OFFICIAL AGENDA

PLANNING & ZONING COMMISSION

CITY OF STARKVILLE, MISSISSIPPI

MEETING OF TUESDAY, SEPTEMBER 8, 2015

CITY HALL - COURT ROOM,

101 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

VI. NEW BUSINESS

A. CU 15-10 Request for Conditional Use to build residential units on commercially zoned parcels at 210 and 208 Reed Road with parcel numbers 118N-00-086.00 and 118N-00-087.00

b. EX 15-04 Request for Use by Exception to allow an outdoor dining area to be used as the front building plane to meet setback requirements at 702 University Drive with parcel number 101D-00-144.00

C. RZ 15-05 Request for rezoning of several parcels located on the north side of University Drive between Camp Avenue and Rue Du Grand Fromage with parcel numbers 101C-00-002.00, 101C-00-001.00, 1010-00-001.00, 1010-00-002.00, 1010-00-003.00, and 1010-00-004.00

D. PP 15-13 Request for Preliminary Plat approval for Subdividing one lot into five lots at the southwest corner of the intersection of Garrard Road and Hwy 12 East with the parcel number 117F-00-002.00

VII. PLANNER REPORT

VIII. 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: Daniel Havelin, City Planner (662-323-2525 ext. 136)

CC: Larry Fair, Applicant/Owner

SUBJECT: CU 15-10 Request for Conditional Use to build residential units on commercially zoned parcels at 210 and 208 Reed Road with parcel numbers 118N-00-086.00 and 118N-00-087.00

DATE: September 8, 2015

The purpose of this report is to provide information regarding the request by Larry Fair for a Conditional Use to add additional rental houses to the existing two rental houses at 210 and 208 Reed Road in a C-2 General Business zone. Please see attachments 1-7.

BACKGROUND INFORMATION

Mr. Fair current owns both lots at 210 and 208 Reed Road. Currently there is one house on each lot. Both lots are zoned C-2 General Business. Mr. Fair is request the Conditional use to add three additional rental units to the rear of the property. According to the Permitted and Conditional Use Chart, dwelling units are required to have a Conditional Use permit in a C-2 zone.

Scale and intensity of use.

A site plan has not be submitted to the City staff at this time. However, Mr. Fair has indicated the proposed buildings would be of similar size to the existing buildings. The existing buildings are less than 1,000 sqft each.

On- or off-site improvement needs.

There are no off-site improvements being proposed

On-site amenities proposed to enhance the site.

No amenities are being proposed by the applicant for the site.

Site issues.

There are no known site issues regarding the intended use of the site.

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	C2	Single Family Residential
East	C2	Retail (Dollar General)
South	C2	Single Family Residential
West	C2	Undeveloped

10 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 August 17, 2015 and a placard was posted on the property. As of this date, the Planning Office has received one phone call on August 25th and one letter against this request (see attachment 9).

ANALYSIS

Appendix A, Article VI, Section I of the City's Code of Ordinances provides five specific criteria for conditional use review and approval:

Land use compatibility.

The property is currently used as residential.

Sufficient site size and adequate site specifications to accommodate the proposed use.

The site is adequately sized to accommodate the proposed buildings.

Proper use of mitigative techniques.

None proposed

Hazardous waste.

No hazardous wastes or materials would be generated, used or stored at the site.

Compliance with applicable laws and ordinances.

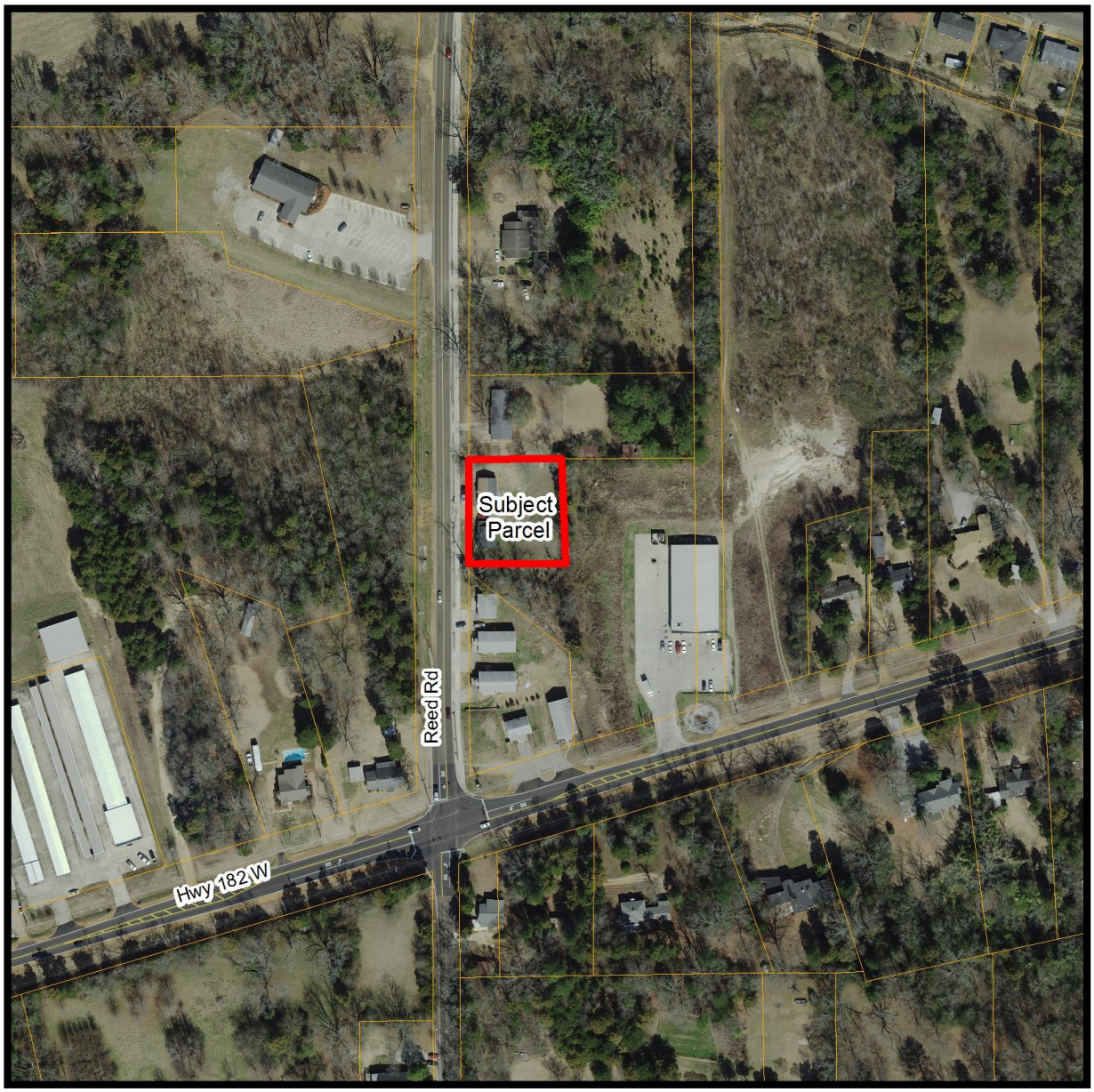
The proposed structures will be require to meet all current building codes.

REQUESTED CONDITIONS

1. The lots will be aggregated into one lot and filed with the county prior to issuance of any building permits.
2. Additional parking for existing buildings to be provided for in the rear of existing buildings.

