be Tuesday, August 11, 2014, at 5:30 PM, in the City Hall Courtroom.

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Dora Herring, Vice Chair

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Buddy Sanders, Community Development Director