

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF OCTOBER 14, 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 Chair Jeremy Murdock, and after the Pledge of Allegiance and a moment of silence, Recording Secretary Bill Green called roll. Present were Commissioners Michael Brooks, Dora Herring, Ira Loveless, Jim McReynolds, John Moore, Jeremy Murdock, and Tom Walker. Also attending were 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 October 14, 2014. Upon the motion of Commissioner Brooks, seconded by Commissioner Walker, the Commission voted unanimously to approve the written agenda.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 9, 2014

Chair Murdock called for consideration of approval of the September 9, 2014, minutes. Commissioner Murdock noted a couple of errors regarding Commissioners' names. James Hicks was no longer serving as Commissioner at the meeting of September 9, so his name was incorrectly included among the Commissioners, and *Jason* Walker should be changed to *Tom* Walker. Also, the term *sign ordinance* on the Planner's Report should be changed to *façade ordinance*. Commissioner Walker moved to approve the September 9, 2014, minutes, which was seconded by Commissioner Moore, and the resulting vote for approving the minutes was unanimous.

CITIZEN COMMENTS

Commissioner Murdock 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

Community Development Director Sanders reminded the Commissioners that in order for a change in zoning to take place, a petitioner must provide clear and convincing evidence of the need for change in zoning based on the following criteria: An error in mapping, a change in neighborhood, and public need.

RZ 14-05: Request for Rezoning from R-E to C-2 of Lots 32, 34, 37, and 39 of Plantation Homes Subdivision along North Jackson Street.

City Planner Havelin then presented the first item of new business, RZ 14-05, a Public Hearing noticed by the City of Starkville. The applicants, Jenny Garrard Sherman and Glenda Garrard Massey, are seeking to rezone vacant lots located on the west side of North Jackson Street between Woodlawn Road and Bridal Path, approximately +/-6.05 acre, from R-E Residential Estates to C-2 General Business. These parcels had previously been before the Planning and Zoning Board for a rezoning from R-E to C-2. That request was heard and denied at the December 2, 2009, hearing. Staff's earliest available zoning map (1960s-1970s map) illustrates the subject property as being R-1 Single Family. The 1982 zoning map lists the subject properties as being zoned R-E, which is the current zoning district.

Thirty-two property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the *Starkville Daily News* on September 21, 2014, and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call against this request. One email with a hardcopy of letter against was received along with a letter from the HOA against and a handwritten letter against.

At this time, Commissioner Murdock opened the Public Hearing and asked for the applicant to speak. Mr. John Moore, representing the owners, stated that there was an error in the previous rezoning request, in that Lot 40 had been included in the presentation, which is why his clients are re-requesting the zoning change. He also stated that the language regarding change in condition includes the word *changing* as well, and he went on to describe the zoning changes that have occurred directly across the street from two of the lots, as well as the introduction of the Cottages at Creekside within a half mile from the lots in question. In addition to the zoning changes, Mr. Moore reported on the designation of seven roads as major thoroughfares, with the property in question being within two miles of four of those thoroughfares, as well as proximity to designated connector streets, making the lots ideal for business. He also indicated that the current changes in neighborhood have not adversely affected property values. Based on changes in condition and consistency with the Comprehensive Plan, Mr. Moore made the request for the applicants.

After Mr. Moore's presentation, Commissioner Murdock asked if any others wished to speak, and reminded the Commissioners that the term *neighborhood* is not defined and that the Commissioners are to define the term on a case-to-case basis.

Charlotte Fuquay, president of the HOA for Plantation Acres, came forward to speak in opposition to the rezoning. She asked for those in the HOA present to stand to be recognized. She supports maintaining an R-E Zone because she feels there has not been enough significant change in the neighborhood to merit a zoning change. She went on to say how little conditions

have changed even among the area zoned as C-2, with the exception of Dollar General. Regarding public need for the neighborhood, Plantation Acres requires a quiet setting for young families and older residents, and the needs of the neighborhood haven't changed. From the fire station north, almost every single property is already zoned C-2. She raised concern about property values being affected and that homes are taking three years to sell. A property that recently came available for sale was rejected by a potential buyer after he was made aware of the potential for rezoning.