Attachment 1

CU 15-10 Aerial



NORTH

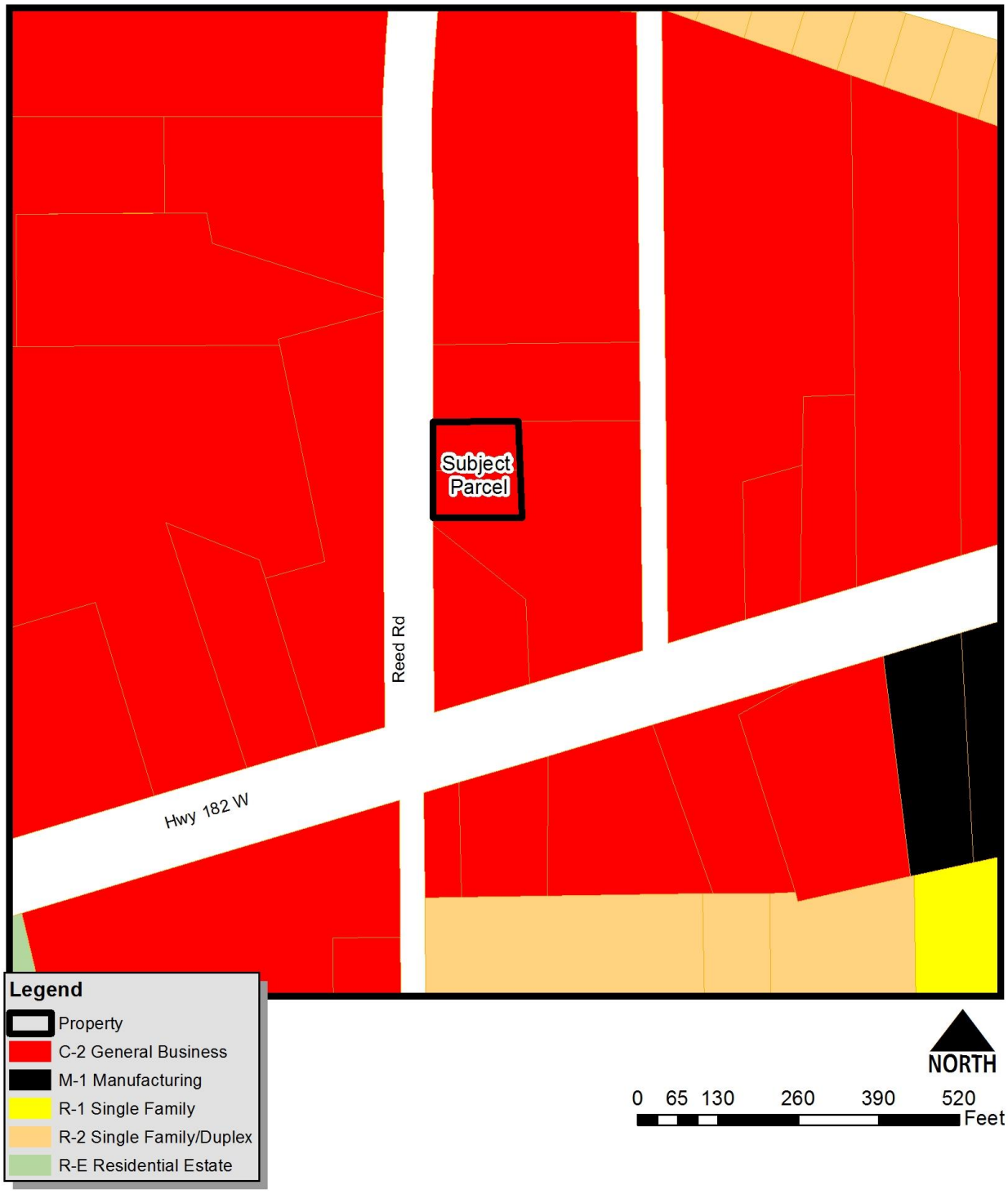
0 65 130 260 390 520 Feet

Legend

Property

Attachment 2

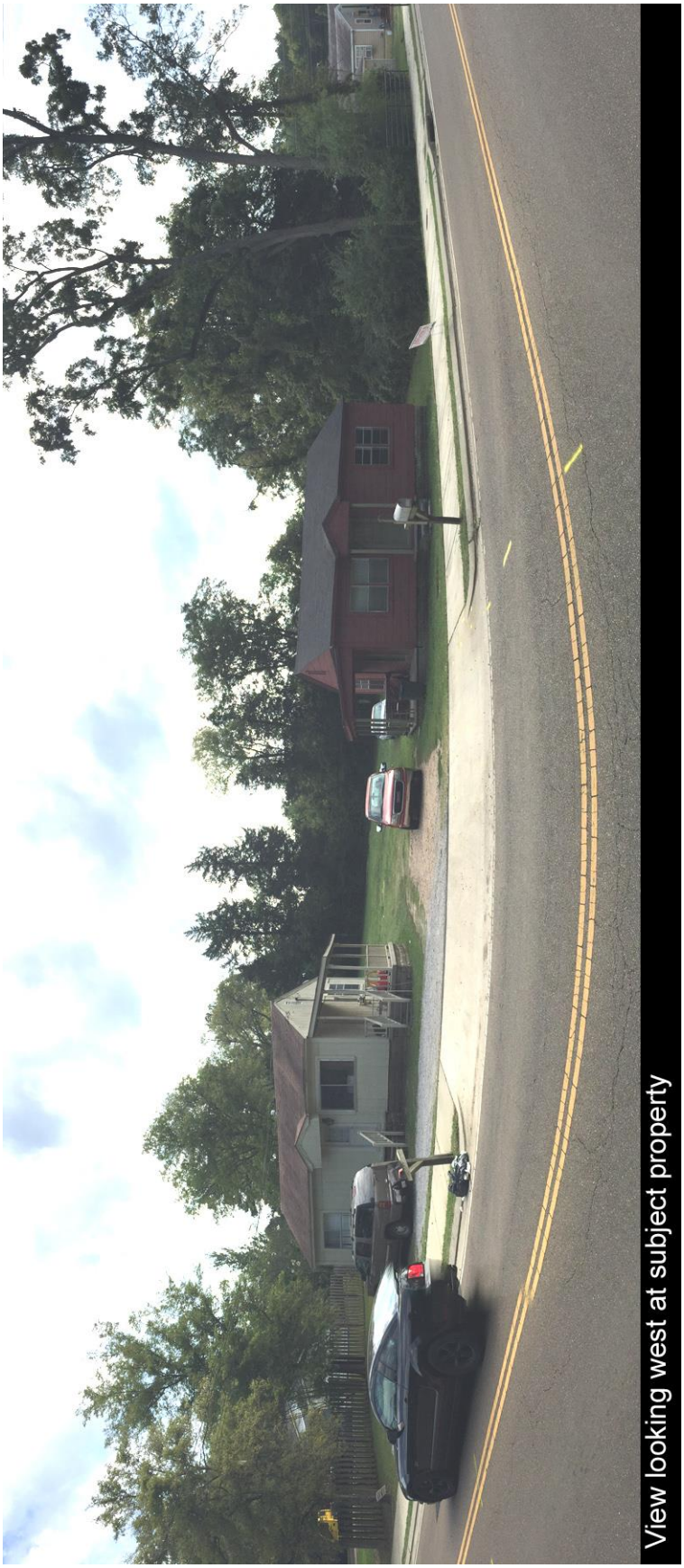
CU 15-10 Zoning



Attachment 3

Birdeye view looking west at the subject property

Attachment 4



View looking west at subject property

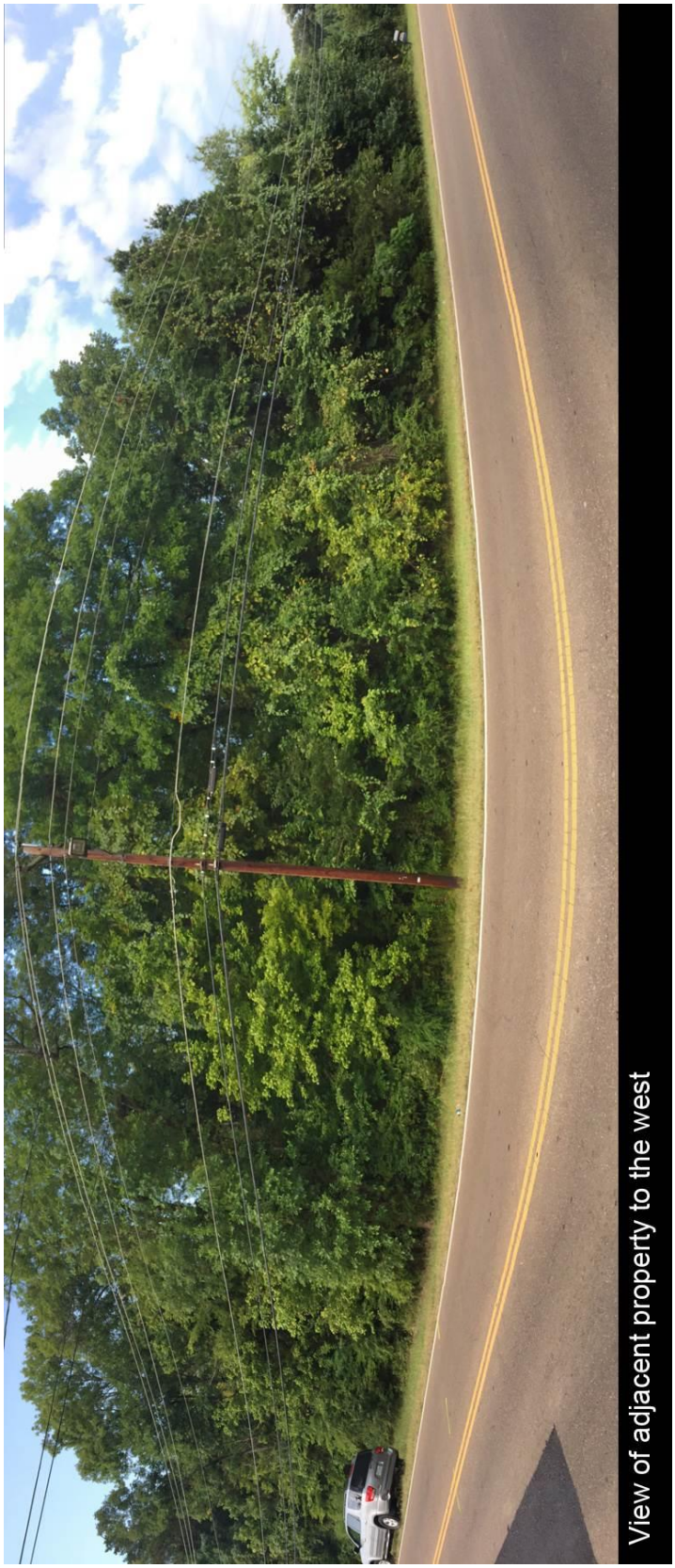
Attachment 5

View of adjacent property to the south

Attachment 6

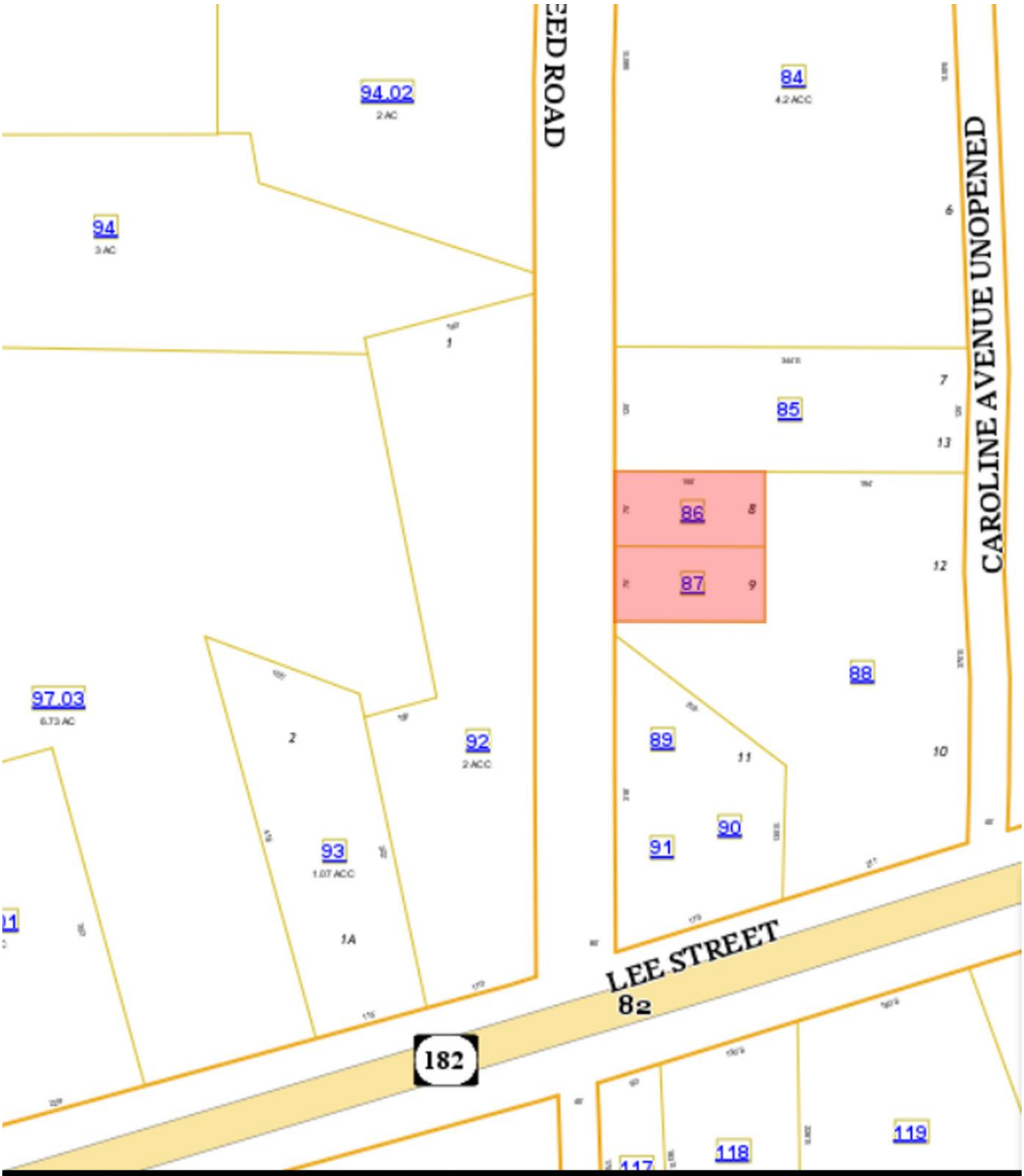
View of adjacent property to the north

Attachment 7



View of adjacent property to the west

Attachment 8



Subject properties are highlighted in red

Attachment 9

600 Dr. MLK Drive W
Starkville, Ms. 39759
August 25, 2015

Mr. Daniel Havelin
City Planner
101 E Lampkin St.
Starkville, Ms. 39759

Dear Mr. Havelin:

I am writing this letter to inform you I am against changing the zoning code on the property located at 208 and 210 Reed Road from C-2 to enable more residential properties to be constructed on this property.

This area is filled with HUD properties at this time and the residents cause many problems including barking dogs, loud radios, arguments among themselves and others. Adding more houses will only cause more problems in this area.

Several years ago a realtor had a potential buyer for my property and he wanted to build quality apartments, but was prevented due to zoning being C2. He went to the zoning board on my behalf as I didn't live here and was turned down without being given a reason. If the Reed Road property zoning is changed maybe you will change my zoning, also. What is fair for one is fair for another.

My parcel number is: 118N-00-092.00.

Thank you for contacting me about this matter.

Sincerely,
Ellen W. Kendall
Ellen W. Kendall

HISTORIC STARKVILLE
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CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission

FROM: Daniel Havelin, City Planner (662-323-2525 ext. 136)

CC: Robin Fant, Applicant/Owner

SUBJECT: EX 15-01 Request for Use by Exception to allow an outdoor dining area to be used as the front building plane to meet setback requirements at 702 University Drive with parcel number 101D-00-144.00.

DATE: September 8, 2015

The purpose of this report is to provide information regarding the request by Robin Fant for a Use by Exception to allow the proposed outdoor dining area of a proposed renovation to be used as the front plane of the building for the purpose of determining the setback requirements at 702 University for a parcel located within a T-5 District. Please see attachments 1-6.

BACKGROUND INFORMATION

The applicant is in the planning stages for a major renovation and conversion of the current Sweet Peppers Deli (formerly known as Bulldog Deli) to Bulldog Burger Company restaurant. As part of the renovation plans, the front addition to the building added 1996, will be removed. An outdoor dining area with a wall will be constructed in its place. Due to the placement of the original structure, scheduled to remain, the front wall of the building will be outside the maximum setback for a T-5 District (15ft max). The request by the applicant is to consider the wall for the outdoor dining area as the front plane of the building for the purpose of calculating the setback requirements. As part of this renovation, the existing parking in front of the building, which is not allowed in the first or second layer of a T-5 District lot, will be removed.

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts

1.5 EXCEPTION AND VARIANCE

(a) There are two types of permitted deviations from the requirements of this Section:

i. Exception

a. Requests for Exception shall only be permitted as specifically indicated in this Section.

b. To apply for an Exception, the applicant shall provide the following:

i. The specific Exception(s) requested including citation from this Section and why the Exception is being sought.

ii. Maps, text, drawings and/or statistical data related to the requested Exception(s).

c. No Exception shall be approved unless the Planning and Zoning Commission finds the approval would:

i. Be consistent with § 1.2 Intent and 1.3 Transect Districts of this Section,

ii. and be consistent with the goals, objectives and policies of the City of Starkville's Comprehensive Plan.

d. Any decision regarding an approval or denial of an Exception shall state, in writing, the reasons for the approval or denial.

e. If the Planning and Zoning Commission denies any requested Exception, the applicant may appeal the decision to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall review the application de novo.

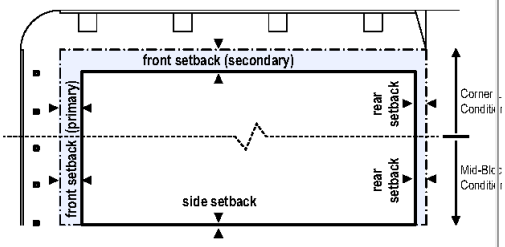
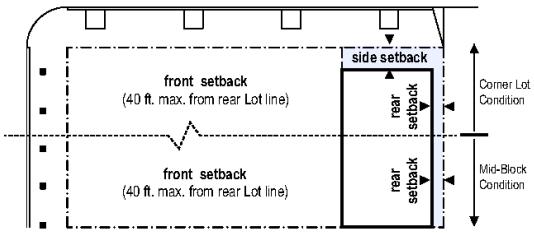
ii. Dimensional Variance

a. A Dimensional Variance shall be processed pursuant to Chapter 2 - Administration, Article VI - Board of Adjustments & Appeals, Section 2 - 176 Variances and the Board of Adjustments & Appeals of the City of Starkville's Code of Ordinances.

(b) Exceptions shall be advertised and noticed in the same fashion as conditional uses in the City's Code of Ordinances in accordance with Appendix A, Article VI, Section 1.

APPENDIX A – ZONING, ARTICLE VII. – DISTRICT REGULATIONS, Sec. T. – Transect districts § 4 - SPECIFIC TO T5 DISTRICTS.

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	2 ft. min. 15 ft. max.	40 ft. max. from rear
Front Setback (Secondary)	2 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min. 24 ft. max.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.

Illustration		

Scale and intensity of use.
Proposed sign does not change the scale and intensity of use

On- or off-site improvement needs.
There are no off-site improvements being proposed as part of this request

On-site amenities proposed to enhance the site.
No other enhancements are being proposed as part of this request

Site issues.
There are no known site issues regarding the intended use of the site.

The table below provides the zoning and land uses adjacent to the subject property:

Direction	Zoning	Current Use
North	T5	Commercial (Current under consideration for rezoning to T6)
East	T5	Mixed Use
South	T5	Residential
West	T6	Mixed Use

21 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 August 24th 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 calls against this request.

Attachment 1

EX 15-04 Aerial

NORTH

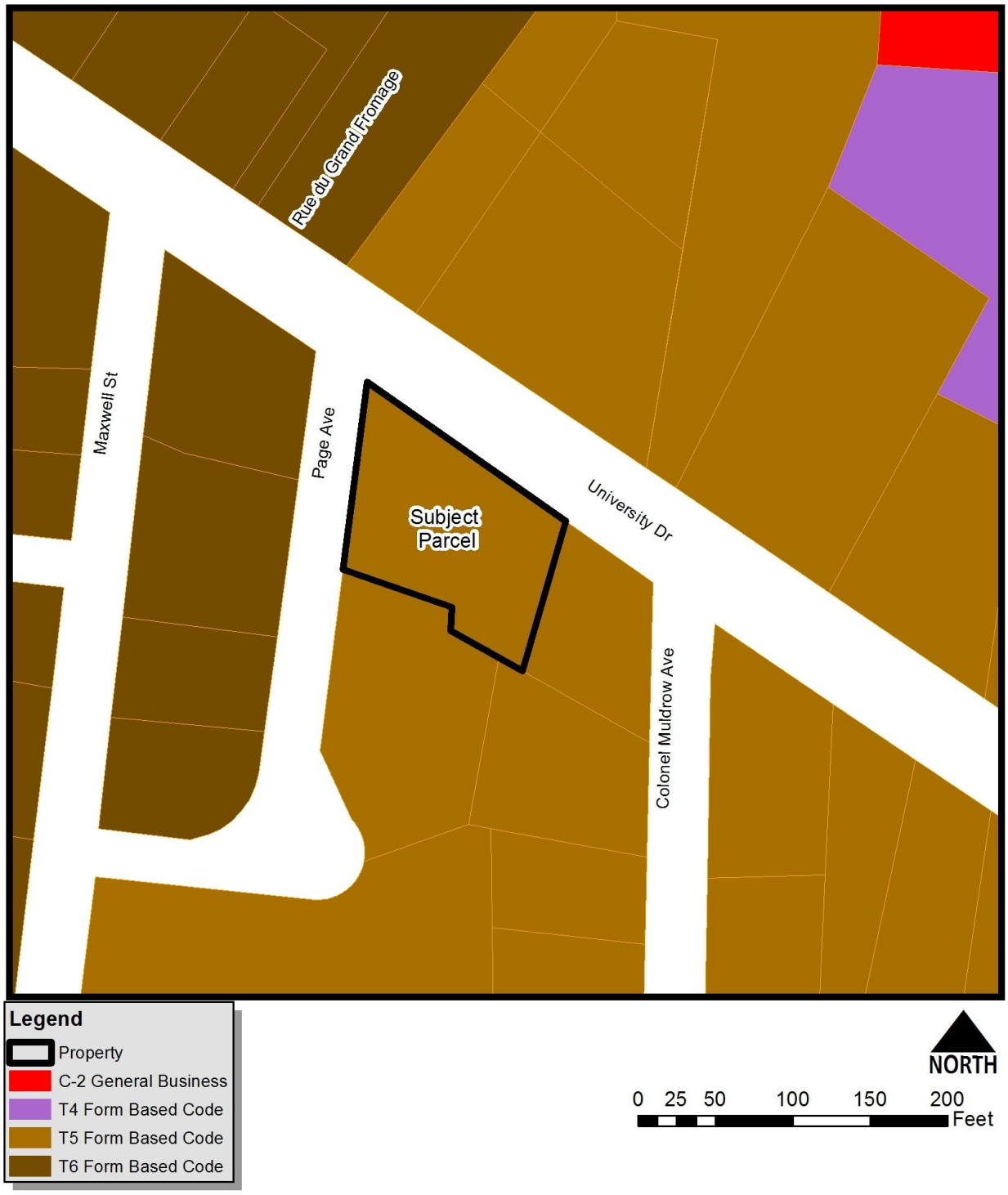
0 25 50 100 150 200 Feet

Legend

Property

Attachment 2

EX 15-04 Zoning



Attachment 3

View looking south at subject property

Attachment 4

View looking north at adjacent property

Attachment 5

View looking west at adjacent property

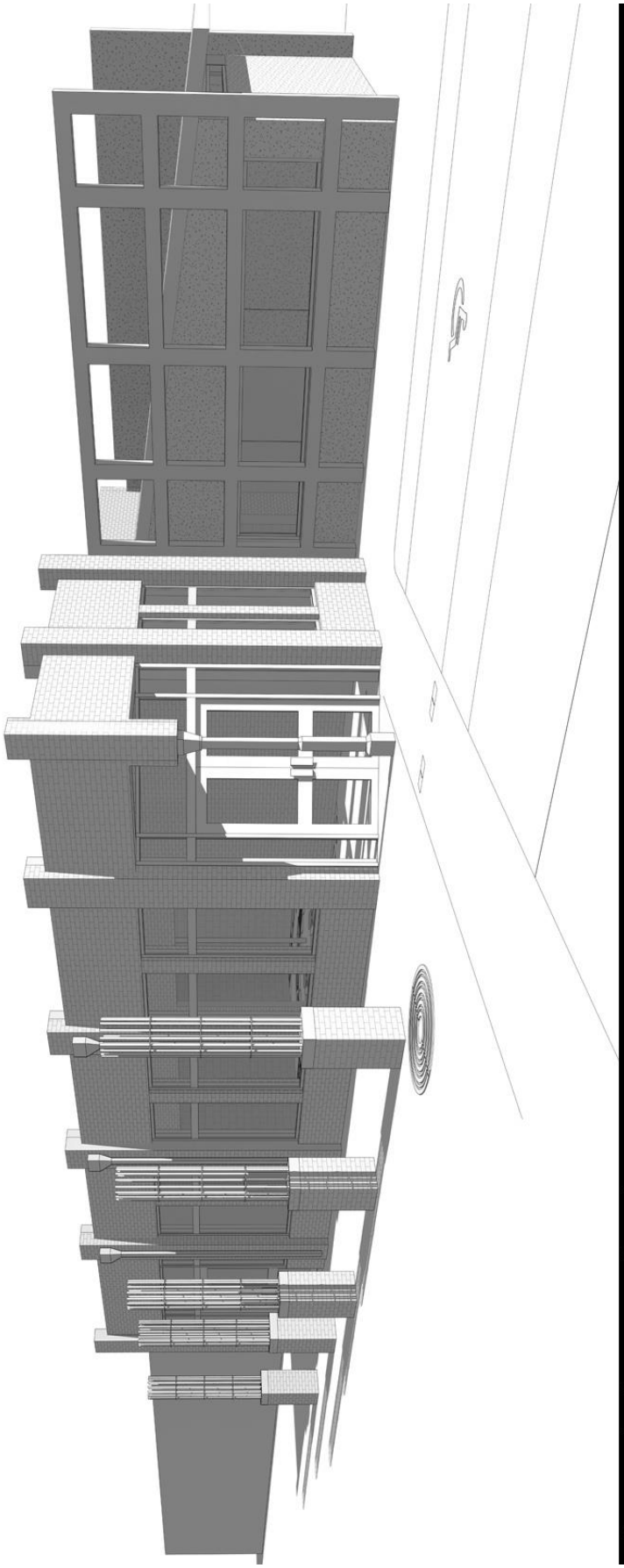
Attachment 6

View looking east at adjacent property

Attachment 7

Conceptual Site Plan

Attachment 8



Conceptual perspective view

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STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Planning & Zoning Commission

