OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY OCTOBER 11, 2022
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 THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF SEPTEMBER 13, 2022

VI. CITIZEN COMMENTS

VII. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF SE 22-05 A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW FOR A REDUCTION IN THE MINIMUM PARKING REQUIREMENTS FOR A PROPOSED DEVELOPMENT ON THE THREE LOTS ON RUSSELL STREET AT THE NORTHWEST CORNER OF THE INTERSECTION WITH JARNIGAN STREET IN A T5-C ZONING DISTRICT

B. PUBLIC HEARING AND CONSIDERATION OF UE 22-03 A REQUEST FOR A USE EXCEPTION TO ALLOW FOR THE USE “OFFICES-PROFESSIONAL” AT 400 GREENSBORO STREET IN A TN-E ZONING DISTRICT

VIII. ADJOURN

APPROVED MINUTES OF THE MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI SEPTEMBER 13, 2022

Be it remembered that the members of the Planning and Zoning Commission of the City of Starkville held a meeting on September 13, 2022 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS.

There being physically present at the meeting were Chairman Jeremiah Dumas, Ward 6, Alexis Gregory Ward 5, Kim Moreland, Ward 1, Vicki West, Ward 2, Kelly Prather, Ward 3, Carl Smith, Ward 4 and Tommy Verdell Jr., Ward 7. Physically present attending the Commissioners were City Planner Daniel Havelin and City Attorney Chris Latimer.

Chairman Dumas opened the meeting with the Pledge of Allegiance followed by a moment of silence.

IV. CONSIDERATION OF THE OFFICIAL AGENDA

There came for consideration the matter of the approval of the Official Agenda of the Planning and Zoning Commission of September 13, 2022 as presented.

OFFICIAL AGENDA
PLANNING & ZONING COMMISSION
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF TUESDAY SEPTEMBER 13, 2022
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 THE APPROVAL OF MINUTES
   A. CONSIDERATION OF THE UNAPPROVED MINUTES OF AUGUST 9, 2022
VI. CITIZEN COMMENTS
VII. NEW BUSINE
   A. DISCUSSION AND CONSIDERATION OF FP 22-01 A REQUEST FOR FINAL PLAT APPROVAL FOR "COUNTRY CLUB ESTATES PH 3E" LOCATED ON NORTH EASTERN SIDE OF THE COUNTRY CLUB ESTATES SUBDIVISION IN A SD-2 ZONING DISTRICT WITH PARCEL NUMBER #106 -14-013.00
VIII. ADJOURN

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Prather, the motion to approve the official agenda of the Planning and Zoning Commission for September 13, 2022 received unanimous approval.

DRAFT

V. CONSIDERATION FOR THE APPROVAL OF MINUTES

A. CONSIDERATION OF THE UNAPPROVED MINUTES OF AUGUST 9, 2022

After discussion and upon the motion of Commissioner Gregory, duly seconded by Commissioner Verdell, the motion to approve the revised minutes of the Planning and Zoning Commission for August 9, 2022 with revisions received unanimous approval.

VI. CITIZEN COMMENTS

The Chair opened up the meeting for citizen comments.

Calling for and receiving no comments, the Commission moved to New Business.

VII. NEW BUSINESS

A. DISCUSSION AND CONSIDERATION OF FP 22-01 A REQUEST FOR FINAL PLAT APPROVAL FOR "COUNTRY CLUB ESTATES PH 3E" LOCATED ON NORTH EASTERN SIDE OF THE COUNTRY CLUB ESTATES SUBDIVISION IN A SD-2 ZONING DISTRICT WITH PARCEL NUMBER #106 -14-013.00

City Planner Daniel Havelin presented the request by Pritchard Engineering on behalf of Frank Jones Construction for the "Country Club PH 3E" subdivision. The Board of Aldermen approved the preliminary plat on September 6, 2016 with 13 conditions. The Development Review Committee has reviewed the plat an cleared it for approval. The gross acreage of this phase is +/- 10.65 with a total of 19 lots. The proposed gross density is 1.78 lots per acre. All easements and dedications are provided on the final plat. Golden Triangle Planning and Development has reviewed proposed road names and has no issues. Potable water and sanitary sewer utility services will be provided by Starkville Utilities. Electrical service is provided by 4 County Electric. The applicant has indicated that this subdivision is not part of any previously platted subdivision, therefore no adversely effected parties. In the opinion of the Planning Department the proposed Final Plat request could meet the criteria for final plat review and approval. Staff is recommending two conditions. One condition was listed in the staff report. The second condition relating to the covenants was requested to be added during the meeting. The recommended conditions are as follows:

1. The minimum finished floor elevations on all lots that abut or border the storm water management areas shall be required to have finished floor elevations a minimum of one (1) foot above the maximum elevation of the street(s) adjacent to said lot.
2. The covenants shall be revised to the satisfaction of the City Attorney and City Engineer prior to Board of Aldermen approval.

Chairman Dumas opened the item for discussion.

City Engineer, Cody Burnett, came forward to answer questions from the commissioners about the stormwater drainage system.

DRAFT

Project Engineer, Clyde Pritchard, came forward to answer questions from the commissioners about the stormwater drainage system.

During the discussion, Commissioner Prather motioned to approve the request. Commissioner Prather then withdrew his motion for further discussion amongst the Commission.

After discussion and upon the motion of Commissioner Prather, duly seconded by Commissioner Moreland, the motion to approve request FP 22-01 for final plat approval for "Country Club PH 3E" subdivision with staff recommended conditions received unanimous approval.

VIII. ADJOURN

There came for consideration the matter of the approval of the motion to adjourn until 5:30 p.m. on October 11, 2022, in the Courtroom of City Hall located at 110 West Main Street, Starkville MS.

After discussion and upon the motion to adjourn until 5:30 p.m. on October 11, 2022 in the Courtroom located at 110 West Main Street, Starkville MS by Commissioner Gregory, duly seconded by Commissioner Smith, the motion was unanimously approved.

_____

Jeremiah Dumas, Commission Chair

_____

Daniel Havelin, City Planner

DRAFT

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) Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject:	Public hearing and consideration of SE 22-05 a request for a Special Exception to allow for a reduction in the minimum parking requirements for a proposed development on the three lots on Russell Street at the northwest corner of the intersection with Jarnigan Street in a T5-C zoning district
Date:	October 11, 2022

The purpose of this report is to provide information regarding a Special Exception request by Tabor Construction & Development on behalf of Shackelford Investments, LLC, Tyrone Ellis, and Rena Ellis to allow for a reduction in the minimum parking requirements for a proposed development located at 403 and 405 Russell Street including the vacant lot at the northwest corner of Russell Street and Jarnigan Street. All three lots are in a T-5C zoning district with the parcel numbers 101D-00-079.00, 101D-00-080.00, and 101D-00-081.00. Please see attachments 1- 9.

Updated 10-11-22

BACKGROUND INFORMATION

The applicant is currently proposing to develop the site into a mixed-use development with residential and commercial units in two buildings. The parking for the site will be located in the rear of the property and new street parking will be added along Russell Street. The three existing lots will be combined into two lots. Each lot will have one mixed use building, but both lots will share the proposed parking. The residential portion requires one space per bedroom. The total bedroom count for the project is 41 (10 one bedrooms, 8 two bedrooms, and 5 three bedrooms). The parking for the non-residential portion will vary based on the use. Assuming a total square footage of 2,700 per building, the required parking for the non-residential portion of each building is 4 spaces per building. Using the Parking Occupancy Rates chart found in Section 14.10.4 of the Unified Development Code, the total number of required parking is 48 spaces. The proposed site plan (attachment 3) shows 38 parking spaces. The requested reduction in amount of required parking would be approximately 19%. The parking requirements are part of the Use Standards in Section 13 of the Unified Development Code (UDC). Section 3.4.1 of UDC states that a Special Exception is required for any request to deviate from the Use Standards that is non-dimensional in nature. If the request for a Special Exception is recommended for approval or denial, the requests will be heard by the Board of Aldermen at the October 18, 2022 meeting.

CRITERIA FOR SPECIAL EXCEPTION REVIEW AND APPROVAL

3.4.1. Criteria for special exception review and approval in all zoning districts.

A. **Site suitability.** The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
B. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.

C. **Immediate neighborhood impact.** The proposed structure and use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.

D. **Availability of public services.** The proposed structure and use is adequately served by sewer, water, electricity, fire protection, police protection, and provides for any stormwater requirements.

