

**MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI MAY 14, 2019**

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville met at their regularly scheduled meeting on May 14, 2019 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

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

Commission Vice-Chairman Tom Walker 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 May 14, 2019 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY, MAY 14, 2019
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 OF THE APPROVAL OF MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES OF APRIL 9, 2019
- VI. CITIZEN COMMENTS
- VII. NEW BUSINESS
 - A. CU 19-06 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A MOBILE HOME TO BE PLACED AT 1560 LOUISVILLE STREET IN A R-5 ZONE WITH THE PARCEL NUMBER 105 -16-009.00.
 - B. AA 19-02 REQUEST BY HENRY PILKINTON FOR AN APPEAL TO AN ADMINISTRATIVE DETERMINATION ON THE LEGAL NONCONFORMING STATUS OF THE STRUCTURE AT 805 UNIVERSITY DR. IN A T-5 ZONING DISTRICT WITH THE PROPERTY #101C-00-005.00.

- VIII. PLANNER'S REPORT
- IX. ADJOURN

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Camp, the motion to approve the official agenda of the Planning and Zoning Commission for May 14, 2019 received unanimous approval.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 09, 2019

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Smith, the motion to approve the Minutes as amended of April 09, 2019 Planning and Zoning Commission received unanimous approval.

CITIZEN COMMENTS

The Chair opened up the meeting for Citizen Comments. Calling for and receiving no other comments, the Commission moved to New Business.

NEW BUSINESS

A. CONSIDERATION OF CU 19-06 A REQUEST FOR CONDITIONAL USE TO ALLOW FOR A MOBILE HOME TO BE PLACED AT 1560 LOUISVILLE STREET IN A R-5 ZONE WITH THE PARCEL NUMBER 105 -16-009.00

City Planner Daniel Havelin introduced the request by Christina Johnson to allow for a mobile home to be placed at 1560 Louisville Street. The applicant is seeking a Conditional Use to place a mobile home on the subject property. The property is zoned R-5 and in order to place a "mobile home" on the property, a Conditional Use is required per the City of Starkville's Permitted and Conditional Use Chart. The property is part of 16th section land that is owned by the Starkville Oktibbeha School District.

There is an existing structure on the property. The City has contacted the School District to discuss removing the structure from the property. The structure will be removed at some point in the future. 2 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 March 27, 2019 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls regarding this request. Planning staff has two requested conditions:

1. The applicant shall have six months from time of Conditional Use approval to begin the permitting process with the City.

2. The mobile home shall be placed at least 50' away from the existing structure on the site and within the required setbacks for an R-5 zoning district.

The Chairman opened the public hearing.

The applicant, Ms. Christina Johnson, came forward to speak in favor of the request.

Calling for and hearing no other comments, the chairman closed the public hearing.

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Verdell, the motion to approve CU 19-06 was approved unanimously with the recommended conditions:

1. The applicant shall have six months from time of Conditional Use approval to begin the permitting process with the City.
2. The mobile home shall be placed at least 50' away from the existing structure on the site and within the required setbacks for an R-5 zoning district.

B. CONSIDERATION OF AA 19-02 REQUEST BY HENRY PILKINTON FOR AN APPEAL TO AN ADMINISTRATIVE DETERMINATION ON THE LEGAL NONCONFORMING STATUS OF THE STRUCTURE AT 805 UNIVERSITY DR. IN A T-5 ZONING DISTRICT WITH THE PROPERTY #101C-00-005.00.

Assistant City Planner Emily Corban introduced the request by Mr. Pilkinton, who is appealing an administrative determination of the Community Development Director regarding the legal nonconforming status of the structure at 805 University Dr. in a T-5 zoning district with the property #101C-00-005.00. The applicant initially spent \$9,823.95 modifying the shed structure, with \$7,859.16 being spent on the exterior of the building without proper building permits.

Planning staff had to determine whether or not the modification to the building violated the substantial modification standards for a non-conforming structure in a form-based district. Substantial modification is defined as an alteration to a building, excluding the interior, that is valued at more than 50% of the market value of the entire building. If an alteration to the building at 805 University Dr., excluding the interior, was made at more than 50% of the market value of the entire building, it would violate the threshold and be required to come into compliance with the provisions of the transect district.

The applicant was asked to present the market value of the structure in order to determine whether or not substantial modification had occurred. When the applicant provided the fair market value of the 144 square-foot shed structure being 15% (or \$60,000) of the entire property value (\$400,000). The Community Development Director

determined that the provided fair market value does not represent the market value of the structure itself, and concluded that the structure had been substantially modified and thus can no longer be declared a lawful nonconforming use. The Applicant is appealing the decision of Community Development Director to the Planning and Zoning Commission.

The applicant, Mr. Pilkinton, came forward to present his appeal. Mr. Pilkinton provided additional documentation at the meeting that included an appraisal of the property dated April 25, 2019 performed by J. Slade Kraker. The appraisal showed a market value of the structure to be \$41,000. The additional documents also included an updated renovation cost for the exterior provided by the general contractor Vic Pitts in the amount of \$5,040.33 dated May 9, 2019.

After discussion and upon the motion of Commissioner Dumas, duly seconded by Commissioner Camp, the motion to approve AA 19-02 was approved unanimously with the determination that the structure at 805 University Drive has not met the criteria to be considered a substantial modification and therefore remains a legal nonconforming structure. This determination was based on the information provided in the additional documentation submitted by Mr. Pilkinton.

PLANNER REPORT

Planning staff informed the commissioners that an update on the progress of the code rewrite will be presented at the Board of Aldermen work session on Friday May 17, 2019.

ADJOURN

There came for consideration, the matter of the approval of the motion to adjourn until 5:30 p.m. on June 11, 2019, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion, and upon the motion of Commissioner Dumas, duly seconded by Commissioner Gregory, the motion to adjourn until 5:30 p.m. on June 11, 2019 in in the Courtroom located at 110 West Main Street, Starkville MS, was unanimously approved.

Mike Brooks, Commission Chair

Daniel Havelin, City Planner