FROM: Daniel Havelin, City Planner (662-323-2525 ext. 136)

CC: Christopher Kritzman/ Capital Growth Properties, Applicant

SUBJECT: RZ 15-05 Request for rezoning of several parcels located on the north side of University Drive between Camp Avenue and Rue Du Grand Fromage with parcel numbers 101C-00-002.00, 101C-00-001.00, 1010-00-001.00, 1010-00-002.00, 1010-00-003.00, and 1010-00-004.00

DATE: SEPTEMBER 8, 2015

The purpose of this report is to provide information regarding the request by Christopher Kritzman/ Capital Growth Properties on behalf of HBC III, LLC, BSquare, LLC, and Mary Ann & Hall D. Fuller to rezone a total of six properties from C-2/T5/T4 to T6. The six parcel total +/- 7.58 acres. The parcels are located on the north side of University Drive between Camp Avenue and Rue Du Grand Fromage. Please see attachments 1-7.

BACKGROUND INFORMATION

The properties are currently under contract and plans for development are being made. In order to achieve the density with the mix of retail and residential, the applicant is request to rezone all the properties to T6.

Zoning Change Subject Properties					
Properties	1960s-1970s Map	1982-1991 Map	2000 Map	Current Map	Owner
101C-00-002.00	R-2A	C-2	C-2	C-2	HBC III
101C-00-001.00	C-2	C-2	C-2	T-4	BSquare
1010-00-001.00	C-2	C-2	C-2	T-5	Fuller
1010-00-002.00	C-2	C-2	C-2	T-5	Fuller
1010-00-003.00	C-2	C-2	C-2	T-5	Fuller
1010-00-004.00	C-2	C-2	C-2	T-5	Fuller
Zoning Change Adjacent Properties					
Properties	1960s-1970s Map	1982-1991 Map	2000 Map	Current Map	
North	R-2A	R-3	R-1	T5	
East	C-2	C-2	R-1	T5/C-2	
South	C-2	C-2	C-2	C-2	
West	C-2/R-2A	C-2	R-1	T5/C-2	

Zoning and land uses adjacent to the subject property		
Direction	Zoning	Current Use
North	T4	Vacant
East	T4	Vacant
South	T5	Commercial/Residential
West	T5/R1	Commercial/Residential

NOTIFICATION

27 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 August 21st 2015 (a correction appeared in the September 3rd edition of Starkville Daily News correcting the rezoning request from T5 to T6) 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. Two phone calls with request for information were received.

REZONING REQUEST

The subject rezoning requests are from C-2 Business, T4 District and T5 District to a T6 District. Differences between zones are:

Current Zoning District

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.
5. Maximum height of building or structures: 45 feet.

6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.
8. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.
    a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.
    b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.
    c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
9. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

(Ord. No. 2014-4, 9-16-14)

§ 3 - SPECIFIC TO T4 DISTRICTS

Lots located within the T4 District shall be subject to the requirements of this section.

6.1 LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 96 feet, measured at the Frontage Line.

6.2 LOT OCCUPATION

(a) For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.

(b) Primary Buildings may be positioned within the boundaries of a Lot to create an Edgeyard, Sideyard, or Rearyard. (see Table 3)

(c) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 9.

(d) Lot coverage by Buildings and impermeable surfaces shall be a maximum of 70% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 60% at the Setback.

6.3 BUILDING FORM

(a) The Principal Entrance of any Secondary Building shall be oriented toward a Frontage Line, Driveway or the Facade of an Outbuilding.

(b) The maximum height of a Primary Building shall be two (2) stories as specified on Table 3 and Table 9.

(c) The maximum height of a Secondary Building shall be two (2) stories as specified on Table 3 and Table 9.

(d) The maximum height of an Outbuilding shall be two (2) stories as specified on Table 3 and Table 9.

(e) Open porches, balconies, and bay windows may Encroach the first Lot Layer 50% of its depth.

(f) Reserved.

(g) Stoops, Lightwells, and Terraces may Encroach the first Lot Layer 100% of its depth.

6.4 BUILDING USE

(a) Buildings may combine up to two (2) Uses listed on Table 5.

(b) The number of dwelling units on each Lot shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7).

(c) The work quarters of Home Businesses shall be not be visible from the Public Frontage.

(d) Lodging Uses shall be owner occupied.

(e) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), up to twelve (12) bedrooms max and in addition to any parking requirement for any other Use.

(f) The building area available for Office Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to the parking requirement for any other Use.

(g) The building area available for Retail Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to the parking requirement for any other Use.

6.5 PARKING

(a) Driveways shall be no wider than 10 feet in the first Lot Layer.

(b) All parking areas and garages shall be located at the third Lot Layer as illustrated on Table 11.

6.6 LANDSCAPE

(a) The first Lot Layer may not be paved, with the exception of Driveways as specified in § 3.5(a).

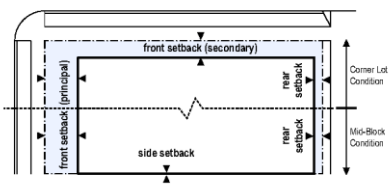
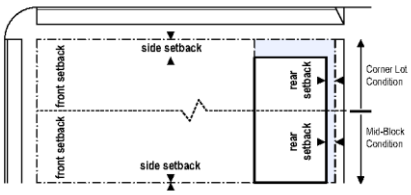
6.7 SIGNAGE

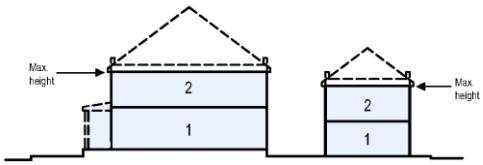
(a) Address, Awning, Blade, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Band Signs shall be permitted by Exception.

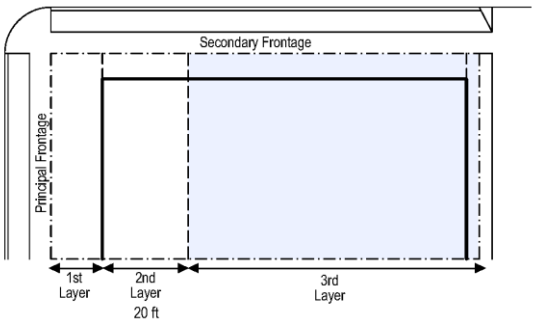
(c) Permitted signage types shall conform to the specifications of Table 8.

(d) Signage shall be externally illuminated, except that Window Signs may be neon lit.

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	6 ft. min. 18 ft. max.	20 ft. min. + setback
Front Setback (Secondary)	6 ft. min. 18 ft. max.	n/a
Side Setback	0 ft. min.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	2 stories	2 stories
Illustration		

PARKING PLACEMENT
1. Uncovered parking spaces may be provided within the third Layer.
2. Covered parking shall be provided within the third Layer.
3. Trash containers shall be stored within the third Layer.



Sec. T. - § 4 - SPECIFIC TO T5 DISTRICTS.

Lots located within the T5 District shall be subject to the requirements of this section.

7.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

7.2 - LOT OCCUPATION

(a) For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 12.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Sideyard, Rearyard, or Courtyard. (see Table 3)

(d) Lot coverage by buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

7.3 - BUILDING FORM

(a) The Principal Entrance of any Secondary Building shall be oriented toward a Frontage Line, Driveway or the Facade of an Outbuilding.

(b) The maximum height of a Primary Building shall be four (4) stories as specified on Table 3 and on Table 12.

(c) The maximum height of a Secondary Building shall be four (4) stories as specified on Table 3 and on Table 12.

(d) The maximum height of an Outbuilding shall be two (2) stories as specified on Table 3 and on Table 12.

(e) Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.

(f) Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.

(g) A first Story Residential or Lodging Use shall be raised a minimum of three (3) feet from the average grade of the Walkway.

(h) Loading docks and service areas shall be permitted on Frontages by Exception.

(i) In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.

(j) Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

(k) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

7.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 5.

(b) The number of dwelling units on each Lot shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7).

(c) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

(d) The building area available for Office Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use.

(e) The building area available for Retail Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use.

(f) Retail Uses under 1,500 square feet shall be exempt from parking requirements.

7.5 - PARKING LOCATION

(a) All parking lots, garages and Parking Structures shall be located at the third Lot Layer as illustrated on Table 14.

(b) Vehicular entrances to parking lots, garages and Parking Structures shall be no wider than twenty-four (24) feet at the Frontage.

(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

7.6 - LANDSCAPE

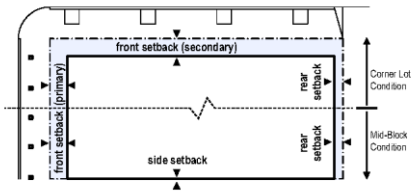
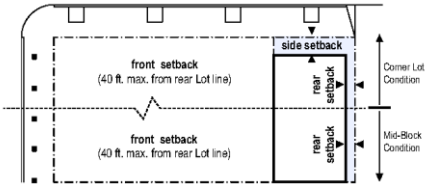
(a) The first Lot Layer may be paved.

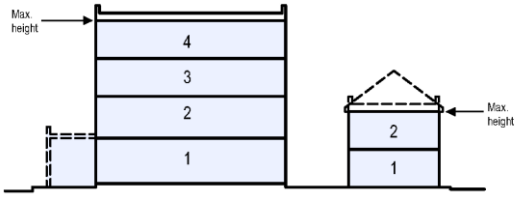
7.7 - SIGNAGE

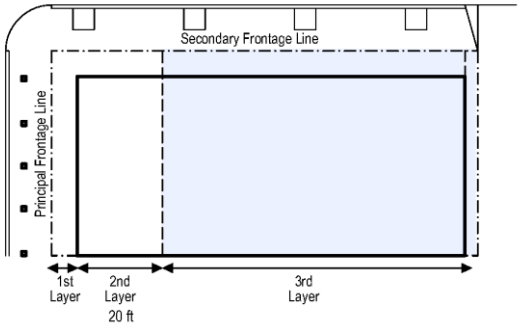
(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	2 ft. min. 15 ft. max.	40 ft. max. from rear
Front Setback (Secondary)	2 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min. 24 ft. max.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	4 stories	2 stories
Illustration		

PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third layer. 2. Covered parking shall be provided within the third layer. 3. Trash containers shall be stored within the third Layer.	

Proposed Zoning District
§ 5. - SPECIFIC TO T6 DISTRICTS.

Lots located within the T6 District shall be subject to the requirements of this section.

8.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

8.2 - LOT OCCUPATION

(a) One (1) Primary Building may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 15.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Rearyard or Courtyard. (see Table 3)

(d) Lot coverage by Buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

8.3 - BUILDING FORM

(a) The maximum height of a Primary building shall be five (5) Stories. (see Table 3 and on Table 15)

(b) Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.

(c) Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.

(d) A first Story Residential or Lodging Function shall be raised a minimum of three (3) feet from the average grade of the Walkway.

(e) Loading docks and service areas shall be permitted on Frontages by Exception.

(f) In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.

(g) Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

(h) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

(i) The Principal Entrance to a building shall be oriented toward the Frontage Line. Buildings on corner Lots may orient the Principal Entrance at a forty-five degree (45º) angle to the intersection of the Primary and Secondary Frontage Lines.

8.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 6.

(b) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

8.5 - PARKING

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(b) Vehicular entrances to parking lots, garages and Parking Structures shall be no wider than twenty-four (24) feet at the Frontage.

(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

8.6 - LANDSCAPE

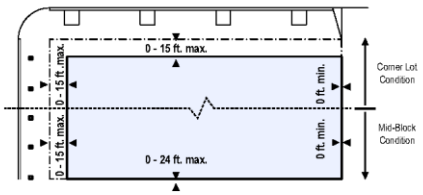
(a) The first Lot Layer may be paved.

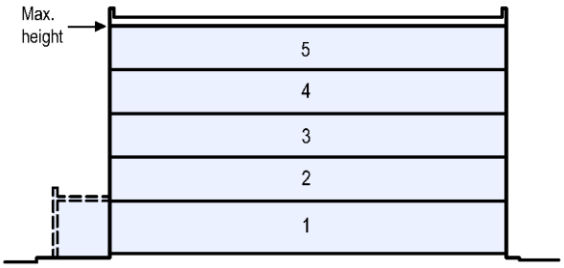
8.7 - SIGNAGE

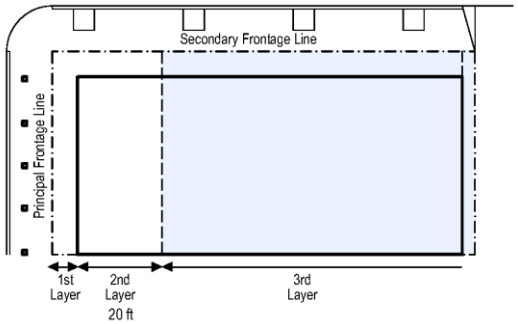
(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

	PRINCIPAL BUILDING	OUTBUILDING
Front Setback (Principal)	0 ft. min. 15 ft. max.	n/a
Front Setback (Secondary)	0 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min. 24 ft. max.	n/a
Rear Setback	0 ft. min.	n/a
Illustration		n/a

	PRINCIPAL BUILDING	OUTBUILDING
Height (in Stories)	5 stories	n/a
Illustration		

PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer. 2. Covered parking shall be provided within the third Layer. 3. Trash containers shall be stored within the third Layer.	

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 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:

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.