Robbie Coblenz, Pinks Dudley, Stephanie Ward, and Mary Grace Moore came forward to speak as members of the neighborhood in opposition to the rezoning. Their concern is that the rezoning would increase traffic and reduce home values. Their interpretation of the Comprehensive Plan maintains that it does not support this rezoning change and that it does support the protection of net quality of life in order to grow and progress in a sustained way with orderly planning, maintaining thirty feet of buffer zone.

Staff received a call from Montpelier Baptist Church to voice a recommendation that no alcohol sales be allowed on any future commercial property.

Mr. Moore spoke once more for the applicant to say that commercial growth next to major thoroughfares should be encouraged. Minutes from past meetings of the P&Z state that members of the Commission agreed that the lots in question would not be appropriate for single family homes.

With no others coming forward to speak, Chair Murdock closed the Public Hearing and opened the floor to discussion among Commissioners. Commissioner Walker asked how Lot 40 would be developed, and Mr. Moore responded that until the lot is rezoned as R-E, his goal is to sell the lots and let others develop it. Commissioner Walker is concerned about making a decision without knowing the land use. Commissioner Herring expressed a desire to discuss the requirements in the covenants in order to promote a win/win situation to protect the neighborhood and benefit the owners of the lots. After discussion among the Commissioners to place specific restrictions for future development, Commissioner Murdock recommended moving forward by making a finding regarding whether a change in condition has taken place.

Based on the finding of fact that a change in condition of the neighborhood had taken place, as well as there being a public need, Commissioner Walker moved to approve the rezoning from R-E to C-2 with conditions in addition to the two conditions attached to the Staff Report (numbers 1 & 2, below) and with a friendly amendment from Commissioner Herring (number 7, below):

1. If the property were to be rezoned C-2, a buffer yard would be required per Landscape Ordinance Section 8 buffer yard and screening of residential (low impact) and general commercial (high impact) uses;

2. Any future commercial development would require any parking and security lighting to be recessed and shielded away from residential areas;
3. Any entrances and exits will be restricted to Jackson Street (Hwy 389);
4. A six-foot privacy fence shall be constructed along the western side of the property along the 30-foot buffer yard setback;
5. Landscaping within the buffer yard shall consist of evergreen screening;
6. Development will be restricted to one-story edifices;
7. Any speakers or amplification systems over sixty decibels shall be directed to the front of the property.

Commissioner Brooks seconded the motion, and the Commission voted five to one to approve the motion, with Commissioner Loveless voting no.

Community Development Director Sanders reminded citizens that any party disagreeing with decisions made by the Planning & Zoning Commission has five days to submit a formal complaint to the Community Development Department.

RZ 14-06: Request for rezoning of several parcels located north of Hwy 182 and east of Hwy 25 from C-2, R-3, R-5, and R-E to M-1 for the creation of an industrial park to be known as Innovation District.

Before the City Planner presented the request for RZ 14-06, Commissioner Herring recused herself and exited the room.

City Planner Havelin then introduced item RZ 14-06, a Public Hearing noticed by the City of Starkville, to request rezoning of several parcels located north of Hwy 182 and east of Hwy 25 from C-2, R-3, R-5, and R-E to M-1 for the creation of an industrial park to be known as Innovation District. The applicant, Golden Triangle Development LINK on behalf of the City of Starkville, is seeking to rezone +/- 326 acres of undeveloped land to be used as an industrial park currently named Innovation District.

The earliest Staff zoning map (1960s-1970s map) available illustrates the subject properties as being zoned R-3 Multi-Family, R-E Residential Estate, T-P Trailer Park and/or out of city limits. The 1982 zoning map lists some of the subject properties as being zoned R-3 Multi-Family, R-E Residential Estate, R-5 Multi-Family and/or out of city limits. The 2000 Map lists some of the subject properties as being C-2 General Business, R-3 Multi-Family, R-5 Multi-Family, R-E Residential Estate, and B-1 Buffer District, which is also the current zoning.

Thirty-six property owners of record within 300 feet of the subject property were notified directly by mail of the request. A Public Hearing notice was published in the *Starkville Daily*

News on September 20, 2014, and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone call against this request.

REQUIRED CONDITIONS

1. If the property were to be rezoned M-1, a buffer yard would be required per Landscape Ordinance Section 8 buffer yard and screening of manufacturing from other uses;
2. All developable sites would need to comply with the current zoning requirements.

