



**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, FEBRUARY 13, 2018
1ST FLOOR CITY HALL – COURT ROOM
110 WEST MAIN STREET AT 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. CONSIDERATION FOR APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF JANUARY 09, 2018
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
- VIII. NEW BUSINESS
 - A. RZ 18-01 REQUEST TO REZONE ONE PARCEL AT 288 SAND ROAD FROM R-5 TO R-6 WITH THE PARCEL NUMBER 105-21-001.00.
- IX. PLANNERS REPORT
- X. ADJOURN

**UNAPPROVED MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI JANUARY 9, 2018**

Be it remembered, that, the members of the Planning and Zoning Commission of the City of Starkville, met at their regularly scheduled meeting on January 9, 2018 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being present were Michael Brooks, Chairman, Ward 4, Jason Camp, Ward 1, Jim McReynolds, Ward 2, Tom Walker, Ward 3, Alexis Gregory, Ward 5, Jeremiah Dumas, Ward 6. Absent from the meeting was Tommy Verdell Jr., Ward 7. Attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Emily Corban, Community Development Director Buddy Sanders, and City Attorney Chris Latimer.

Commission Chairman Michael Brooks opened the meeting with the Pledge of Allegiance followed by a moment of silence.

CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration, the matter of the approval of the motion to approve the Official Agenda of the Planning and Zoning Commission of January 9, 2018 as presented.

**OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, JANUARY 09, 2018
CITY HALL - COURT ROOM,
110 West Main 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. CONSIDERATION FOR APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF DECEMBER 12, 2017
- VI. CITIZEN COMMENTS
- VII. OLD BUSINESS
 - A. DISSUSSION AND CONSIDERATION OF MAKING A JOINT RECOMMENDATION WITH THE HISTORIC PRESERVATION COMMISSION TO THE BOARD OF ALDERMEN TO INCLUDE ARCHITECTURAL REVIEW IN THE NEW UNIFIED DEVELOPMENT CODE.

VIII. **NEW BUSINESS**

- A. **FP 18-01** REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING +- 7.58 ACRE PARCEL INTO 2 LOTS. HWY 12 AND MARKET STREET IN A C-2 ZONE WITH THE PARCEL NUMBER 117F-00-008.08.
- B. **CU 18-01** REQUEST FOR CONDITIONAL USE TO ALLOW FOR AN ACCESSORY DWELLING UNIT AT 1700 S. MONTGOMERY IN AN R-1 ZONE WITH THE PARCEL NUMBER 106-23-003.01

IX. **PLANNER'S REPORT**
VIII. **ADJOURN**

After discussion and upon the motion of Commissioner Camp duly seconded by Commissioner Gregory, the motion to approve the official agenda of the Planning and Zoning Commission for January 09, 2018 received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF
DECEMBER 12, 2017**

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to approve the Minutes as amended of the December 12, 2017 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Seeing there were none, the Commission moved to New Business.

OLD BUSINESS

**A. DISCUSSION AND CONSIDERATION OF MAKING A JOINT
RECOMMENDATION WITH THE HISTORIC PRESERVATION COMMISSION TO
THE BOARD OF ALDERMEN TO INCLUDE ARCHITECTURAL REVIEW IN THE
NEW UNIFIED DEVELOPMENT CODE**

Commissioner Dumas motioned to move from old business to new business the discussion of making a joint recommendation of an architectural review, duly seconded by Commissioner Camp, the motion received unanimous approval.

Commissioner Dumas motioned to move the making a joint recommendation of an architectural review with the approved changes, duly seconded by Commissioner Walker, the motion received unanimous approval.

NEW BUSINESS

A. CONSIDERATION OF FP 18-01 REQUEST FOR FINAL PLAT APPROVAL FOR SUBDIVIDING +- 7.58 ACRE PARCEL INTO 2 LOTS. HWY 12 AND MARKET STREET IN A C-2 ZONE WITH THE PARCEL NUMBER 117F-00-008.08.