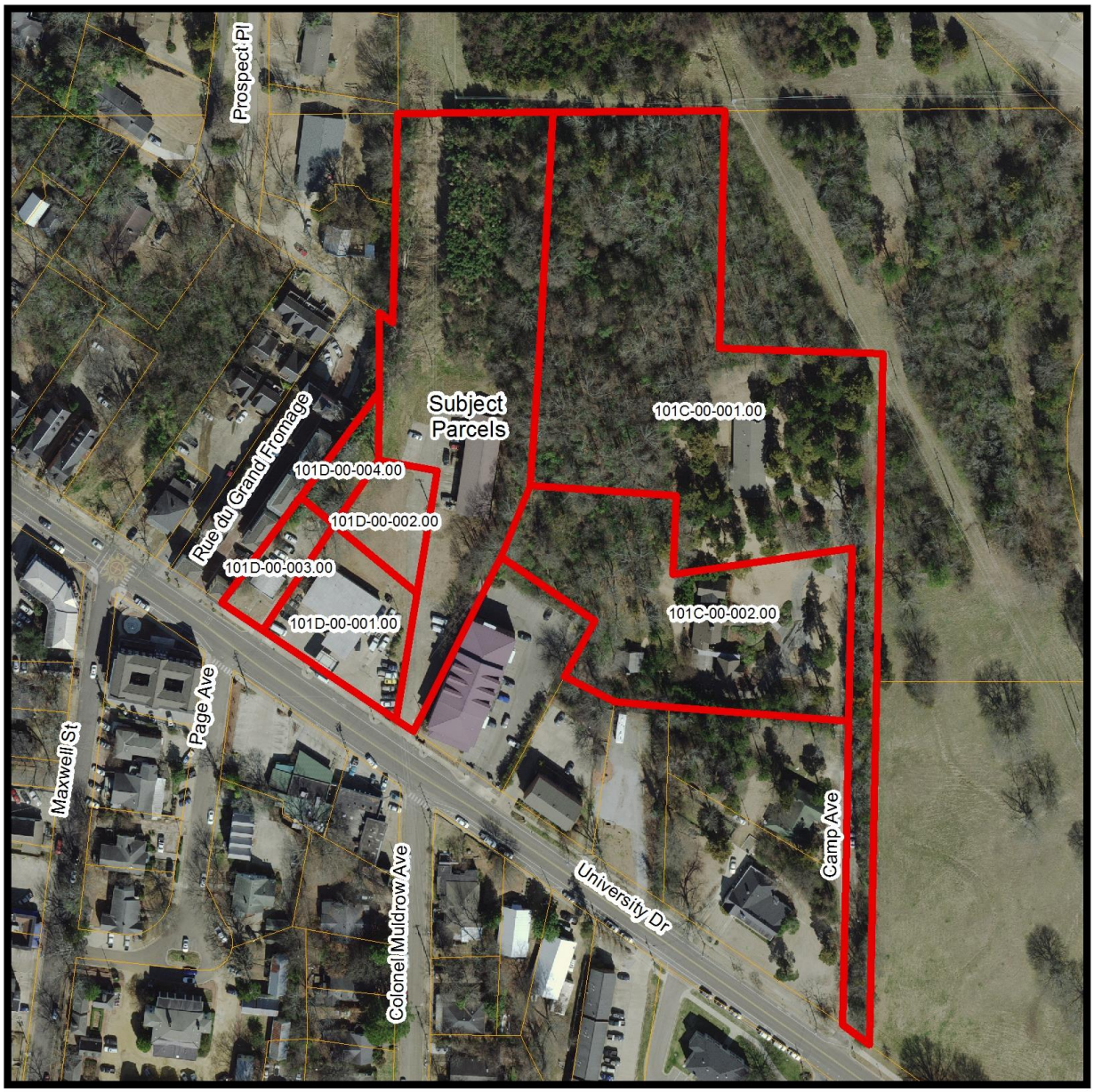
    - On January 12, 2012, the Board of Aldermen adopted Form Based Code for MS Highway 182, Main Street, University Drive, Lampkin Street, and Russell Street. As a result, 84 parcels were rezoned to either T District or Civic District. The subject parcels were a part of this code update.

REQUESTED CONDITIONS

1. Any building adjacent to University Drive must not exceed 4 stories in height.
2. The first floor of buildings adjacent to University Drive or public right-of-way are to be retail.
3. Buildings along western line adjacent to R-1 property, will be required to have a buffer.
4. In addition to the site being required to meet all requirements of the current Stormwater Ordinance, post-development runoff cannot exceed pre-development runoff at the point of sub-basin discharge for a 2 and 10 year event.

Attachment 1

RZ 15-05 Aerial



NORTH

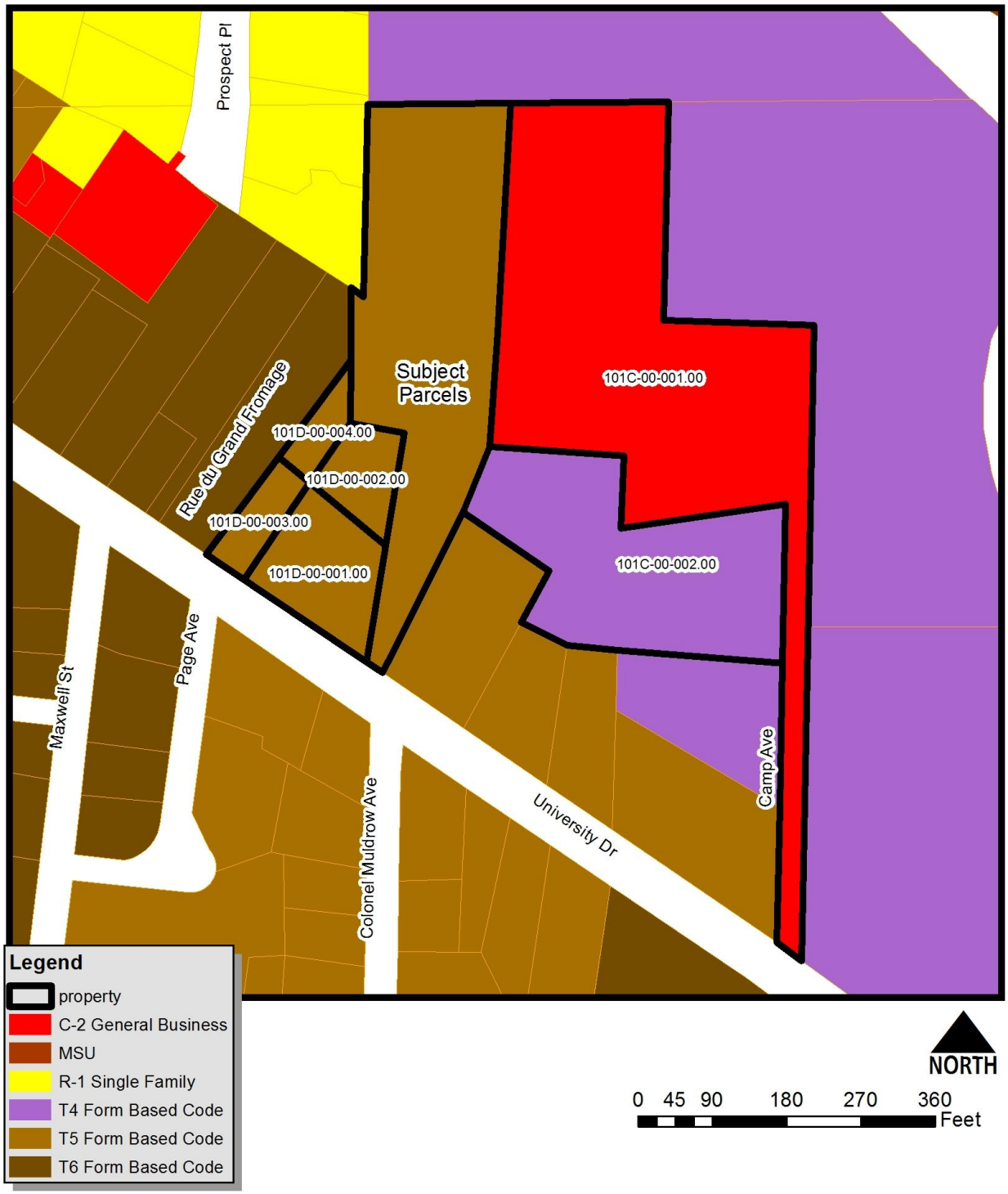
0 45 90 180 270 360 Feet

Legend

property

Attachment 2

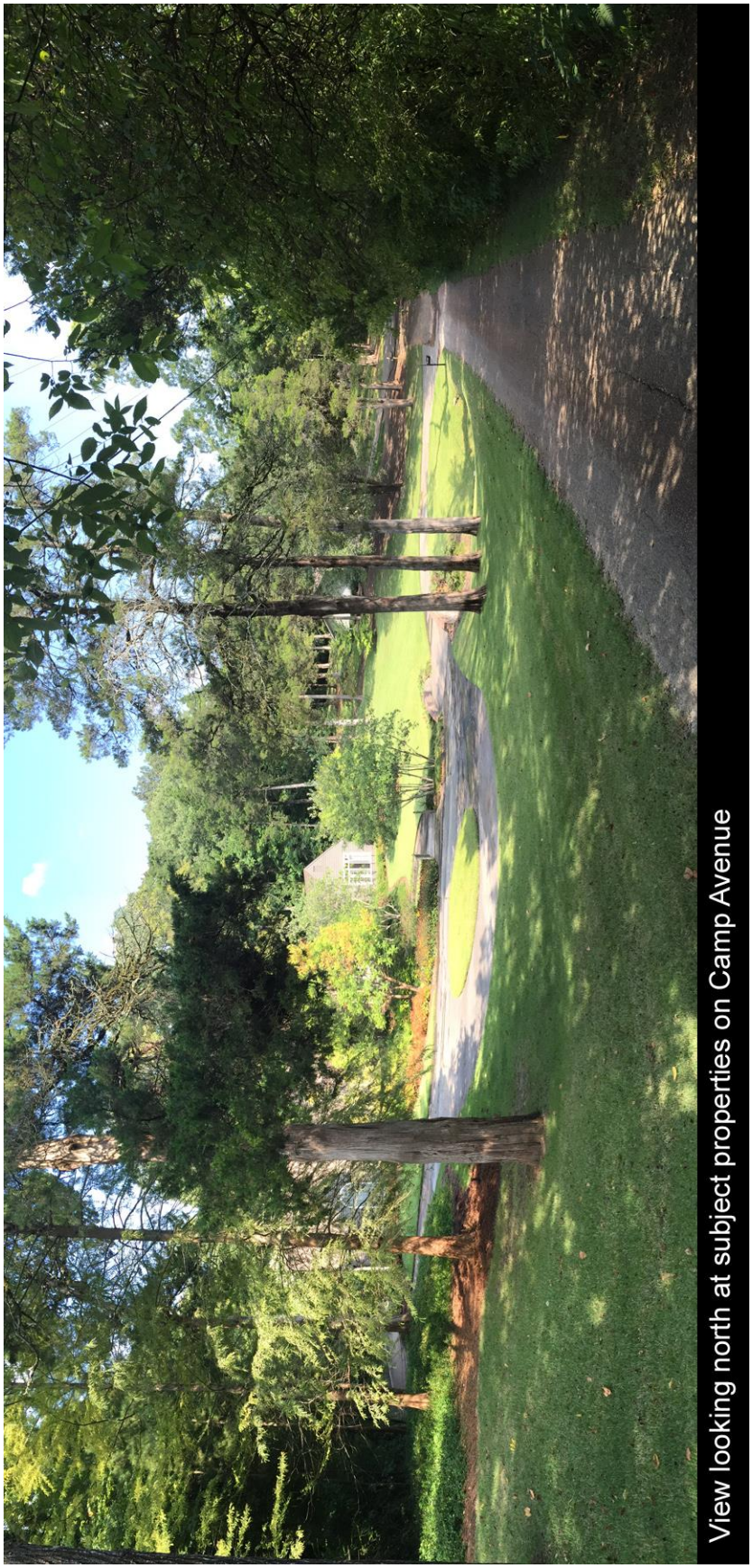
RZ 15-05 Zoning



Attachment 3

View looking north at one of the subject properties

Attachment 4



View looking north at subject properties on Camp Avenue

Attachment 5

View looking north at existing apartment building on subject properties

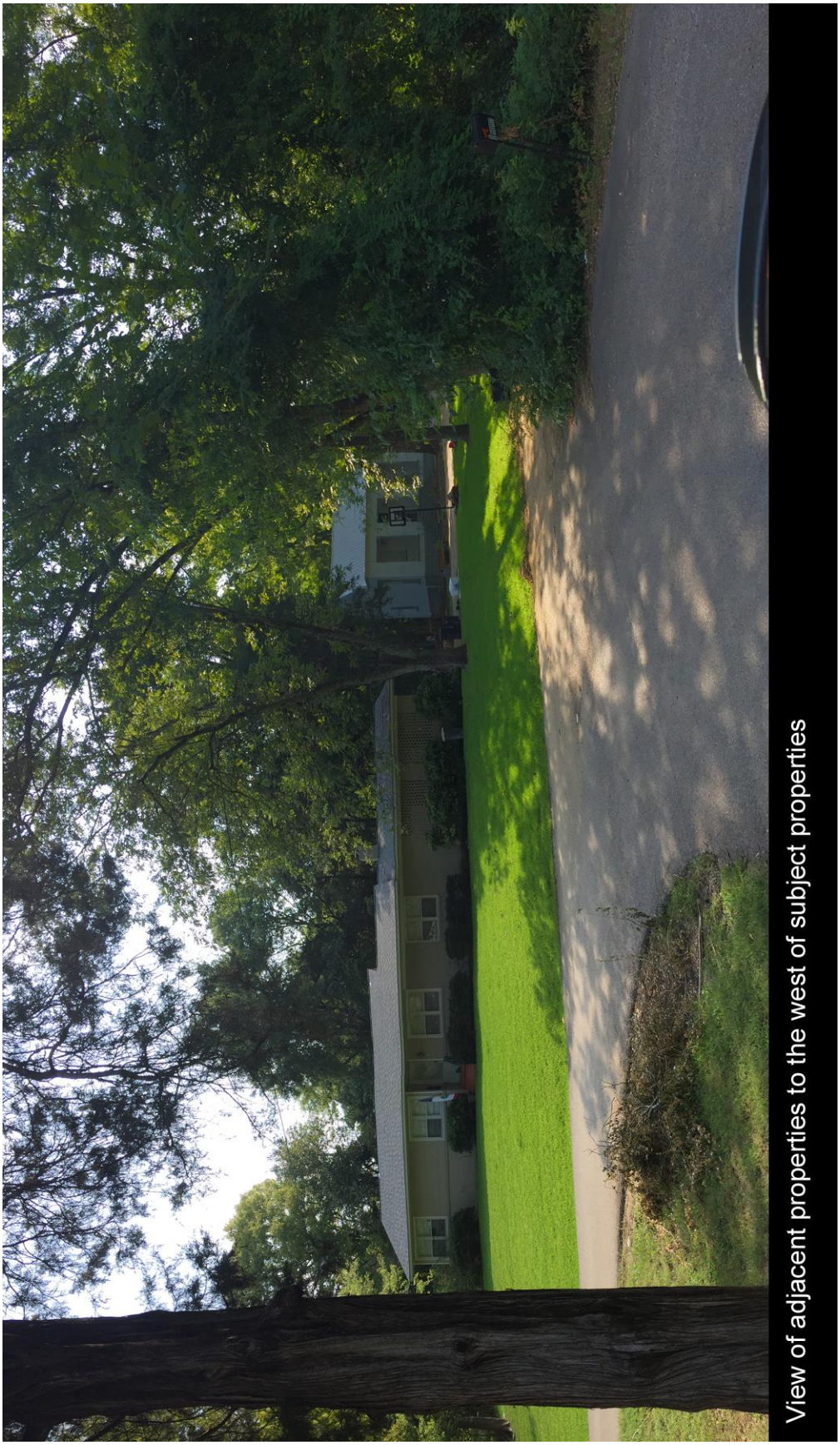
Attachment 6

View looking west at rentail unit on subject properties

Attachment 7

View of adjacent property to the west of subject properties

Attachment 8



View of adjacent properties to the west of subject properties

View of adjacent property to the east of subject properties

MOORE LAW OFFICE

JOHN STUART MOORE
ATTORNEY AT LAW

108 S. LAFAYETTE
POST OFFICE BOX 924
STARKVILLE, MS 39760-0924

(662) 323-3784
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FAX (662) 324-2262

September 1, 2015

Buddy Sanders
Community Development Director
City of Starkville
101 East Main Street
Starkville, MS 39759

RE: Christopher Kritzman / Capital Growth Properties Rezoning - The Mary Ann and Hal D. Fuller Property - Lots 29, 30, 31, and 31-A of Block 28 in the City of Starkville, Mississippi.

Dear Mr. Sanders:

Background:

The subject property consists of Lots 29, 30, 31, and 31-A of Block 28 in the City of Starkville, Mississippi. These lots are currently owned by Mary Ann and Hal D. Fuller, but are under contract for sale to Capital Growth Properties. Capital Growth Properties intends to purchase the Mary Ann and Hal D. Fuller property, in conjunction with other surrounding properties, collectively referred to herein as the "Development Site", to build a new cohesive residential and retail development that will benefit the City of Starkville.

Area:

The subject property consists of Parcels 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, and 101D-00-004.00. The lots are currently zoned T5. Property to the North is zoned T4, and is currently vacant. Property to the South is zoned T5, and is Multifamily Residential and Retail in use. Property to the East is zoned T5, T4, and C-2 and is Multifamily Residential in use. Property to the West is zoned T6 and R-1, and Multifamily and Single Family Residential in use.

Rezoning Request:

Capital Growth Properties is requesting to rezone the subject property from T5 to T6 to allow them to develop the subject property to meet the changing needs of the surrounding neighborhood. The subject property is currently zoned T5, and one of the primary factors in requesting a T6 zone is to utilize the unique topography of the subject property to construct a five (5) story building that will not impose on the surrounding properties. The current T5 zone will not allow Capital Growth Properties to develop the property in a manner that will provide a return on their investment.