E. **Site Plan.** A site plan shall be reviewed by the Development Review Committee prior to review by the Planning and Zoning Commission. This review shall be to determine if elements have been adequately provided on the plan. These elements can include, but are not limited to: parking areas, loading areas, buffers, screening, landscaping, and signage. Additional approval by the Development Review Committee may be required for site plan approval after approval of a special exception.

F. **Impact on property values.** The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.

G. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.

H. **Additional Standards.** All associated additional standards for the proposed building, sign, accessory structure, or site associated with the use have been adequately provided for on the site plan.

3.4.2. Additional Criteria for special exception review and approval in form-based districts

A. The special exception request shall be consistent with the intent of the form-based districts.

5.1.1. The intent of the form-based districts is to implement the urban core, urban center, and urban corridor placetypes of the Comprehensive Plan. The intent of the requirements for the form-based districts are 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. Form-based 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 Form-based 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 of their home.

ABANDONMENT OR DISCONTINUANCE (Section 3.4.3.K)

Any built structure or site associated with an approved special exception may continue with the associated use unless the use is made a nonconformity by any subsequent zoning ordinance n and/or action by the Board of Aldermen. All nonconformities shall be regulated in accordance with section 3.17. If a specific time is not set as part of the approval of a special exception, the special exception shall expire within 18 months if no building permit has been issued and/or construction

Updated 10-11-23

activities have ceased on the site. A special exception for any sign type shall expire upon the abandonment or discontinuance of the use or business. Reapplication for a special exception for sign will be required.

NOTIFICATION

The request was noticed in accordance with Section 3.4.3.E of the Unified Development Code.

1. 13 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on September 11, 2022.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received three phone calls. One for, one against, and one requesting information about the request. Staff has also received two letters against the request and four letters in support of the request.

ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

CONDITIONS OF APPROVAL

Any condition attached to the approval of a special exception by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, successors, and assigns for the duration of the use of the building, sign, accessory structure, or site (Section 3.4.3.J).