This is a Final Plat request subdividing 7.58- acre parcel into 2 lots. The property is located at Hwy 12 and Market Street with the parcel number 117F-00- 008.08. The proposed subdivision is named "Wal-Mart Commercial Subdivision". The site plan was approved by the Development Review Committee on November 17, 2015. A modification to the site plan was approved by the Development Review Committee in May of 2017. The preliminary plat was approved by the Board of Aldermen on November 11, 2015. The preliminary plat was renewed by the Board of Aldermen on December 20, 2016. A sign variance for an increase in the size of the wall signs was approved by the Board of Alderman on June 6, 2017. All easements and roadway dedications are shown on the plat. The roadways will be dedicated to the City. This proposal is not part of a previously platted subdivision. There are 14 recommended conditions.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Camp, the motion to approve FP 18-01 was approved unanimously.

B. CONSIDERATION OF CU 18-01 REQUEST FOR CONDITIONAL USE TO ALLOW FOR AN ACCESSORY DWELLING UNIT AT 1700 S. MONTGOMERY IN AN R-1 ZONE WITH THE PARCEL NUMBER 106-23-003.01

This is a Conditional Use Request by Kane Overstreet to allow for an accessory dwelling unit located at 1700 S. Montgomery in an R-1 zoning district with the property #106-23-003.01. The property is zoned R-1 zone and in order to construct a "Accessory dwelling unit", a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. The applicant has already completed the construction of the accessory dwelling without the knowledge or approval of the Planning Department. The structure was labeled garage on the original building plans. At the time of the request for Certificate of Occupancy, the Building Department made the applicant aware of the issue.

19 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 December 18, 2017 and a sign was posted on the property concurrent with publication of the notice. The sign was reposted on January 3, 2018 after it was apparently removed from the site. As of this date, the Planning Office has received no phone calls against the request.

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

1. Land use compatibility. The proposed use as an Accessory dwelling unit could be considered a compatible use with adjacent properties. The property is currently zoned R-1 single family. The 2016 Comprehensive plan has the are as placetype listed as Suburban Single Family.
2. Sufficient site size and adequate site specifications to accommodate the proposed use. The site is adequately sized to accommodate the proposed use.
3. Proper use of mitigative techniques. None proposed
4. Hazardous waste. No hazardous waste or materials would be generated, used or stored at the site
5. Compliance with applicable laws and ordinances. The applicant did not receive a Conditional Use approval prior to construction. If Conditional Use approval is granted, the applicant would be in compliance.

The Commission Chair then opened up the public hearing and called for comments regarding the above request.

The applicant, Kane Overstreet came forward to speak in favor of the request. Sid Salters came forward to speak against the request.

Calling for and receiving no other comments, the Commission Chair closed the public hearing.

After discussion and upon the motion of Commissioner Walker, duly seconded by Commissioner Gregory, the motion to approve CU 18-01 was approved unanimously with the following conditions:

1. No rental of the structure including game day rental
2. The structure cannot be separately metered from the main structure

VIII. PLANNER'S REPORT

City Planner Daniel Havelin announced staff is expecting to receive directive from the Board of Aldermen to proceed with public hearings for adopting the first two sections of the new unified development code the code outline is currently separated into four sections. The first two sections, introduction, bodies, and procedures will be introduced first. the third section is zoning, subdivisions, and standards. The fourth section is definitions. Staff will be bringing these sections forward in the next several months.

IX. ADJOURN

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on February 13, 2018, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Camp duly seconded by Commissioner Gregory, the motion to adjourn until 5:30 p.m. on February 13, 2018, in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
PLANNING AND ZONING COMMISSION
 CITY HALL, 110 WEST MAIN STREET
 STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Planning & Zoning Commission
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
 Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: RZ 18-01 Request to Rezone one lot located at 288 Sand Road from R-5 Multi-Family to R-6 Residential Mobile Homes with the parcel number 105-21-001.00
Date: February 13, 2018

The purpose of this report is to provide information regarding the request by Jeremiah Ward on behalf of Lizzie May Ward to rezone one lot located at 288 Sand Road from R-5 Multi-Family to R-6 Residential Mobile Homes with the property #105-21-001.00. Please see attachments 1- 5.