According to the City of Starkville's Code of Ordinances, the intent of the Transect Districts is described as follows:

(a) Regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole.

(b) Infrastructure, landscape and buildings shape the public realm, the spatial definition of which can be understood as a continuum from weak to strong.

(c) Transect Districts organize the individual characteristics of infrastructure, landscape and buildings into distinct physical environments, with the overall character of each differing from one another.

(d) Distinct physical environments provide a choice in living arrangement for citizens with differing physical, social, and emotional needs.

(e) Mixed Uses within Transect Districts and individual buildings provides access to daily needs within close proximity to dwellings so that residents may choose to work, recreate, and shop within walking distance to their home.

The differences between T5 and T6 zones, according to the City of Starkville's Code of Ordinances, Appendix A, Article VII, Section T are:

T5: **Sec. T - § 4. - SPECIFIC TO T5 DISTRICTS.**

Lots located within the T5 District shall be subject to the requirements of this section.

7.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

7.2 - LOT OCCUPATION

(a) For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 12.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Sideyard, Rearyard, or Courtyard. (see Table 3)

(d) Lot coverage by buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

7.3 - BUILDING FORM

(a) The Principal Entrance of any Secondary Building shall be oriented toward a Frontage Line, Driveway or the Facade of an Outbuilding.

(b) The maximum height of a Primary Building shall be four (4) stories as specified on Table 3 and on Table 12.

(c) The maximum height of a Secondary Building shall be four (4) stories as specified on Table 3 and on Table 12.

(d) The maximum height of an Outbuilding shall be two (2) stories as specified on Table 3 and on Table 12.

(e) Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.

(f) Stoops, Lightwells, balconies, bay windows and

terraces may Encroach the first Lot Layer 100% of its depth.

(g) A first Story Residential or Lodging Use shall be raised a minimum of three (3) feet from the average grade of the Walkway.

(h) Loading docks and service areas shall be permitted on Frontages by Exception.

(i) In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.

(j) Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

(k) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

7.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 5.

(b) The number of dwelling units on each Lot shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7).

(c) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

(d) The building area available for Office Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use.

(e) The building area available for Retail Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other

Use.

(f) Retail Uses under 1,500 square feet shall be exempt from parking requirements.

7.5 - PARKING LOCATION

(a) All parking lots, garages and Parking Structures shall be located at the third Lot Layer as illustrated on Table 14.

(b) Vehicular entrances to parking lots, garages and Parking Structures shall be no wider than twenty-four (24) feet at the Frontage.

(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

7.6 - LANDSCAPE

(a) The first Lot Layer may be paved.

7.7 - SIGNAGE

(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

TABLE 12. T5 BUILDING SETBACKS

	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	2 ft. min. 15 ft. max.	40 ft. max. from rear

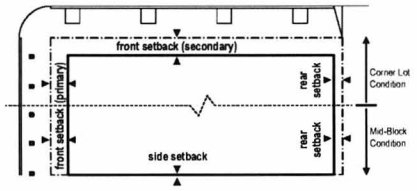
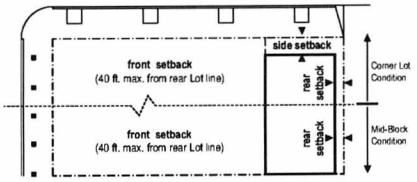
Front Setback (Secondary)	2 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min. 24 ft. max.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

TABLE 13. T5 BUILDING HEIGHT

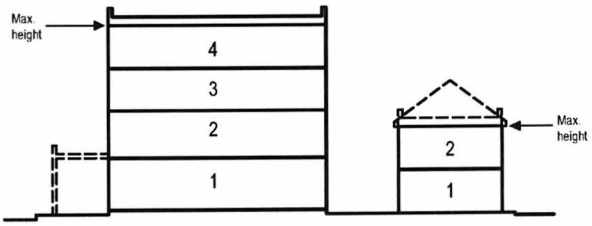
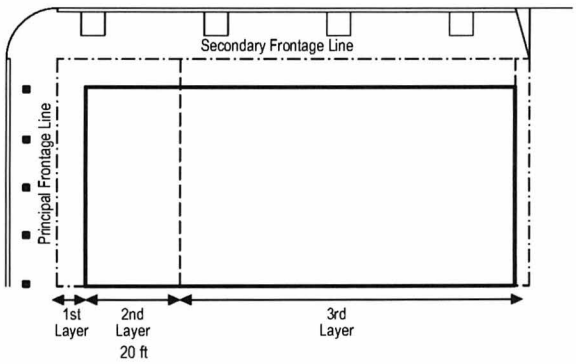
	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	4 stories	2 stories
Illustration		

TABLE 14. T5 PARKING PLACEMENT	
PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third layer. 2. Covered parking shall be provided within the third layer. 3. Trash containers shall be stored within the third Layer.	

T6: **Sec. T - § 5. - SPECIFIC TO T6 DISTRICTS.**

Lots located within the T6 District shall be subject to the requirements of this section.

8.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

8.2 - LOT OCCUPATION

(a) One (1) Primary Building may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 15.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Rearyard or Courtyard. (see Table 3)

(d) Lot coverage by Buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

8.3 - BUILDING FORM

(a) The maximum height of a Primary building shall be five (5) Stories. (see Table 3 and on Table

15)

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(c) Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.

(d) A first Story Residential or Lodging Function shall be raised a minimum of three (3) feet from the average grade of the Walkway.

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(h) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

(i) The Principal Entrance to a building shall be oriented toward the Frontage Line. Buildings on corner Lots may orient the Principal Entrance at a forty-five degree (45°) angle to the intersection of the Primary and Secondary Frontage Lines.

8.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 6.

(b) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking

requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

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(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

8.6 - LANDSCAPE

(a) The first Lot Layer may be paved.

8.7 - SIGNAGE

(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

TABLE 15. T6 BUILDING SETBACKS

	PRINCIPAL BUILDING	OUTBUILDING
Front Setback (Principal)	0 ft. min. 15 ft. max.	n/a
Front Setback (Secondary)	0 ft. min. 15 ft. max.	n/a

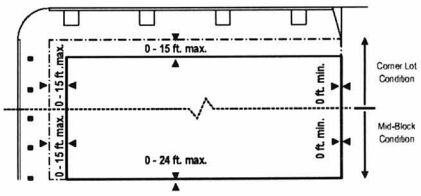
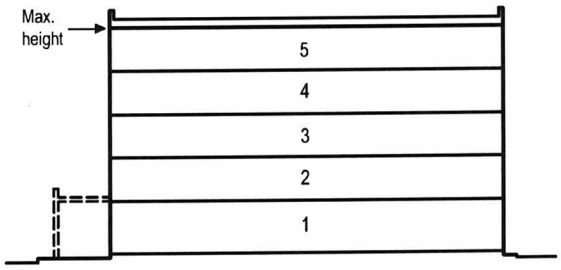
Side Setback	0 ft. min. 24 ft. max.	n/a
Rear Setback	0 ft. min.	n/a
Illustration		n/a

TABLE 16. T6 BUILDING HEIGHT

	PRINCIPAL BUILDING	OUTBUILDING
Height (in Stories)	5 stories	n/a
Illustration		

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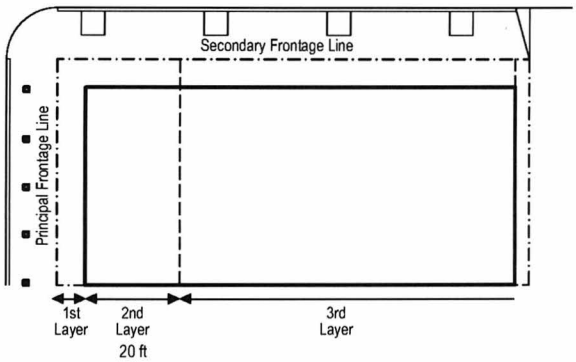
1. Uncovered parking spaces may be provided within the third Layer. 2. Covered parking shall be provided within the third Layer. 3. Trash containers shall be stored within the third Layer.	

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The argument for the Public Need for the rezoning is twofold:

(1) The proposed project Capital Growth Properties is intending to develop if the property is rezoned is consistent with the vision outlined in the 2011 ARC Design Presentation - specifically that Starkville will continue to thrive by promoting the unique character of its community and neighborhoods, such as the Cotton District, which emphasizes high quality, pedestrian-oriented mixed use development; and

(2) Students of Mississippi State University, key stakeholders within the Starkville community, have articulated in focus groups a forceful and unified desire to seek out student housing options which offer high quality, amenitized student housing which promotes walkability to Mississippi State University, downtown Starkville, and the Cotton District.

Capital Growth Properties conducted focus groups with 32 students on August 27, 2015 in Starkville. The findings of these three (3) focus groups are summarized below:

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- The primary reasons to select student housing options in the Cotton District over other locations in Starkville was convenience to class rooms, to the student union, to

athletic facilities, and to Greek fraternity and sorority houses;

- Students also popularize housing in the Cotton District due to proximity to the restaurant, shops and other entertainment venues downtown and in the Cotton District;
- Cotton District housing is very popular, and housing in the Cotton District is often "handed down" or referred from Mississippi State University students that are graduating to underclassmen, indicating that demand is high and that another high quality, amenitized student project could be absorbed in the Cotton District;
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- Students liked the fact that the proposed project will offer many unit plans, from studios to five bedroom units, thereby catering to both graduate students that tend to prefer the privacy of fewer bedrooms in each unit as well as undergraduates that prefer the lower price point that five bedroom units offer;
- Students commented that while other student housing communities offered utility packages, there is concern that some student housing communities are billing students for electric and water costs property-wide instead of billing based on individual use, and there is a desire for alternative housing options with personalized billing;
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Changed Conditions:

The area around the subject property has experienced tremendous growth and change in the past few years, and is currently experiencing a construction boom. Some of the new construction within walking distance from the subject property include: Starkville Apartments, LLC has begun the initial phases of construction on an apartment development located on the southeast

corner of Spring Street and Russell Street; "The Whitney" is a luxury apartment development under construction at the intersection of Lumus and Jarnigan Street; "The Gin" development has begun initial construction on its luxury apartment complex located along Russell Street and Colonel Muldrow Drive; Ergon Properties is proposing to build a large scale multi-use development located at the southeast corner of Russell Street and Mercantile Street; The Courtyard Marriott on Mercantile Street is in its final phases of construction; and The Mill on Russell Street has just undergone an extensive renovation. Additionally, PLC Partners, LLC is building an apartment development immediately South of the Central Station Development on South Montgomery; and Jackson Square Development located on the corner of South Jackson Street and Lampkin Street has begun Phase I of their planned mixed use complex, which incorporates the recently rezoned Terry Parrish property.

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All of the previously stated examples of change around the subject property clearly demonstrate the changing conditions in the existing area and the increasing need for a mixed use district that makes the change in the ordinance necessary and desirable. The proposed rezoning of the subject property to a T6 is an attempt to combine the public need for residential housing and commercial amenities through orderly and harmonious growth. The proposed rezoning and use of the subject property has taken into account the impact it would have on the surrounding community, as further outlined below.

Land Use Compatibility:

Capital Growth Properties intends to use the architecture, form, style, and character of the surrounding neighborhood as their inspiration in building a development that will compliment and positively impact the surrounding properties. Capital Growth Properties plans to introduce an architectural style and form that will naturally incorporate into the surrounding neighborhood.

Currently, the Cotton District and surrounding area supports a combination of residential and commercial properties. In addition to the unique residential housing offered in the Cotton District, it is also home to, or is adjacent to, the following successful businesses: BIN 612, Two Brothers Smoked Meats, P.S. Salon, the

Cigar Lounge, Gringo's Taco Shop, District Salon, Drifters Bar, Commodore Bob's Yacht Club, Sweet Peppers Deli, and University Drive Laundromat. A T6 District will allow Capital Growth Properties to engage in similar commercial and retail ventures as the surrounding properties in addition to providing desirable residential housing units and off street parking.

Capital Growth Properties's intent is to find and develop a use that is compatible with both the residential and commercial characteristics of the area. Currently the Development Site is home to both neighboring, but separate, commercial and residential properties. The 2011 ARC Design Presentation urged the City of Starkville to capture regional traffic to the downtown area and allow for more mixed use development. Emphasis was placed on creating a gateway corridor between Mississippi State University and downtown. Capital Growth Properties is looking to expand on the gateway that the Cotton District has begun by updating the footprint that currently exists on the Development Site from many individualized use properties to a single mixed use property.

Although a T6 District would allow for the construction of a five (5) story development along University Drive, Capital Growth Properties is willing to self-impose a condition that the facade of the building that abuts University Drive be limited to no more than four (4) stories in height. Capital Growth Properties desire is to develop the subject property in a manner that will compliment and enhance the properties surrounding it, and not deter from the current architecture that makes the Cotton District so distinguishable.

Effect on Neighborhood:

In order to make this project financially feasible, Capital Growth Properties is seeking a T6 District specifically to capitalize on the ability to build a structure up to five (5) stories high. However, the effect on the surrounding neighborhood will feel like a lower density district due to the unique topography of the Development Site. The North side of the Development Site has an approximate thirty-seven (37) foot slope down the back of the property. Capital Growth Properties intends to utilize this natural topography to its advantage by building the five (5) story buildings along the slope. The end result of this design plan will reduce the impact a five (5) story building will have on the surrounding neighborhood as only approximately two to three (2 - 3) stories will be visible from street level at University Drive.

Capital Growth Properties has made an obvious effort to ease the transition for the property's neighbors by conducting focus groups, meeting with city officials and leaders, and by self-imposing the condition that they will limit the facade of the building facing University Drive to four (4) stories.

Furthermore, a mixed use neighborhood promotes public safety. Single use zones can lead to inactivity during the day in residential zones and at night in commercial zones, leading to the potential for increased crime or vandalism during these "dead zones". By combining residential with retail and commercial businesses to create mixed use neighborhoods, these "dead zones" are reduced dramatically, promoting a safer environment for the community at large.

A mixed use neighborhood also attracts a more diverse population to the area. Instead of strictly being a development for college students, young professionals and alumni will be drawn to the area for the easy and convenient access to retail and commercial services within walking distance of their front door and downtown.

Economic Effects:

If the subject property is rezoned, it will not only increase in value, but it will help increase the values of the surrounding properties as well, and help to bring increased revenue, taxes and jobs to the City. Based on initial estimates, the total direct, indirect and ongoing effect to the City of Starkville, upon construction completion at the end of year one (1), would be forty-five million one hundred forty-three thousand seven hundred ninety-six dollars ($45,143,796.00).

Conclusion:

The subject property needs to be rezoned to allow Capital Growth Properties to successfully develop it into a mixed use area that will benefit the City of Starkville, both economically and by helping further Starkville as a premiere college town.

As demonstrated herein, a tremendous change has occurred in the conditions surrounding the existing area, and there is a need for

a mixed use area near Mississippi State University campus that will provide a gateway to the downtown area that makes the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Based on the information included in this letter, along with further information to be presented at the public hearing, I am respectfully requesting, on behalf of my clients, that - Lots 29, 30, 31, and 31-A of Block 28 in the City of Starkville, Mississippi be rezoned from T5 to a T6 District.

Sincerely,

John Stuart Moore

MOORE LAW OFFICE

JOHN STUART MOORE
ATTORNEY AT LAW

108 S. LAFAYETTE
POST OFFICE BOX 924
STARKVILLE, MS 39760-0924

(662) 323-3784
(662) 323-7740
FAX (662) 324-2262

September 1, 2015

Buddy Sanders
Community Development Director
City of Starkville
101 East Main Street
Starkville, MS 39759

RE: Christopher Kritzman / Capital Growth Properties Rezoning - The BSquare, LLC Property - Lots 33 and Part of 35-B of Block 28 in the City of Starkville, Mississippi.

Dear Mr. Sanders:

Background:

The subject property consists of Lots 33 and Part of 35-B of Block 28 in the City of Starkville, Mississippi. These lots are currently owned by BSquare, LLC, but are under contract for sale to Capital Growth Properties. Capital Growth Properties intends to purchase the BSquare, LLC property, in conjunction with other surrounding properties, collectively referred to herein as the "Development Site", to build a new cohesive residential and retail development that will benefit the City of Starkville.

Area:

The subject property consists of Parcel 101C-00-001.00. The lot is currently zoned C-2 Business. Property to the North is zoned T4, and consists of both vacant and residential uses. Property to the South is zoned T4, and is Multifamily and Single Family Residential in use. Property to the East is zoned T4, and is currently vacant. Property to the West is zoned T5 and T4, and is Retail and Multifamily Residential in use.