Updated 10-11-22

Attachment 1

VA 22-11 Aerial

Legend

Subject Property

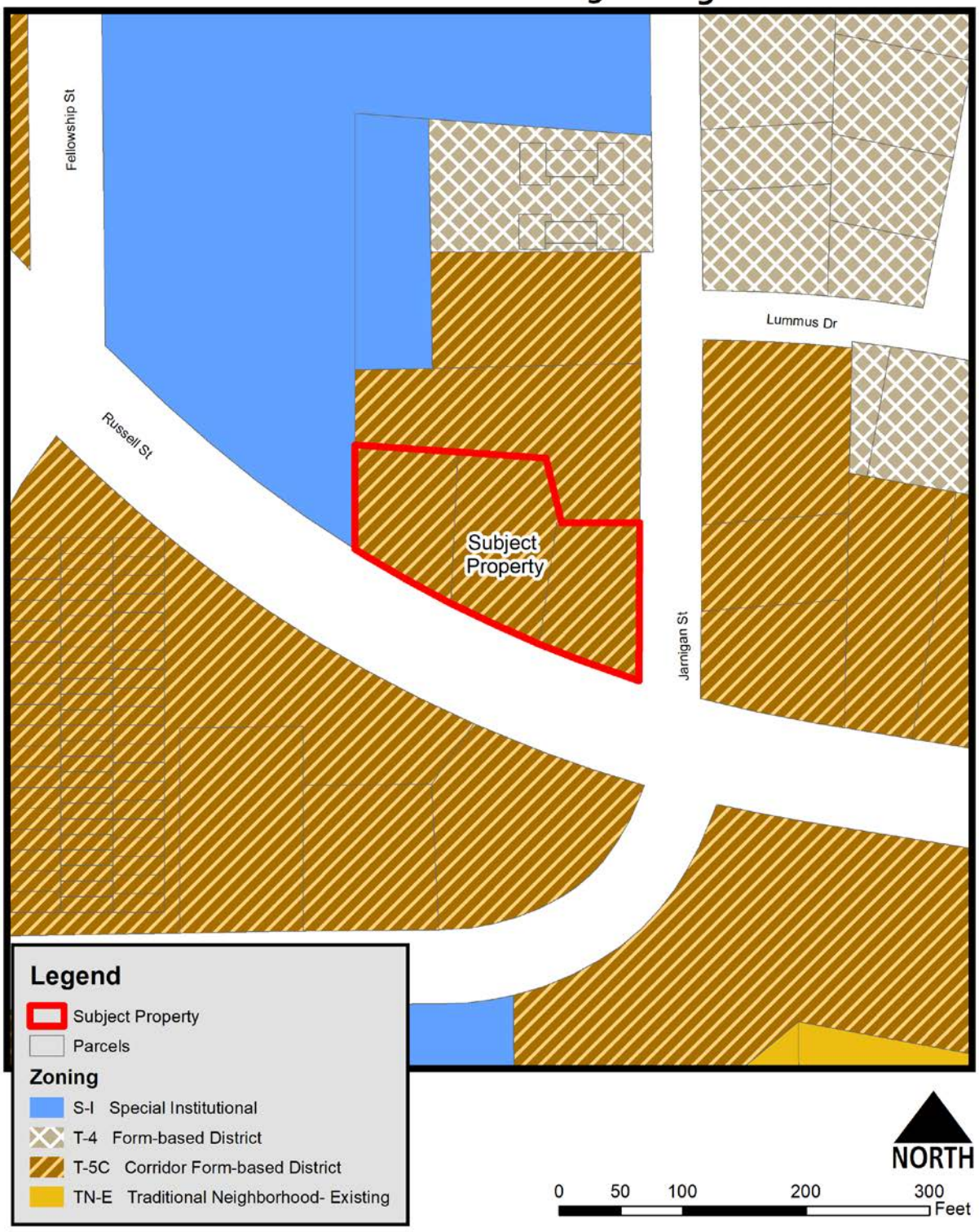
Parcels

NORTH

0 50 100 200 300 Feet

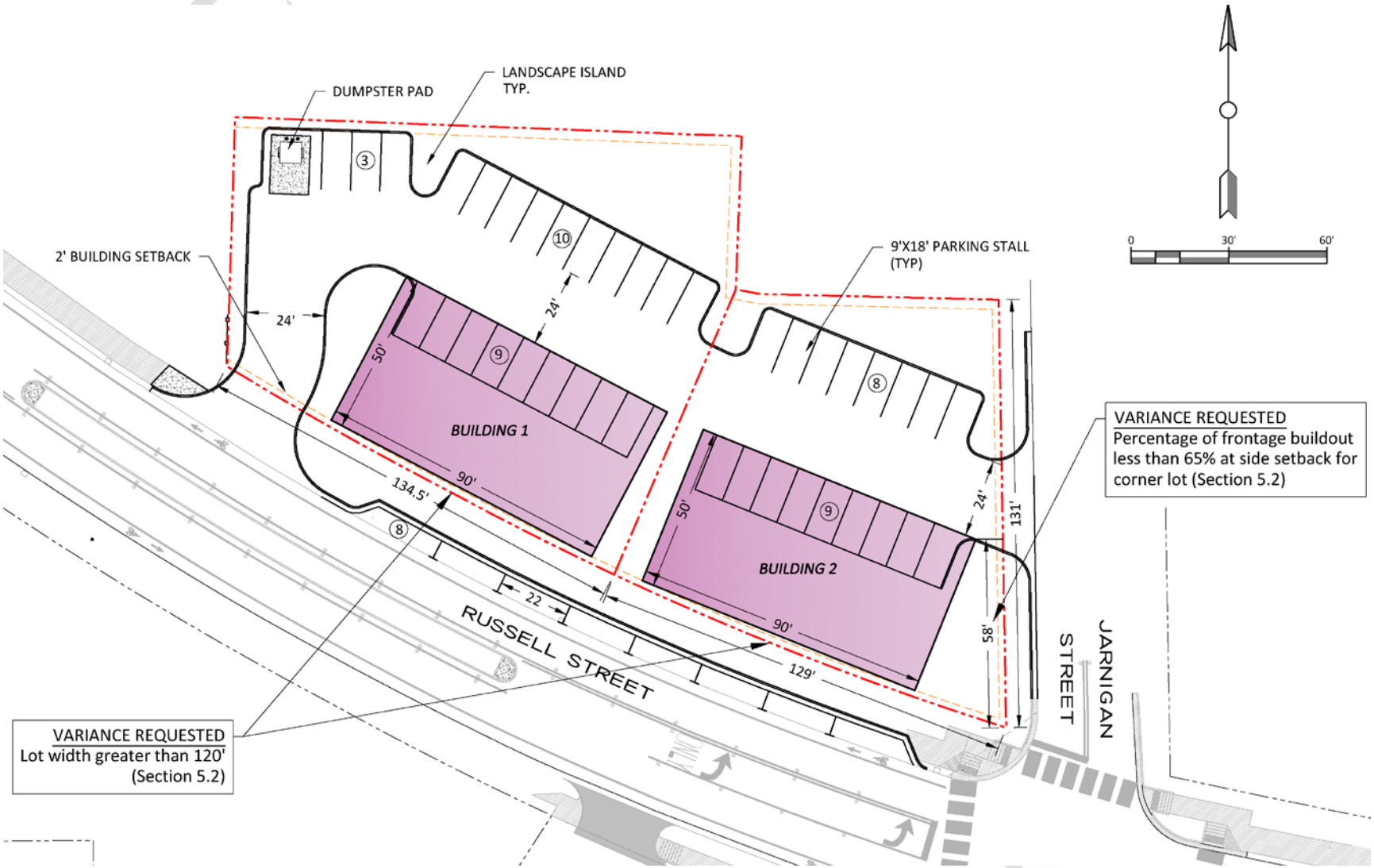
Attachment 2

VA 22-11 and SE 22-05 Zoning



Attachment 3- Conceptual Site Plan

Attachment 4- Letter Against Hartlein



JOHN WESLEY HARTLEIN

Construction Consultant - Expert Witness

September 28, 2022

RE: VA 22-11 and SE 22-05

403, 405 and vacant lot Russell Street

HIGH COTTON DEVELOPMENT, LLC supports the development within the allowed T-5C zoning requirements as written by your Codes.

HOWEVER,

HIGH COTTON DEVELOPMENT, LLC is opposed to any variances that are **SELF-CREATED** by applicants increased density, building footprint and unit count while asking for less parking requirements.

CURRENT T-5C zoning is already a concession in parking allocations requirements vs other zoning.

PARKING within the Cotton District is already congested and needs more parking, **NOT LESS.**

OTHER **land adjoining or near-by** will be requesting for the same considerations and will increase density while lessening the required needed parking.....not good planning.

FINALLY, as a past developer in Starkville, I fully understand the applicants request for a variance(s) to increase the projects scope and size to maximize his return. However, there are no current conditions by the City such as easements, utilities, roads, etc. that prohibit the applicant to develop the properties **as is**. In fact, by assemblage of the 3 lots as one, the two side yard setbacks are eliminated thereby increasing the buildable area by 40 feet for his benefit.