BACKGROUND INFORMATION:

The applicant is seeking to rezone from R-5 Multi-Family to R-6 Residential Mobile Homes based on error. The properties on the Western side of Sand Road were annexed into the City in 1998. When annexed, these properties were given an R-5 zoning designation. The applicant purchased a mobile home and had it placed on the property. When they came to the Building Department to inquire what was necessary to connect to city services, they realized mobile homes were not allowed on the property without a conditional use or rezoning. The Applicant decided to apply for a rezoning instead of a conditional use.

Zoning Change Subject Property				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
	N/A	N/A	R-5	R-5
Zoning Change Adjacent Properties				
Properties	1960s- 1970s Map	1982-1991 Map	2000 Map	Current Map
North	N/A	N/A	R-5	R-5
East	N/A	N/A	M-1	M-1
South	N/A	N/A	R-5	R-6
West	N/A	N/A	R-5	R-5
Zoning and land uses adjacent to the subject property				
Direction	Zoning	Current Use		
North	R-5	Single-family		
East	M-1	Waste Treatment Facility		
South	R-6	Single-Family and Mobile Homes		
West	R-5	Vacant		

**subject property was annexed into city limits in 1998.*

NOTIFICATION:

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 January 26, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received three phone calls inquiring about the request.

REZONING REQUEST:

The subject property rezoning request is from R-5 Multi-Family to R-6 Residential Mobile Homes. Differences between zones are:

Current Zoning District:

Sec. G. - R-5 residential zoning regulations.

These [R-5 residential] districts are intended to be composed mainly of multifamily dwellings, although a wide range of dwelling types is also permitted. Mobile homes, mobile home parks, and mobile home subdivisions are also permitted under certain special conditions. Appropriate supporting facilities to accommodate higher density multifamily districts are permitted and the character of this residential district is protected by requiring certain yard and area standards to be met. [The following regulations apply to R-5 districts:]

- 1. See chart for permitted uses.*
- 2. See chart for uses which may be permitted as a special exception.*
- 3. Required lot area and width, yards, building areas and height for residences:*

a) Minimum lot area, per unit: 1,800 square feet.

b) Minimum lot width at building line:

Single-family and multifamily dwelling of less than eight units: 50 feet.

Townhouse dwelling: 16 feet.

Multifamily dwelling of eight units or more: 100 feet.

c) Minimum depth of front yard: 25 feet.

d) Minimum width of side yard: 5 feet.

e) Minimum depth of rear yard: 20 feet.

f) Maximum height of structure: 45 feet.

Mobile homes on individual lots shall comply with the provisions of article VII, section

E. Mobile home parks and mobile home subdivisions shall comply with provisions of article VII, section H.

4. Off-street parking requirements: See article VII of this ordinance for requirements for other uses.

5. 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.

6. 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 of no longer than twelve 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. 2007-5, § 1, 4-17-07; Ord. No. 2014-5, 9-16-14)

Proposed Zoning District:

Sec. H. - R-6 residential zoning regulations.

These [R-6 residential (mobile homes)] districts are intended to be comprised mainly of mobile homes, mobile home parks, and mobile home subdivision, along with appropriate neighborhood supporting facilities. The character of this district is protected by requiring that certain yard and area standards be met. [The following regulations apply to R-6 districts:]

1. See chart for permitted uses.

2. See chart for uses which may be permitted as an exception.

3. *Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots:*

(a) *The parcel of land to be used for a mobile home park or subdivision shall have a minimum lot area of five acres. The minimum width of the lot at the building line shall be 300 feet. The minimum yard depths for the mobile home park or subdivision shall be: Front, 30 feet; side and rear, 15 feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any individual mobile home. The height of all structures in the trailer park shall be limited to one story or 12 feet.*

(b) *The individual mobile home lot shall have a minimum lot area of 5,000 square feet and shall not be less than 40 feet in width at the building line. The minimum yard requirements for the mobile home lot shall be: Front, 20 feet; rear, 15 feet; sides, five feet. This yard space may be used for parking of the residents' vehicles, but shall not constitute any of the yard requirements for the mobile home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each lot. Structures shall not cover more than 35 percent of the total building area.*

(c) *All mobile homes permitted by this ordinance shall meet the following guidelines:*

(i) Shall be secured on a permanent foundation with tiedowns;

(ii) Shall be provided with a skirt of material comparable to exterior of the structure and shall be placed on the site in a manner compatible with adjacent sites; and

(iii) Shall be in conformance with codes adopted by the City of Starkville.