Rezoning Request:

Capital Growth Properties is requesting to rezone the subject property from C-2 Business to T6 to allow them to develop the

subject property to meet the changing needs of the surrounding neighborhood. The subject property is currently zoned C-2 with no direct road frontage or visibility from the street, and is surrounded by Transect District zoning on all sides. Based on the subject property's location, it is virtually unusable while classified as a C-2 Business zone. Capital Growth Properties seeks to rezone the property to a T6 District so that they can capture and utilize all of the benefits a mixed use zoning area would allow.

According to the City of Starkville's Code of Ordinances, the intent of the Transect Districts is described as follows:

(a) Regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole.

(b) Infrastructure, landscape and buildings shape the public realm, the spatial definition of which can be understood as a continuum from weak to strong.

(c) Transect Districts organize the individual characteristics of infrastructure, landscape and buildings into distinct physical environments, with the overall character of each differing from one another.

(d) Distinct physical environments provide a choice in living arrangement for citizens with differing physical, social, and emotional needs.

(e) Mixed Uses within Transect Districts and individual buildings provides access to daily needs within close proximity to dwellings so that residents may choose to work, recreate, and shop within walking distance to their home.

The differences between C-2 and T6 zones, according to the City of Starkville's Code of Ordinances, Appendix A, Article VII, Sections L and T are:

C-2: **Sec. L. - C-2 business (general business) zoning district regulations.**

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more

arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.
5. Maximum height of building or structures: 45 feet.
6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.

T6: **Sec. T - § 5. - SPECIFIC TO T6 DISTRICTS.**

Lots located within the T6 District shall be subject to the requirements of this section.

8.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

8.2 - LOT OCCUPATION

(a) One (1) Primary Building may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 15.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Rearyard or Courtyard. (see Table 3)

(d) Lot coverage by Buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

8.3 - BUILDING FORM

(a) The maximum height of a Primary building shall be five (5) Stories. (see Table 3 and on Table 15)

(b) Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.

(c) Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.

(d) A first Story Residential or Lodging Function shall be raised a minimum of three (3) feet from the average grade of the Walkway.

(e) Loading docks and service areas shall be permitted on Frontages by Exception.

(f) In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.

(g) Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

(h) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

(i) The Principal Entrance to a building shall be oriented toward the Frontage Line. Buildings on corner Lots may orient the Principal Entrance at a forty-five degree (45°) angle to the intersection of the Primary and Secondary Frontage Lines.

8.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 6.

(b) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

8.5 - PARKING

(a) All parking lots, garages and Parking Structures shall be located in the third Lot Layer as illustrated on Table 17.

(b) Vehicular entrances to parking lots, garages and Parking Structures shall be no wider than twenty-four (24) feet at the Frontage.

(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

8.6 - LANDSCAPE

(a) The first Lot Layer may be paved.

8.7 - SIGNAGE

(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

TABLE 15. T6 BUILDING SETBACKS

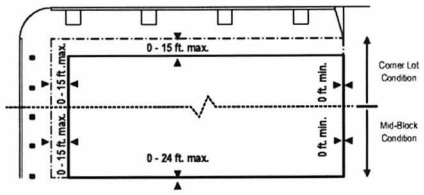
	PRINCIPAL BUILDING	OUTBUILDING
Front Setback (Principal)	0 ft. min. 15 ft. max.	n/a
Front Setback (Secondary)	0 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min. 24 ft. max.	n/a
Rear Setback	0 ft. min.	n/a
Illustration		n/a

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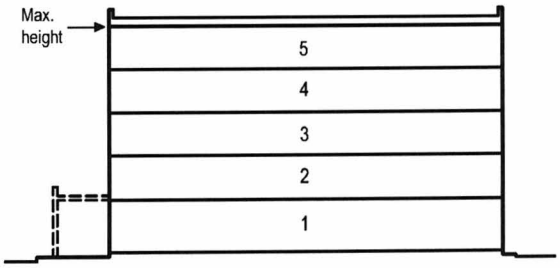
Illustration		

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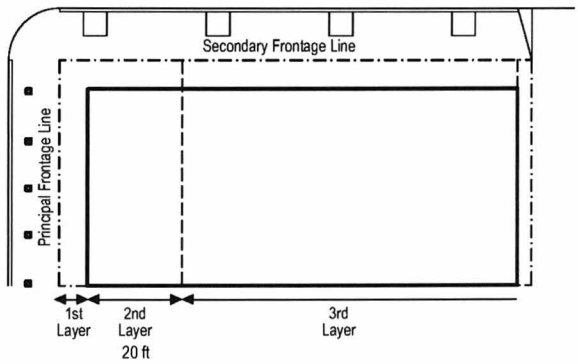
PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer. 2. Covered parking shall be provided within the third Layer. 3. Trash containers shall be stored within the third Layer.	

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stories will be visible from street level at University Drive.

Capital Growth Properties has made an obvious effort to ease the transition for the property's neighbors by conducting focus groups, meeting with city officials and leaders, and by self-imposing the condition that they will limit the facade of the building facing University Drive to four (4) stories.

Furthermore, a mixed use neighborhood promotes public safety. Single use zones can lead to inactivity during the day in residential zones and at night in commercial zones, leading to the potential for increased crime or vandalism during these "dead zones". By combining residential with retail and commercial businesses to create mixed use neighborhoods, these "dead zones" are reduced dramatically, promoting a safer environment for the community at large.

A mixed use neighborhood also attracts a more diverse population to the area. Instead of strictly being a development for college students, young professionals and alumni will be drawn to the area for the easy and convenient access to retail and commercial services within walking distance of their front door and downtown.

Economic Effects:

If the subject property is rezoned, it will not only increase in value, but it will help increase the values of the surrounding properties as well, and help to bring increased revenue, taxes and jobs to the City. Based on initial estimates, the total direct, indirect and ongoing effect to the City of Starkville, upon construction completion at the end of year one (1), would be forty-five million one hundred forty-three thousand seven hundred ninety-six dollars ($45,143,796.00).

Conclusion:

The subject property needs to be rezoned to allow Capital Growth Properties to successfully develop it into a mixed use area that will benefit the City of Starkville, both economically and by helping further Starkville as a premiere college town.

As demonstrated herein, a tremendous change has occurred in the conditions surrounding the existing area, and there is a need for

a mixed use area near Mississippi State University campus that will provide a gateway to the downtown area that makes the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Based on the information included in this letter, along with further information to be presented at the public hearing , I am respectfully requesting, on behalf of my clients, that Lots 33 and Part of 35-B of Block 28 in the City of Starkville, Mississippi be rezoned from C-2 Business to a T6 District.

Sincerely,

John Stuart Moore

MOORE LAW OFFICE

JOHN STUART MOORE
ATTORNEY AT LAW

108 S. LAFAYETTE
POST OFFICE BOX 924
STARKVILLE, MS 39760-0924

(662) 323-3784
(662) 323-7740
FAX (662) 324-2262

September 1, 2015

Buddy Sanders
Community Development Director
City of Starkville
101 East Main Street
Starkville, MS 39759

RE: Christopher Kritzman / Capital Growth Properties Rezoning - The HCB III, LLC Property - Part of Lot 35-B and Part of Lot 21 of Block 28 in the City of Starkville, Mississippi.

Dear Mr. Sanders:

Background:

The subject property consists of Part of Lot 35-B and Part of Lot 21 of Block 28 in the City of Starkville, Mississippi. These lots are currently owned by HCB III, LLC, but are under contract for sale to Capital Growth Properties. Capital Growth Properties intends to purchase the HCB III, LLC property, in conjunction with other surrounding properties, collectively referred to herein as the "Development Site", to build a new cohesive residential and retail development that will benefit the City of Starkville.

Area:

The subject property consists of Parcel 101C-00-002.00. The lot is currently zoned T4. Property to the North is zoned C-2, and is Residential in use. Property to the South is zoned T5 and T4, and is Multifamily Residential in use. Property to the East is zoned T4, and is currently vacant. Property to the West is zoned T5 and T4, and is Retail and Multifamily Residential in use.

Rezoning Request:

Capital Growth Properties is requesting to rezone the subject property from T4 to T6 to allow them to develop the subject property to meet the changing needs of the surrounding

neighborhood. The subject property is part of the Development Site on which Capital Growth Properties intends to construct a mixed use development consisting of multifamily residential apartment units and commercial retail space. In order for Capital Growth Properties to proceed with their plans, the subject property must be rezoned to allow for these uses. A T4 District does not allow for higher density housing or for the commercial uses that a T6 category permits. The benefits of a higher density mixed use development are outlined below.

According to the City of Starkville's Code of Ordinances, the intent of the Transect Districts is described as follows:

(a) Regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole.

(b) Infrastructure, landscape and buildings shape the public realm, the spatial definition of which can be understood as a continuum from weak to strong.

(c) Transect Districts organize the individual characteristics of infrastructure, landscape and buildings into distinct physical environments, with the overall character of each differing from one another.

(d) Distinct physical environments provide a choice in living arrangement for citizens with differing physical, social, and emotional needs.

(e) Mixed Uses within Transect Districts and individual buildings provides access to daily needs within close proximity to dwellings so that residents may choose to work, recreate, and shop within walking distance to their home.

The differences between T4 and T6 zones, according to the City of Starkville's Code of Ordinances, Appendix A, Article VII, Sections L and T are:

T4: **Sec. T - § 3. - SPECIFIC TO T4 DISTRICTS.**

Lots located within the T4 District shall be subject to the requirements of this section.

6.1 LOTS

(a) Subdivisions of existing Lots and new combinations

of Lots shall have a minimum width of 18 feet and a maximum width of 96 feet, measured at the Frontage Line.

6.2 LOT OCCUPATION

(a) For Lots less than one-hundred and fifty (150) feet deep, one (1) Primary Building and one (1) Outbuilding may be built on each Lot.

(b) Primary Buildings may be positioned within the boundaries of a Lot to create an Edgeyard, Sideyard, or Rearyard. (see Table 3)

(c) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 9.

(d) Lot coverage by Buildings and impermeable surfaces shall be a maximum of 70% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 60% at the Setback.

6.3 BUILDING FORM

(a) The Principal Entrance of any Secondary Building shall be oriented toward a Frontage Line, Driveway or the Facade of an Outbuilding.

(b) The maximum height of a Primary Building shall be two (2) stories as specified on Table 3 and Table 9.

(c) The maximum height of a Secondary Building shall be two (2) stories as specified on Table 3 and Table 9.

(d) The maximum height of an Outbuilding shall be two (2) stories as specified on Table 3 and Table 9.

(e) Open porches, balconies, and bay windows may Encroach the first Lot Layer 50% of its depth.

(f) Reserved.

(g) Stoops, Lightwells, and Terraces may Encroach the first Lot Layer 100% of its depth.

6.4 BUILDING USE

(a) Buildings may combine up to two (2) Uses listed on

Table 5.

(b) The number of dwelling units on each Lot shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7).

(c) The work quarters of Home Businesses shall be not be visible from the Public Frontage.

(d) Lodging Uses shall be owner occupied.

(e) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), up to twelve (12) bedrooms max and in addition to any parking requirement for any other Use.

(f) The building area available for Office Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to the parking requirement for any other Use.

(g) The building area available for Retail Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to the parking requirement for any other Use.

6.5 PARKING

(a) Driveways shall be no wider than 10 feet in the first Lot Layer.

(b) All parking areas and garages shall be located at the third Lot Layer as illustrated on Table 11.

6.6 LANDSCAPE

(a) The first Lot Layer may not be paved, with the exception of Driveways as specified in § 3.5(a).

6.7 SIGNAGE

(a) Address, Awning, Blade, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Band Signs shall be permitted by Exception.

(c) Permitted signage types shall conform to the

specifications of Table 8.

(d) Signage shall be externally illuminated, except that Window Signs may be neon lit.

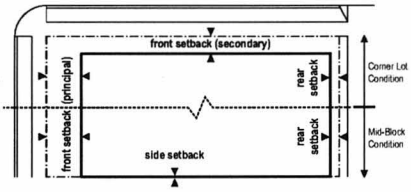
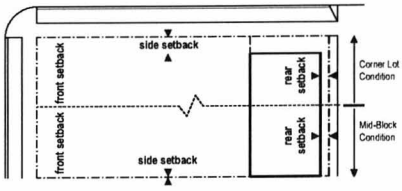
TABLE 9. T4 BUILDING SETBACKS		
	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	6 ft. min. 18 ft. max.	20 ft. min. + setback
Front Setback (Secondary)	6 ft. min. 18 ft. max.	n/a
Side Setback	0 ft. min.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

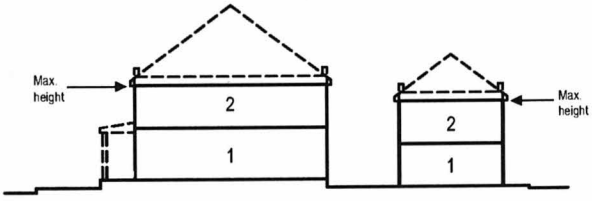
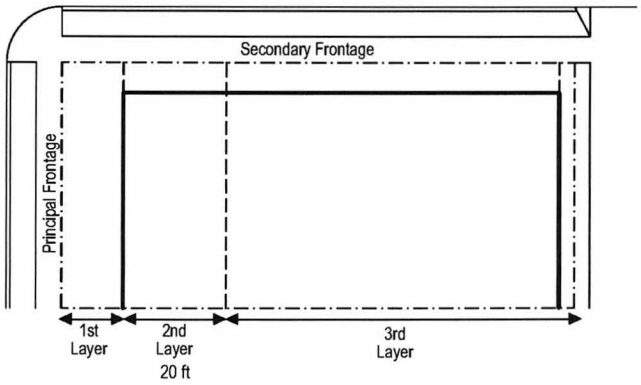
TABLE 10. T4 BUILDING HEIGHT		
	PRIMARY/SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	2 stories	2 stories
Illustration		

TABLE 11. T4 PARKING PLACEMENT	
PARKING PLACEMENT	
1. Uncovered parking spaces may be provided within the third Layer.	
2. Covered parking shall be provided within the third Layer.	
3. Trash containers shall be stored within the third Layer.	

T6: **Sec. T - § 5. - SPECIFIC TO T6 DISTRICTS.**

Lots located within the T6 District shall be subject to the requirements of this section.

8.1 - LOTS

(a) Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.

8.2 - LOT OCCUPATION

(a) One (1) Primary Building may be built on each Lot.

(b) Buildings shall be setback in relation to the boundaries of their Lots as specified on Table 3 and on Table 15.

(c) Primary Buildings may be positioned within the boundaries of a Lot to create a Rearyard or Courtyard. (see Table 3)

(d) Lot coverage by Buildings shall be a maximum of 90% of the Lot area.

(e) Frontage Buildout of Primary building Facades shall be a minimum of 80% at the Setback.

8.3 - BUILDING FORM

(a) The maximum height of a Primary building shall be five (5) Stories. (see Table 3 and on Table 15)

(b) Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.

(c) Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.

(d) A first Story Residential or Lodging Function shall be raised a minimum of three (3) feet from the average grade of the Walkway.

(e) Loading docks and service areas shall be permitted on Frontages by Exception.

(f) In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.

(g) Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

(h) Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.

(i) The Principal Entrance to a building shall be oriented toward the Frontage Line. Buildings on corner Lots may orient the Principal Entrance at a forty-five degree (45°) angle to the intersection of the Primary and Secondary Frontage Lines.

8.4 - BUILDING USE

(a) Buildings may combine two (2) or more Uses listed on Table 6.

(b) The number of bedrooms available for Lodging Uses listed on Table 5 shall be limited by the parking requirements of § 2.6 (see Table 6 and Table 7), in addition to any parking requirement for any other Use. Any restaurant food service provided shall be considered a separate Use.

8.5 - PARKING

(a) All parking lots, garages and Parking Structures shall be located in the third Lot Layer as illustrated on Table 17.

(b) Vehicular entrances to parking lots, garages and Parking Structures shall be no wider than twenty-four (24) feet at the Frontage.

(c) Pedestrian exits from all parking lots, garages, and Parking Structures shall be exited directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

8.6 - LANDSCAPE

(a) The first Lot Layer may be paved.

8.7 - SIGNAGE

(a) Address, Awning, Band, Blade, Marquee, Nameplate, Outdoor Display Case, Sidewalk, and Window Signs shall be permitted.

(b) Permitted signage types shall conform to the specifications of Table 8.

(c) Illuminated signage shall be externally illuminated only, except signage within a Shopfront window may be neon lit.