After Mr. Havelin's presentation, Chair Murdock opened the Public Hearing and asked for a representative of the applicant to speak. Chris Page, the attorney representing Golden Triangle Development LINK, came forward to describe the current uses of the property in question. He referenced the City's Comprehensive Plan, in which the City recognized the site as one for industrial growth. The Hwy 25 Bypass opened up the access for effecting this change in condition. Based on public need for industrial growth and the changes in condition, as well as the opportunity for creating jobs, Mr. Page requested a change in zoning.

Chair Murdock asked for citizen comments, and Louis Dawkins, John Tomlinson, Kay Shurden, and Troy Weaver came forward to voice opposition to the rezoning, requesting that their needs be considered. Rob Robinson expressed support but asked for noise, traffic, lighting issues to be addressed.

After no others came forward to speak and the applicant had nothing further to add, Chair Murdock closed the Public Hearing and opened the floor to discussion among the Commissioners. After discussion about the intent of the industrial park for ameliorating concerns of the neighboring residents, Commissioner Walker moved to approve the rezoning request of RZ 14-06, based on change in condition and public need for more manufacturing. Commissioner Brooks seconded the motion, and the Commission voted four to one in favor of approving the rezoning request, with Commissioner Loveless voting no.

Community Development Director Sanders reminded citizens that any party disagreeing with decisions made by the Planning & Zoning Commission has five days to submit a formal complaint to the Community Development Department.

RZ 14-07: Request for rezoning of a parcel located at 903½ Louisville Street from R-6 to R-5 to build an apartment complex. Property was formerly used as a mobile home park.

City Planner Havelin then introduced item RZ 14-06, a Public Hearing noticed by the City of Starkville, to request rezoning of a parcel located at 903½ Louisville Street from R-6 to R-5 to build an apartment complex. The applicant, Clay Weeks of CAW Properties, is seeking to Rezone a +/- 4.06 acre parcel formerly used as a mobile home park to allow for the construction

of multi-family apartment buildings. The parcel is located directly south of Starkville High School, accessed from an easement to the west connecting to Louisville Street.

The earliest Staff zoning map (1960s-1970s map) available illustrates the subject property as being T-P Trailer Park to R-5 Multi-Family, High-Density. The 1982 zoning map lists the subject properties as being zoned R-6, which is the current zoning district.

Ten property owners of record within 300 feet of the subject property were notified directly by mail of the request. A Public Hearing notice was published in the *Starkville Daily News* on September 29, 2014, and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone call against this request.

REQUIRED CONDITIONS

1. If the property were to be rezoned R-5, a buffer yard would be required per Landscape Ordinance Section 8 buffer yard and screening of high density residential and neighborhood commercial uses;
2. Access to drainage ditch by means of a gate for city services to maintain drainage ditch.

After the presentation from Mr. Havelin, Chair Murdock opened the Public Hearing, first to hear from the applicant, Clay Weeks, who stated his desire to upgrade the property and have a newer, cleaner product on the land.

With no others coming forward to speak, Chair Murdock closed the Public Hearing and opened the floor to discussion among Commissioners. Based on the blighted neighborhood and the area's character deterioration qualifying as change in condition, Commissioner McReynolds moved to accept the request to rezone RZ-1407 with the two conditions presented in the Staff Report, which was seconded by Commissioner Brooks, and with a friendly amendment by Commissioner Moore to add a buffer yard of thirty feet on the north side to create an aesthetic for the school, the Commission voted unanimously to approve RZ-1407.

Community Development Director Sanders reminded citizens that any party disagreeing with decisions made by the Planning & Zoning Commission has five days to submit a formal complaint to the Community Development Department.

PLANNER'S REPORT

Mr. Sanders updated the Commission on the status of the new Comprehensive Plan. Three proposals have been submitted for a qualification packet, and the City is in the process of selecting a committee to review the qualifications for each firm presenting.

ADJOURNMENT

The meeting was adjourned at 8:12 PM. The next regularly scheduled meeting will be Tuesday, November 11, 2014, at 5:30 PM, in the City Hall Courtroom.



Jeremy Murdock, Chair



Buddy Sanders, Community Development Director