4. *Off-street parking requirements: Two parking spaces shall be provided for each mobile home. See article VIII of this ordinance for requirements for other uses.*

Permitted and Conditional Uses:

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:

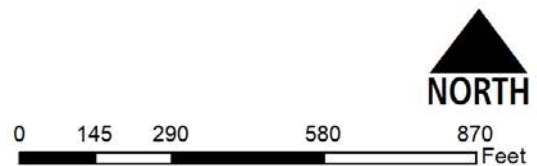
- Error
- On October 20, 2009, The Board of Alderman rezoned 300-A Sand Road from R-5 to R-6 based on a scrivener's error in the City's Official zoning map. This is the property directly to the south of 288 Sand Road. The staff report in 2009 cited that *"The subject property and most others along the western side of Sand Road were not zoned appropriately when annexed in the City in 1998 to allow for mobile home use."* See attachment 5 for the staff report from 2009.

2. **Change in conditions:** Changed or changing conditions in an existing area, or in the planning area generally, or the increased or increasing need for commercial or manufacturing sites or additional subdivision of open land into urban building sites make a change in the ordinance necessary and desirable, and in accord with the public need for orderly and harmonious growth.

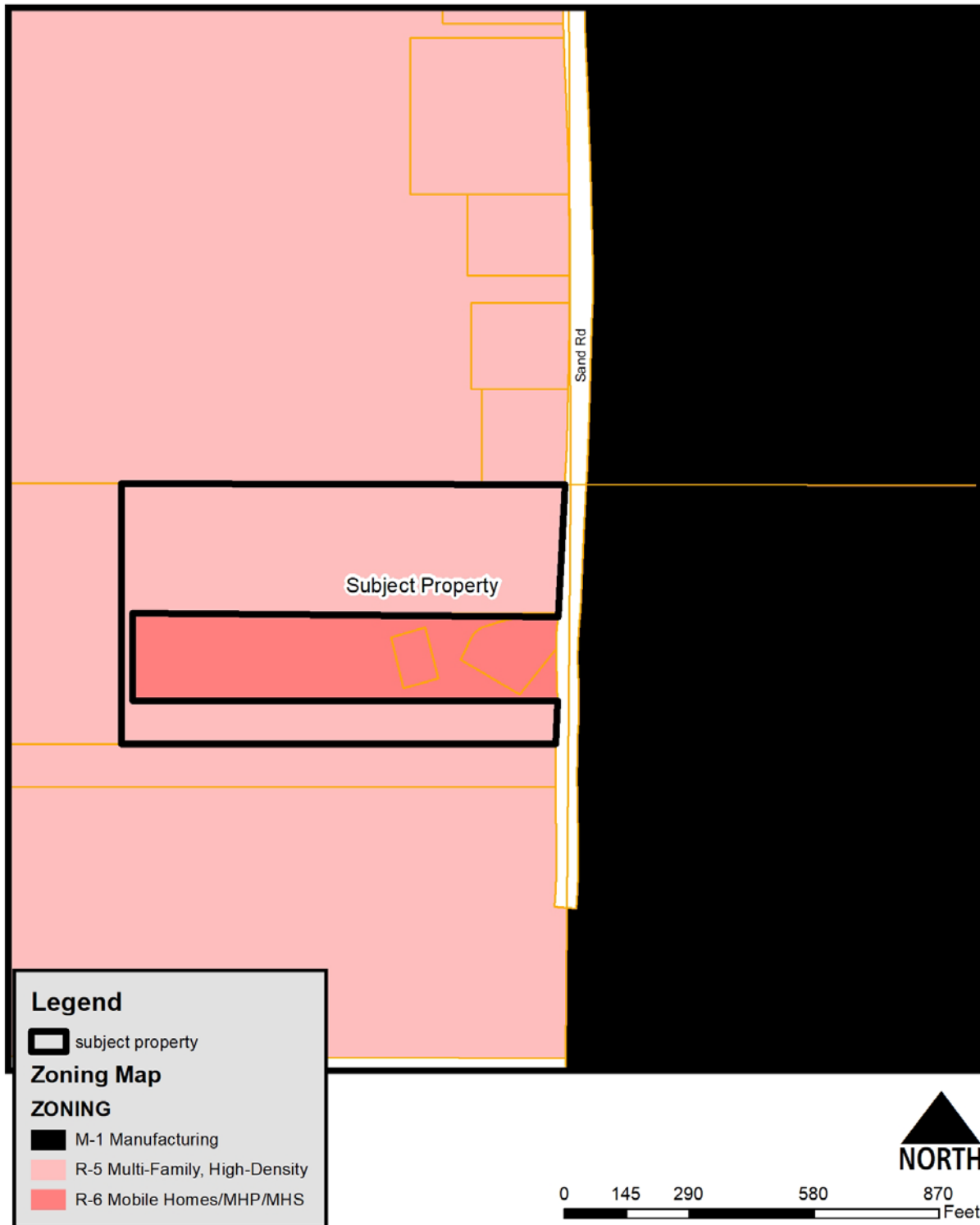
Consistency with Comprehensive Plan: The proposed rezoning would generally be not consistent with the goals, objectives and policies found in the City's Comprehensive Plan. The subject property's placetype is Traditional Neighborhood- New.