TABLE 15. T6 BUILDING SETBACKS

	PRINCIPAL BUILDING	OUTBUILDING
Front Setback (Principal)	0 ft. min. 15 ft. max.	n/a
Front Setback (Secondary)	0 ft. min. 15 ft. max.	n/a

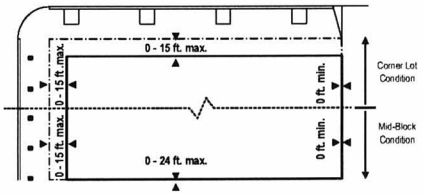
Side Setback	0 ft. min. 24 ft. max.	n/a
Rear Setback	0 ft. min.	n/a
Illustration		n/a

TABLE 16. T6 BUILDING HEIGHT

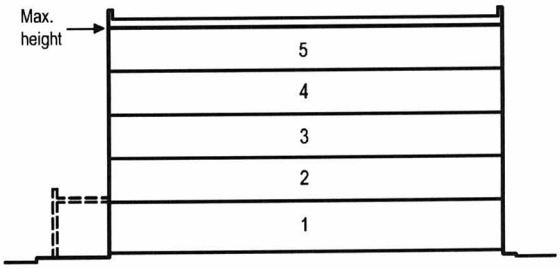
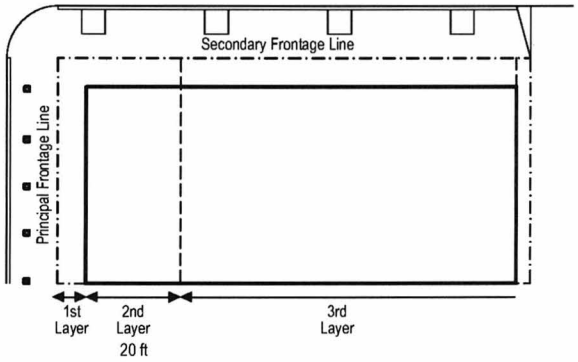
	PRINCIPAL BUILDING	OUTBUILDING
Height (in Stories)	5 stories	n/a
Illustration		

TABLE 17. T6 PARKING PLACEMENT

PARKING PLACEMENT 1. Uncovered parking spaces may be provided within the third Layer. 2. Covered parking shall be provided within the third Layer. 3. Trash containers shall be stored within the third Layer.	

Rezoning Criteria:

The official zoning map of Starkville may be amended either when there is manifest error in the ordinance and/or if there has been a change in the conditions of an existing area according to 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. As there has been no error in either the ordinance or zoning map, Capital Growth Properties is requesting for the subject property to be rezoned based on changed or changing conditions in the existing area, or in the planning area generally, and the increasing need for mixed use development with a close proximity to Mississippi State University Campus that make the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth, as well as the specific evidence as outlined below.

Zoning Changes:

Recent zoning changes in the surrounding area include:

April 2013:	Charles and Kenneth Burns's property located on Highway 12 East Extended, also known as the Campus Haven Apartments project or RZ 13-06, was rezoned from R-1 to B-1.
April 2013:	Charles and Kenneth Burns's property located on Highway 12 East Extended, also known as the 300 Traditions project or RZ 13-07, was rezoned from R-1 to B-1.

October 2013:	Thad Cochran Research Park Property rezoned from R-1 to B-1 to allow for construction of C-Spire data center.
April 2014:	The Catholic Diocese of Jackson rezoned Lots 16, 17, and 18 of Block 28 from R-1 to B-1 to accommodate additional parking adjacent to St. Joseph Catholic Church.
August 2015:	Terry Parrish's property located on the east side of South Jackson Street and north of the railroad tracks was rezoned from C-2 to T5.

On January 12, 2012 the City of Starkville adopted the Form Based Code and changed a number of parcels from their existing zonings to either a T District or Civic District. The subject parcels were among those properties changed.

Public Need:

The argument for the Public Need for the rezoning is twofold:

(1) The proposed project Capital Growth Properties is intending to develop if the property is rezoned is consistent with the vision outlined in the 2011 ARC Design Presentation - specifically that Starkville will continue to thrive by promoting the unique character of its community and neighborhoods, such as the Cotton District, which emphasizes high quality, pedestrian-oriented mixed use development; and

(2) Students of Mississippi State University, key stakeholders within the Starkville community, have articulated in focus groups a forceful and unified desire to seek out student housing options which offer high quality, amenitized student housing which promotes walkability to Mississippi State University, downtown Starkville, and the Cotton District.

Capital Growth Properties conducted focus groups with 32 students on August 27, 2015 in Starkville. The findings of these three (3) focus groups are summarized below:

- Thirty-one (31) out of thirty-two (32) students, or 97% of the students polled, expressed a preference to live in the Cotton District over other popular students housing locations, such as those Blackjack Road, or new housing abutting Highway 12;
- The primary reasons to select student housing options in the Cotton District over other locations in Starkville

was convenience to class rooms, to the student union, to athletic facilities, and to Greek fraternity and sorority houses;

- Students also popularize housing in the Cotton District due to proximity to the restaurant, shops and other entertainment venues downtown and in the Cotton District;
- Cotton District housing is very popular, and housing in the Cotton District is often "handed down" or referred from Mississippi State University students that are graduating to underclassmen, indicating that demand is high and that another high quality, amenitized student project could be absorbed in the Cotton District;
- Housing that allows students to walk or bike to class minimizes students' need to purchase parking passes on campus and reduces students overall cost of attendance which is desirable to students;
- Students liked the fact that the proposed project will offer many unit plans, from studios to five bedroom units, thereby catering to both graduate students that tend to prefer the privacy of fewer bedrooms in each unit as well as undergraduates that prefer the lower price point that five bedroom units offer;
- Students commented that while other student housing communities offered utility packages, there is concern that some student housing communities are billing students for electric and water costs property-wide instead of billing based on individual use, and there is a desire for alternative housing options with personalized billing;
- Mississippi State University students are price sensitive in making housing choices. However the majority of focus group participants expressed a willingness to pay between one hundred to one hundred fifty dollars ($100.00 - $150.00) more per bedroom per month for housing in the Cotton District over housing in the county or further from campus due to convenience to campus and the attraction to the Cotton District entertainment venues.

Changed Conditions:

The area around the subject property has experienced tremendous growth and change in the past few years, and is currently experiencing a construction boom. Some of the new construction within walking distance from the subject property include: Starkville Apartments, LLC has begun the initial phases of

construction on an apartment development located on the southeast corner of Spring Street and Russell Street; "The Whitney" is a luxury apartment development under construction at the intersection of Lumus and Jarnigan Street; "The Gin" development has begun initial construction on its luxury apartment complex located along Russell Street and Colonel Muldrow Drive; Ergon Properties is proposing to build a large scale multi-use development located at the southeast corner of Russell Street and Mercantile Street; The Courtyard Marriott on Mercantile Street is in its final phases of construction; and The Mill on Russell Street has just undergone an extensive renovation. Additionally, PLC Partners, LLC is building an apartment development immediately South of the Central Station Development on South Montgomery; and Jackson Square Development located on the corner of South Jackson Street and Lampkin Street has begun Phase I of their planned mixed use complex, which incorporates the recently rezoned Terry Parrish property.

New commercial businesses have been added to the area with the completion of The Cotton Mill Marketplace, which includes Salsarita's Fresh Cantina, Hungry Howie's Pizza, Insomnia Cookies, Maroon & Co., Pure Barre, Cobo's Boutique, and Jimmy John's Gourmet Sandwiches.

All of the previously stated examples of change around the subject property clearly demonstrate the changing conditions in the existing area and the increasing need for a mixed use district that makes the change in the ordinance necessary and desirable. The proposed rezoning of the subject property to a T6 is an attempt to combine the public need for residential housing and commercial amenities through orderly and harmonious growth. The proposed rezoning and use of the subject property has taken into account the impact it would have on the surrounding community, as further outlined below.

Land Use Compatibility:

Capital Growth Properties intends to use the architecture, form, style, and character of the surrounding neighborhood as their inspiration in building a development that will compliment and positively impact the surrounding properties. Capital Growth Properties plans to introduce an architectural style and form that will naturally incorporate into the surrounding neighborhood.

Currently, the Cotton District and surrounding area supports a combination of residential and commercial properties. In addition to the unique residential housing offered in the Cotton District, it is also home to, or is adjacent to, the following successful

businesses: BIN 612, Two Brothers Smoked Meats, P.S. Salon, the Cigar Lounge, Gringo's Taco Shop, District Salon, Drifters Bar, Commodore Bob's Yacht Club, Sweet Peppers Deli, and University Drive Laundromat. A T6 District will allow Capital Growth Properties to engage in similar commercial and retail ventures as the surrounding properties in addition to providing desirable residential housing units and off street parking.

Capital Growth Properties's intent is to find and develop a use that is compatible with both the residential and commercial characteristics of the area. Currently the Development Site is home to both neighboring, but separate, commercial and residential properties. The 2011 ARC Design Presentation urged the City of Starkville to capture regional traffic to the downtown area and allow for more mixed use development. Emphasis was placed on creating a gateway corridor between Mississippi State University and downtown. Capital Growth Properties is looking to expand on the gateway that the Cotton District has begun by updating the footprint that currently exists on the Development Site from many individualized use properties to a single mixed use property.

Although a T6 District would allow for the construction of a five (5) story development along University Drive, Capital Growth Properties is willing to self-impose a condition that the facade of the building that abuts University Drive be limited to no more than four (4) stories in height. Capital Growth Properties desire is to develop the subject property in a manner that will compliment and enhance the properties surrounding it, and not deter from the current architecture that makes the Cotton District so distinguishable.

Effect on Neighborhood:

In order to make this project financially feasible, Capital Growth Properties is seeking a T6 District specifically to capitalize on the ability to build a structure up to five (5) stories high. However, the effect on the surrounding neighborhood will feel like a lower density district due to the unique topography of the Development Site. The North side of the Development Site has an approximate thirty-seven (37) foot slope down the back of the property. Capital Growth Properties intends to utilize this natural topography to its advantage by building the five (5) story buildings along the slope. The end result of this design plan will reduce the impact a five (5) story building will have on the surrounding neighborhood as only approximately two to three (2 - 3) stories will be visible from street level at University Drive.

Capital Growth Properties has made an obvious effort to ease the transition for the property's neighbors by conducting focus groups, meeting with city officials and leaders, and by self-imposing the condition that they will limit the facade of the building facing University Drive to four (4) stories.

Furthermore, a mixed use neighborhood promotes public safety. Single use zones can lead to inactivity during the day in residential zones and at night in commercial zones, leading to the potential for increased crime or vandalism during these "dead zones". By combining residential with retail and commercial businesses to create mixed use neighborhoods, these "dead zones" are reduced dramatically, promoting a safer environment for the community at large.

A mixed use neighborhood also attracts a more diverse population to the area. Instead of strictly being a development for college students, young professionals and alumni will be drawn to the area for the easy and convenient access to retail and commercial services within walking distance of their front door and downtown.

Economic Effects:

If the subject property is rezoned, it will not only increase in value, but it will help increase the values of the surrounding properties as well, and help to bring increased revenue, taxes and jobs to the City. Based on initial estimates, the total direct, indirect and ongoing effect to the City of Starkville, upon construction completion at the end of year one (1), would be forty-five million one hundred forty-three thousand seven hundred ninety-six dollars ($45,143,796.00).

Conclusion:

The subject property needs to be rezoned to allow Capital Growth Properties to successfully develop it into a mixed use area that will benefit the City of Starkville, both economically and by helping further Starkville as a premiere college town.

As demonstrated herein, a tremendous change has occurred in the conditions surrounding the existing area, and there is a need for a mixed use area near Mississippi State University campus that will

provide a gateway to the downtown area that makes the change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

Based on the information included in this letter, along with further information to be presented at the public hearing , I am respectfully requesting, on behalf of my clients, that Part of Lot 35-B and Part of Lot 21 of Block 28 in the City of Starkville, Mississippi be rezoned from T4 to a T6 District.

Sincerely,

John Stuart Moore

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: Daniel Havelin, City Planner (662-323-2525 ext. 136)

CC: HPM Development, LLC, Applicant

SUBJECT: PP 15-13 Request for Preliminary Plat approval for subdividing one lot into five lots at the southwest corner of the intersection of Garrard Road and Hwy 12 East with the parcel number 117F-00-002.00

DATE: SEPTEMBER 8, 2015

BACKGROUND INFORMATION:

The purpose of this report is to provide information regarding the request by HPM Development LLC for approval of a Preliminary Plat for subdividing one parcel into five lots. The proposed lots would be located at the southwest corner of the intersection of Garrard Road and Hwy 12 East. The current parcel is +/- 25.69 acres and is zoned C-2 General Business. HPM Development is current in the early planning stages for constructing car dealerships on several of the lots. As part of this development, they are proposing to construct a new public street that will connect Garrard road with Old West Point Road. The new road, labeled Parker-McGile Road on the plat, will service lots one, two, four, and five. Lot three will access Highway 12 by means of an easement through private property. The Development Review Committee has already review and commented on the plat on August 27th of 2015. Please see attachments 1-6.

Below is information pertaining to C-2 General Business Zoning District

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. *See chart for uses permitted.*
2. *See chart for uses which may be permitted as an exception.*
3. *Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading*

space in addition to the space required for the other normal operations of the business or service.

4. *Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
5. *Maximum height of building or structures: 45 feet.*
6. *Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
7. *Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*
8. *All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
   a) *The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
   b) *The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
   c) *The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
9. *All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2014-4, 9-16-14)

PLAT PROPOSAL

General Information
The proposed parcel is +/-25.69 acre. The parcel is located within a C-2 General Business district

Easements and Dedications
One street with a 50’ right of way will be dedicated as part of this plat. Ten foot easements for utilities are shown on the plat.

Findings and Comments
All utility connections are currently available for proposed parcels.

Is this lot a part of a previously platted subdivision? If so, were letters of authorization provided by adversely affect property owners adjacent to the parcel.
This parcel is not a part of a platted subdivision. No authorization needed

CONCLUSIONS

If the Planning and Zoning Commission decides to approve the Applicant's request for a preliminary plat for a lot subdivision, Staff request the following condition:

1. Infrastructure drawings will be required upon Preliminary Plat approval prior to construction.
2. When infrastructure plans have been approved for construction, a pre-construction conference shall be held with appropriate city staff prior to the commencement of any construction activities at the site.
3. When a final plat is submitted for review by the City's Development Review Committee, all required improvements must be complete and the applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in "AutoCAD" format as well as a paper copy that is signed and sealed by a licensed professional engineer, indicating that the improvements were installed under his/her responsible direction and that the improvements conform to the approved construction plans, specifications and the City's ordinances.