HIGH COTTON DEVELOPMENT, LLC respectfully request **denial** of any variance approval on this application that increases density while lowering the parking requirements.

Sincerely,

John Hartlein, Manager

HIGH COTTON DEVELOPMENT, LLC

ADDRESS: 7 Waterford Pl, Jackson, MS 39211 • PH: 601-259-0328

hartleinj@bellsouth.net • johnhartlein.com

MONTGOMERY LAW FIRM, PLLC
ATTORNEY AT LAW
POST OFFICE BOX 891
STARKVILLE, MISSISSIPPI 39760-0891

TELEPHONE: (662) 323-1500
FACSIMILE: (662) 323-0980

JOHN M. "MICKEY" MONTOGMERY
MICKEY@MLFMS.COM

109 EAST MAIN STREET
STARKVILLE, MS 39759

September 28, 2022

d.havelin@cityofstarkville.org
Daniel Havelin,
City Planner
City of Starkville, Mississippi

RE: Variance Request – Tabor Construction & Development – Deviation Parking Requirements

Dear Sir,

This letter is in response to your notice dated September 2022 concerning the above referenced matter. I have owned the property at the Northeast corner of Russell Street and Jarnigan Street for many years. It is important that everyone is aware and recognizes there is a serious lack parking in the cotton district especially in the area of the subject property. This parking problem is compounded by Russell Street Flats, The Whitney, the shopping center, and Mugshots. There's no benefit to the surrounding property owners by allowing a special exception to the parking requirement. There is no basis or good reason to warrant granting the request as there are no issues with the subject property. Simply, the developer should be required to reduce the size of their improvements and use that reduction for parking space.