Land Use Compatibility: The proposed rezoning would be consistent and compatible the current adjacent land uses. The area along the west and east side of Sand Road is occupied by multiple mobile homes.

Attachment 1
RZ 18-01 Aerial



Attachment 2
RZ 18-01 Zoning



Attachment 3
Subject Mobile Home



Attachment 4

City of Starkville Permitted and Conditional Use Chart

USES	A-1	R-E	R-1	R-2	R-3	R-3A	R-4	R-4A	R-5	R-6	R-M	B-1	C-1	C-2	C-3	M-1	PUD	PO
RESIDENTIAL																		
Accessory dwelling unit		C	C	C	C	C	C	C	P			P	P	P	P		P	
Assisted Living Facility									P			P	P	P	C			
Bed & Breakfast Inn		C	C	C	C				C			P	C	P	P		C	
Boarding/Rooming House									C			P	C	P	P			
Dormitory									C			C		P	C			
Dwelling, live/work	C	P	P	P	P	P	P	P	P	P	P	P	C	C	C		P	
Dwelling, single family, detached	C	P	P	P	P	P	P	P	P	P	P	P	C	C	C		P	
Dwelling, multi-family									P			P	C	C	C		P	
Dwelling, 3 & 4-family					P		P		P			P	C	C	C		P	
Dwelling, 2-family				C	P		P		C			P	C	C	C		P	
Fraternity/Sorority House							C		C			C	C	C	C			
Manufactured Homes	C				C		C		C	P	P			C				
Mobile Homes	C								C	P	P	P						
Personal Care/Group Home				C	C		C		P			C	C	P				
PUBLIC & INSTITUTIONAL																		
Child Care													P	P	P	C	P	C
Community Services		C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	
Family Child Care		C	C	C	C		C		P	P	C	P	C				P	
Educational Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Governmental Facilities		C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	
Institutional and Health Care Facilities									C			C	C	P	C			
Parks & Recreation, Active	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	P
Parks & Recreation, Passive	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Places of Worship		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Spaces	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P		P	
Transportation												C	P	P	P	P		
Utilities	C						C		C			P	C	P	P	P		C
Wireless Communication Towers (see Ord No 2001-2 for specifics)	C											C		C		P		C
COMMERCIAL																		
Business Offices									P			P	P	P	P	P	P	P
Car Title Loan, Payday Advance or Loan Business														C		P		
Conference/Convention Center									C			C	P	P	C	C	P	P
Eating & Drinking Establishments									C			P	P	P	P	P	P	P
Funeral Home												C	C	P	C	C		
General Retail & Services									C			P	P	P	P	P	P	C
Parking Lots & Garages									C	C		C	C	C	C	C	C	C
Personal Services									C			P	P	P	P	P	P	
Recreation and Entertainment, Indoor	C											C	C	P	P	C	P	P
Recreation and Entertainment, Outdoor	C											C		C	P	P	C	C
Sexually Oriented Businesses (see Ord No 2001-1 for specifics)																C		
Vehicular Sales & Service												C	C	P	C	P		
Visitor Accommodations and Services													C	P	P	C	C	
MANUFACTURING & INDUSTRIAL																		
Industrial, light																P		C
Industrial, heavy																P		
Manufacturing, light														C		P		
Manufacturing, heavy																P		
Trades & Skilled Services	C											C	C	P		P		C
Warehousing & Distribution												C	C	P	C	P		C
Wholesale Services												C		P	C	P		
AGRICULTURAL																		
Farm	P	C														C		
Farm Support	C	C										C	C			P		