Attachment 1

PP 15-13 Aerial

NORTH

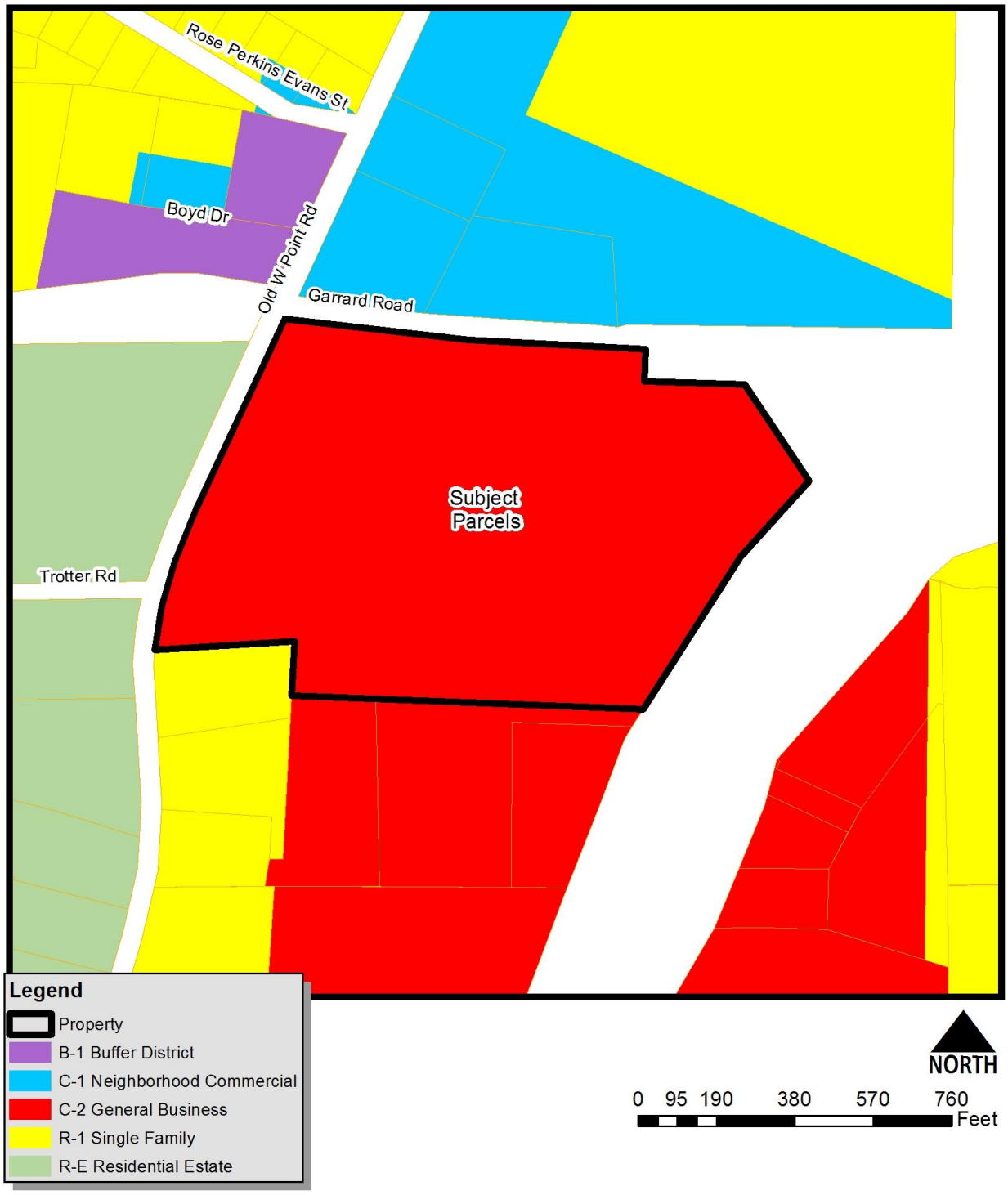
0 95 190 380 570 760 Feet

Legend

Property

Attachment 2

PP 15-13 Zoning



PRELIMINARY PLAT

HPM Development, LLC. & Joseph A. Gillis

LOCATED IN
NO. ½ OF THE S.E. ¼ of SECTION 26 T-19N.,R-14E
OKTIBBEHA COUNTY,MISSISSIPPI

CERTIFICATE OF OWNERSHIP
WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I HAVE LAID OFF, PLATTED, AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE THE REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT, AND DO HEREBY DEDICATE THE PUBLIC ROADS AND EASEMENTS SHOWN HERE ON TO THE CITY OF STARKVILLE FOR PUBLIC USE FOREVER.

_____ _____
OWNER (HPM DEVELOPMENT, *LLC*) Date
TRACT 1, LOTS 1, 2, 4, & 5

_____ _____
OWNER (JOSEPH A. GILLIS) *LOT 3* Date

DEDICATION OF UTILITY EASEMENTS
WE, THE UNDERSIGNED OWNERS, AS SHOWN ON THE FORGOING PLAT, DOES BY THIS INSTRUMENT CONVEY TO THE CITY OF STARKVILLE, MISSISSIPPI, ALONG WITH THE RIGHT OF INGRESS AND EGRESS, ALL UTILITY EASEMENTS TO BE USED BY THE CITY OF STARKVILLE, MISSISSIPPI FOR PROVIDING PUBLIC SERVICES.

IT IS UNDERSTOOD AND AGREED THAT THE CITY OF STARKVILLE IS HELD HARMLESS FROM LIABILITY OR PAYMENT OF COMPENSATION TO THE ABUTTING PROPERTY OWNERS OR ENTITY DERIVING THEREFROM, FOR DAMAGES RESULTING FROM UTILITY LINE FAILURES OR DAMAGES TO IMPROVEMENTS WITHIN THE AFOREMENTIONED EASEMENTS, UP TO, BUT NOT LIMITED TO, BUILDINGS, LIGHT FIXTURES, MAILBOXES, ORNAMENTAL LANDSCAPING, TURF GRASS, FENCES, ALONG WITH PRIVATE ROAD AND PARKING LOT SURFACES, CURBS AND GUTTERS, AS A RESULT OF INGRESS, EGRESS AND THE INSTALLATION, MAINTENANCE OR REPLACEMENT OF UTILITY LINES.

IT IS FURTHER UNDERSTOOD THAT THE ELEVATION OF ANY STRUCTURE CONSTRUCTED ON A LOT SHALL BE SUCH THAT THE MINIMUM SLOPE, PER THE PREVAILING CODE REQUIREMENTS FOR HORIZONTAL SEWER DRAINS, IS MAINTAINED BETWEEN THE STRUCTURE AND THE POINT OF CONNECTION TO THE PUBLIC SANITARY SEWER COLLECTION SYSTEM.

ACKNOWLEDGEMENT
STATE OF MISSISSIPPI
COUNTY OF

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, ON THIS THE _____ DAY OF _____, 20___, WITHIN MY JURISDICTION, THE WITHIN NAMED OWNER AND THAT HE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT , AFTER HAVING BEEN DULY AUTHORIZED TO DO SO.

_____ _____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

STATEMENT OF SURVEYING ACCURACY
I, JAMES BRETT BRASHER, HEREBY STATE THAT THIS MAP CORRECTLY REPRESENTS A SURVEY AND PLAN MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST; AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF THE STARKVILLE, MS, SUBDIVISION REGULATIONS HAVE BEEN FULLY COMPLIED WITH.

_____ _____
JAMES BRETT BRASHER, PLS DATE OF EXECUTION
NO. 3231, MISSISSIPPI

SURVEYING CERTIFICATION
I, JAMES BRETT BRASHER, HEREBY STAT THAT THIS MAP CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME OR UNDER MY SUPERVISON IN JULY OF 2013; AND IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND; AND THAT ALL MONUMENTS, WHICH WERE FOUND OR PLACED ON THE PROPERTY, ARE CORRECTLY DESCRIBED AND LOCATED.

_____ _____
JAMES BRETT BRASHER, PLS DATE OF EXECUTION
NO. 3231, MISSISSIPPI

ACKNOWLEDGEMENT
STATE OF MISSISSIPPI
COUNTY OF

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS _____ DAY OF _____, 20___, WITHIN MY JURISDICTION, THE WITHIN NAMED JAMES BRETT BRASHER, PLS, WHO ACKNOWLEDGED THAT HE IS THE LAND SURVEYOR OF RECORD, EXECUTED THE ABOVE AND FORGOING INSTRUMENT, AFTER FIRST HAVING BEEN DULY AUTHORIZED TO DO SO.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

STATEMENT OF COMPARISON
WE, MONICA BANKS, CHANCERY CLERK, AND JAMES BRETT BRASHER, PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT WE HAVE CAREFULLY COMPARED THE ORIGINAL PLAT OF HPM DEVELOPMENT, LLC. MADE BY SAID JAMES BRETT BRASHER WITH THE DUPLICATE THEREOF FOR FILING IN THE PUBLIC RECORDS OF OKTIBBEHA COUNTY, MISSISSIPPI, AND THAT THIS IS AN EXACT DUPLICATE OF THE ORIGINAL SURVEY AND PLAT.

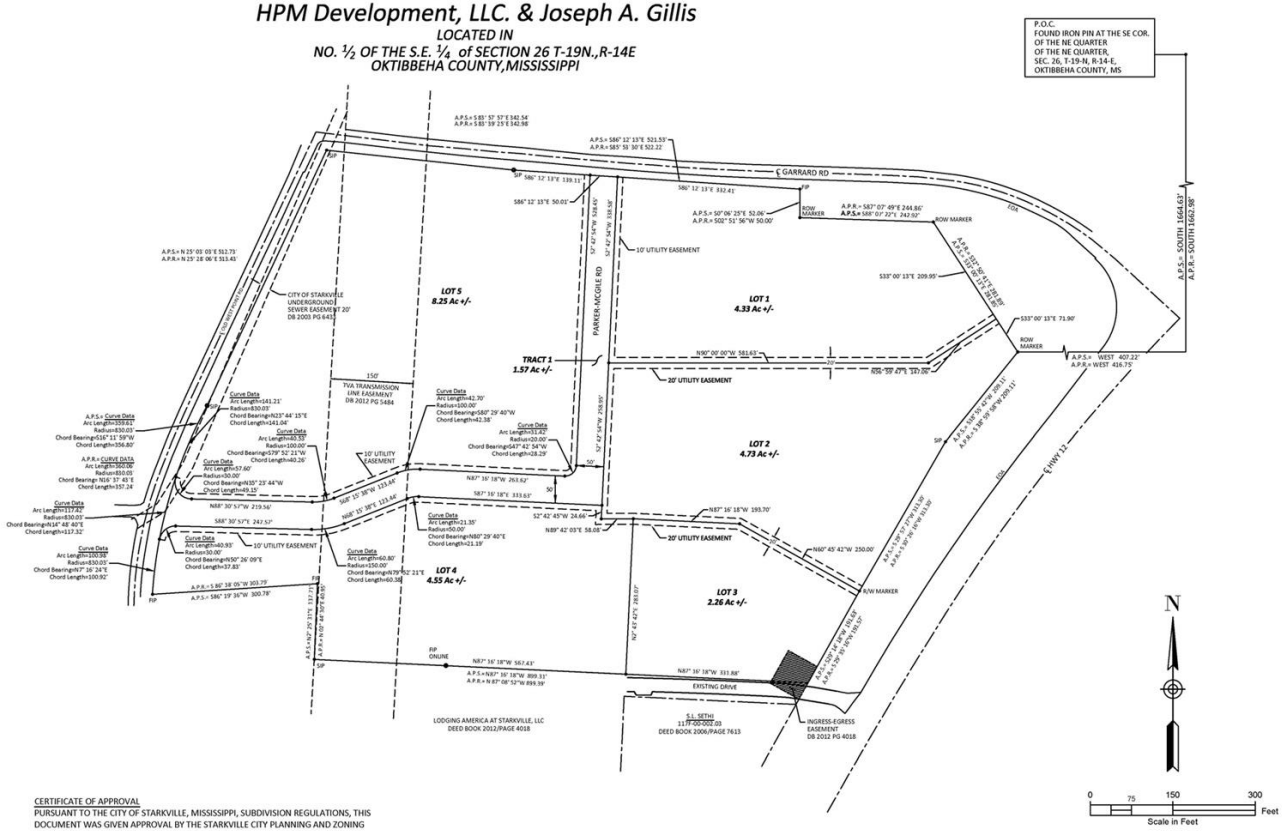
WITNESS OUR SIGNATURES THIS THE _____ DAY OF _____, 20___.

_____ _____
MONICA BANKS JAMES BRETT BRASHER, PLS

CERTIFICATE OF RECORDING
THIS DOCUMENTS WAS FILED FOR RECORD _____, 20___ IN SLIDE _____ AT _____ AM/PM.

_____
SIGNATURE

_____, CLERK
NAME



CERTIFICATE OF APPROVAL
PURSUANT TO THE CITY OF STARKVILLE, MISSISSIPPI, SUBDIVISION REGULATIONS, THIS DOCUMENT WAS GIVEN APPROVAL BY THE STARKVILLE CITY PLANNING AND ZONING COMMISSION AT A MEETING HELD ON THIS THE _____ DAY OF _____, 20___. ALL OF THE CONDITIONS ON APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED, AND THIS CERTIFICATE EXECUTED UNDER AUTHORITY OF THESE REGULATIONS.

_____ _____ _____
FIRE DEPARTMENT PUBLIC WORKS DIRECTOR

_____ _____
ELECTRIC DEPARTMENT CITY ENGINEER

_____
COMMUNITY DEVELOPMENT DIRECTOR

PURSUANT TO THE STARKVILLE, MISSISSIPPI, SUBDIVISION REGULATIONS, THIS DOCUMENT WAS GIVEN APPROVAL BY THE MAYOR AND BOARD OF ALDERMAN AT A MEETING HELD ON THIS THE _____ DAY OF _____, 20___. ALL OF THE CONDITIONS OF APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED, AND THIS CERTIFICATE EXECUTED UNDER AUTHORITY OF THESE REGULATIONS, PROVIDED, HOWEVER, THIS APPROVAL SHALL BE INVALID, NULL AND VOID, UNLESS THIS PLAT IS FILED WITH THE CHANCERY CLERK WITHIN SIX MONTHS HEREAFTER.

_____ _____ _____
DATE OF EXECUTION MR. PARKER WISEMAN
MAYOR, CITY OF STARKVILLE, MS

_____
CITY CLERK

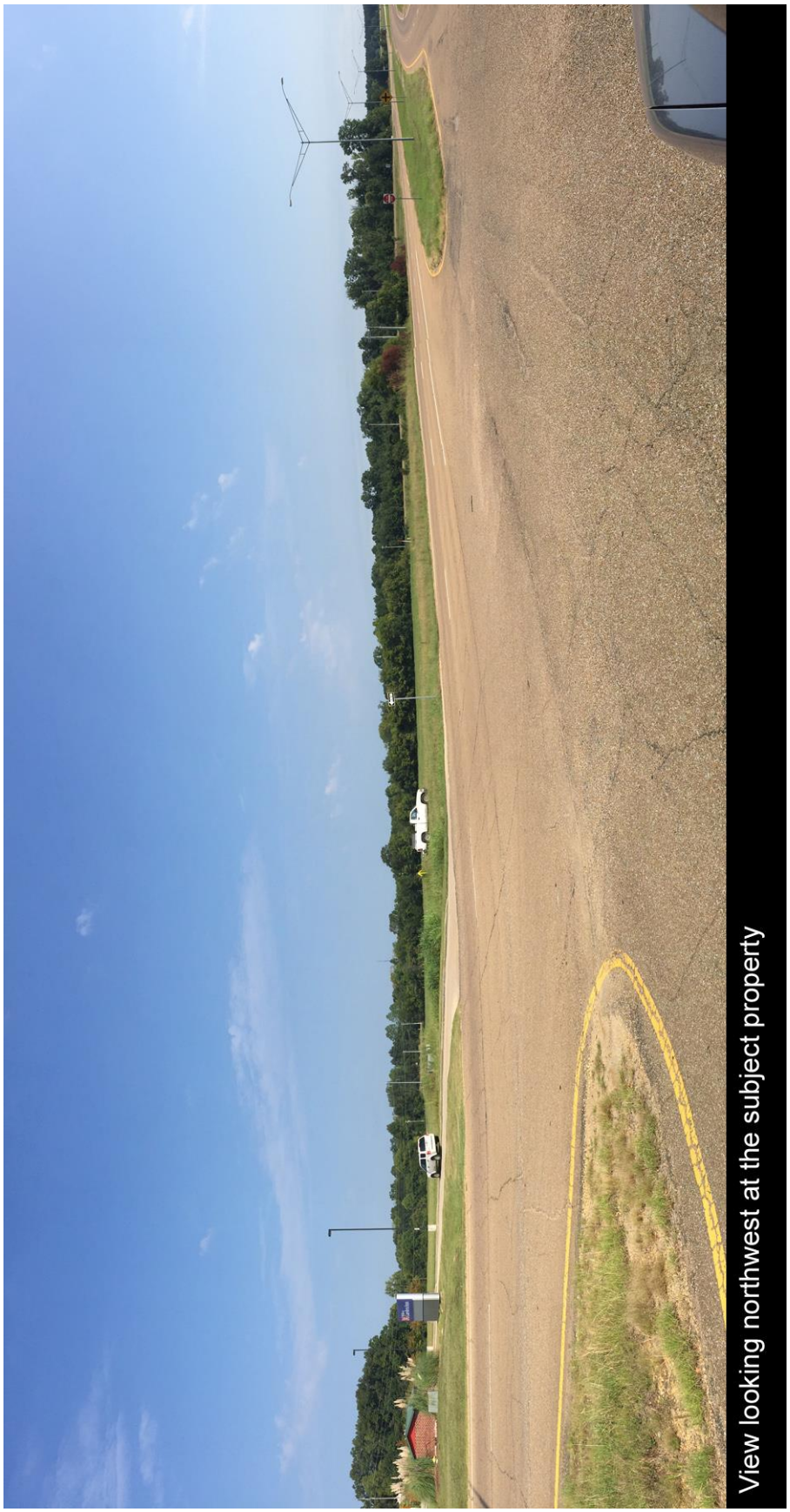
SETBACKS PER C-2 ZONING CLASSIFICATION

FRONT SETBACK	20 FT.
SIDE SETBACK	20 FT.
REAR SETBACK	20 FT.

NEEL-SCHAFFER
Solutions you can build upon

Attachment 3

Attachment 4



View looking northwest at the subject property

Attachment 5

View looking southwest at the subject property

Attachment 6

View looking southeast at subject property