The uses permitted in each of the zoning districts are listed in this chart in three categories:

Permitted uses. The uses listed which are permitted by right are denoted by "P" on the chart.

Conditional uses. The uses listed which are declared to possess such characteristics of unique or special or special form that each specific use shall be considered on an individual case-by-case analysis based on review criteria provided by separate ordinance. Conditional uses are denoted by a "C" on the chart.

Prohibited uses. A blank cell in the use chart indicates that the use type is prohibited in the corresponding zoning district. Districts.

NOTE: Please refer to Table 5 of the Form Based Code for land uses located within Transect

Attachment 5- 2009 Staff Report for Rezoning of 300 Sand Road



THE CITY OF STARKVILLE
PLANNING & ZONING COMMISSION
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: Fomicka Ward, Applicant
SUBJECT: RZ 09-07: Rezoning request for property located at 300-A Sand Road
Parcel Numbers 105-21-005.00 & 105-21-005.01
DATE: October 7, 2009

The purpose of this report is to provide information regarding the request of Ms. Fomicka Ward to amend the zoning classification of the above-referenced property from R-5 (Multi-Family, High-Density) to R-6 (Mobile Homes/MHP/MHS). The rezoning will affect approximately 4 acres of land. The rezoning application will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting.

BACKGROUND INFORMATION

The applicant is requesting a rezoning to allow the placement of a mobile home on her family's property which will become her primary place of residence for her and her children. A letter from the applicant requesting the rezoning is included with this staff report. Most of the properties on the eastern side of Sand Road have been located in the City for several years and serve primarily as the City's wastewater treatment plant, while the properties on the western side of Sand Road were only annexed into the City in 1998. When annexed, these properties were given an R-5 zoning designation without consideration of the numerous mobile homes already in place along the roadway. The applicant was advised that she could request a conditional use within the existing R-5 zoning, but the rezoning would prevent the existing mobile homes on the subject property from becoming non-conforming structures in the event of a fire, tornado, or if an existing mobile home was in need of replacement. The applicant recently hired a mobile home contractor to move the structure onto the site and then came to the Building Department to inquire what was necessary to connect City water and sewer service; electrical service would be provided by the 4-County Electric Power Association (EPA). No building permits will be issued nor will inspections be conducted until the rezoning is approved.

Proposed Zoning District Information: R-6 (Mobile Homes/MHP/MHS)

These districts are intended to be comprised mainly of mobile homes, mobile home parks and mobile home subdivisions, along with appropriate neighborhood supporting facilities. The character of this district is protected by requiring that certain yard and area standards be met.

Required lot area and width, yards, building areas and heights for mobile home parks and subdivisions and individual mobile homes on platted lots.

The parcel of land to be used for a mobile home park or subdivision shall have a minimum lot area of five (5) acres. The minimum width of the lot at the building line shall be three-hundred (300) feet. The minimum yard depths for the mobile home park or subdivision shall be: Front—thirty (30) feet; side and rear—fifteen (15) feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any individual mobile home. The height of all structures in the trailer park shall be limited to one story or twelve (12) feet.

The individual mobile home lot shall have a minimum lot area of five-thousand (5,000) square feet and shall not be less than forty (40) feet in width at the building line. The minimum yard requirements for the mobile home lot shall be: front—twenty (20) feet; rear—fifteen (15) feet; sides—five (5) feet. This yard space may be used for parking of the residents' vehicle, but shall not constitute any of the yard requirements for the mobile home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each lot. Structures shall not cover more than thirty-five percent (35%) of the total building area.

All mobile homes permitted by this ordinance shall meet the following guidelines:

- shall be secured on a permanent foundation with tie-downs;
- shall be provided with a skirt of material comparable to the exterior of the structure and shall be placed on the site in a manner compatible with adjacent sites; and
- shall be in conformance with codes adopted by the City of Starkville.

Off-street parking requirements:

Two (2) parking spaces shall be provided for each mobile home. See Article VIII of this ordinance for requirements for other uses.

The following uses are permitted by right in the R-6 zoning district:

1. Child care: family home; group child care center, Class A and B
2. Garden
3. Home occupation
4. Manufactured home
5. Mobile home on individual lot
6. Mobile home park and subdivision
7. Name plate, unlighted, not exceeding 1 square foot in area

The following uses are allowed by conditional use in the R-6 zoning district:

1. Accessory retail service business to primary residential use, not to exceed 5% of gross floor area
2. Agricultural crops but not including livestock raising
3. Ancillary retail and service business incidental to primary residential use, not to exceed a total of 3,000 square feet of floor area
4. Church or place of worship
5. Garage, public
6. Hospital

7. Institution for children
8. Life care facility
9. Public buildings; does not include airports or correctional facilities
10. Public utilities
11. Recreational facilities
12. Schools, private
13. Self-service storage facilities (mini-warehouse)
14. Sports field and recreation uses

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

Direction	Zoning	Current Use
North	R-5	Mobile home/undeveloped
East	M-1	City's wastewater treatment plant
South	R-5	Mobile home/undeveloped
West	R-5	Vacant/undeveloped

Six property owners of record within 160 feet of the subject property were notified directly by mail of the rezoning request. A public hearing notice was published in the Starkville Daily News on Friday, September 25, 2009 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no inquiries regarding the rezoning request.

REZONING ANALYSIS

Statutory Compliance:

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's 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.

The subject property and most others along the western side of Sand Road were not zoned appropriately when annexed into the City in 1998 to allow for mobile home use.

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.

The area along the west side of Sand Road is occupied chiefly by mobile homes and it is the desire of many residents and property owners to continue the use and placement of mobile homes in the area.

Consistency with Comprehensive Plan: The proposed rezoning would generally be consistent with the goals, objectives and policies regarding residential mobile home land uses found in the City's Comprehensive Plan.

Land Use Compatibility: The proposed rezoning would allow mobile home uses which would be consistent and compatible with the adjacent land uses in the vicinity.

Changed Conditions: Although the annexed areas on the west side of Sand Road were zoned R-5, the area contains numerous mobile homes on individual lots which existed prior to the annexation. There is still a strong desire by the area residents to utilize mobile homes in the area.

Adequate Public Facilities: The site is served by the City of Starkville for potable water and sanitary sewer while electricity is provided by the 4-County EPA. The adjacent roadway is already in place.

Natural Environment: There are no known environmental issues regarding the site, although it is located across the street from the City's water treatment plant.

Economic Effects: Placement of the mobile home on the subject property, along with the other required site improvements will increase the subject property's taxable value, thereby increasing the City's tax base.

Orderly Development: The applicant intends to utilize the mobile home on the subject property as her primary residence. The mobile home will be required to conform to the zoning district regulations included within this staff report as well as adopted building codes.

Public Need: Mobile homes provide affordable housing for citizens of modest means, but are only allowed in a limited number of zoning districts throughout the City. The applicant's request for R-6 zoning is specifically to allow a mobile home on the subject property which will become the primary place of residence for herself and her children.

CONCLUSIONS

Upon review of the proposed rezoning request #RZ 09-07, the Planning & Zoning Commission's recommendation for approval to amend the Official Zoning Map Designation of approximately 4 acres of land located at 300-A Sand Road from R-5 (Multi-Family, High-Density) to R-6 (Mobile Homes/MHP/MHS) would need to be based on the findings of fact and conclusions of this staff report dated October 7, 2009, and that the rezoning request is consistent with Title 17, Chapter 1 of the Mississippi Code of 1972, as amended, and more specifically, with Appendix A, Article IV, Section A(1) of the City's Code of Ordinances based on an error in the City's Official Zoning Map.