I can only speculate the condominium owners encroaching on their neighbors to locate a parking space. This can be avoided by not recommending a deviation from the parking requirement. I am confident that the City of Starkville will not make the parking problem worse by allowing this parking deviation. Please accept this letter as my formal objection for allowing a special exception for a parking deviation requirement to Tabor Construction & Development regarding parcel numbers 101D-00-79.00, 101D-00-80.00, and 101D-00-81.00.

Please present this letter to the appropriate authorities for their consideration. If you need further information, please advise.

Sincerely,

John M. Montgomery

Attachment 6- Letter Supporting Request Castleberry

CASTLE PROPERTIES
114 MILL STREET, STARKVILLE, MS 39759 · MAILING ONLY
662-244-7099 Office

October 10, 2022

Starkville Planning and Zoning Commission

Re: Support of Special Exception for a reduction of the parking requirements for the proposed development on Russell St and Jarnigan

We were made aware of this development and request by the developer Jeremy Tabor as a courtesy to our ownership and management of neighboring properties on Russell Street.

Mr. Tabor explained that this development would be similar to their Grand Junction, being mainly occupied as "game day" condos. In addition, there will be some retail/office space.

Based on this use I believe this development will be a great addition to Russell Street and the city of Starkville. This exemption should not create any hardship on our neighboring 550 and management of Cotton Crossing developments. This project will greatly enhance an area that has been underutilized and bring in more business for our tenants and the community.

Sincerely,

Mark Castleberry
Castle Properties

From: Aubrey Corley <ajcorley@edmat.com>
Date: Monday, October 10, 2022 at 4:27 PM
To: Dumas, Jeremiah <JDumas@parkingtransit.msstate.edu>
Cc: tabor100@bellsouth.net <tabor100@bellsouth.net>
Subject: Summit on Russell

Mr. Dumas my name is Aubrey Corley and an owner of a business in the Cotton District. I'm aware of the Summit on Russell project and would be in favor of it moving forward as planned with parking as proposed. I think it will be another quality project for Starkville and the Russell St.corridor. I'm very proud of that area and the progress that's been made over the last 10 years and this project is just another part of the puzzle that's been created. Alumni housing is also a vital piece for the study growth of Starkville and will also help support our restaurants and businesses throughout our amazing city. Thanks for your time and Hail State.

Aubrey Corley

204 Main
P. O. Box 1007
Starkville, MS 39760

662-323-5222
1-800-649-1422
Fax: 662- 323-8181

October 11, 2022

To: Starkville Planning and Zoning Commission

Re: Support of the proposed development on Russell and Jarnigan Streets and the request for a reduction of parking spaces required to make this project a reality.

Jeremy Tabor has visited with and informed me of this proposed project, its style, quality, approximate value and how it will fit into the overall area.

I and Sullivan's Office Supply have always been supportive of projects such as this one that are appropriate for the surrounding community. Further, Tabor Development and Construction has a proven "track record" of delivering projects that improve and add value to Starkville.

I ask that you grant Mr. Tabor and this proposed development the requested variance in parking.

Thank y'all, the Planning and Zoning Commission, for all you do to guide Starkville's continued growth and development, it is appreciated.

Sincerely,

Stephen Langston
President

Attachment 9- Letter Supporting Request Slaughter

GuarantyBank

Sammy Slaughter
President
Phone: 662.546.4419
email: sammy.slaughter@gbtonline.com

October 11, 2022

Starkville Planning and Zoning Commission

RE: Support of Special Exception for a reduction of the parking requirements for the proposed development on Russell Street and Jarnigan

I have had the opportunity to review the development and request by Jeremy Tabor for the new development on the corner of Russell and Janigan, which is just around the corner of our branch. This review shows a new development, much like Grand Junction on University Drive. My understanding is this development will be condos (both residential and leased) along with office/retail spaces.

Based on this use and the quality of the work that Jeremy had done in the past, I see this as another great addition to Russell Street and the City of Starkville. This type of development will help with the continued development of Russell Street corridor to MSU. This exemption will not create any issues with the surrounding properties and business.

On the personal side, our family owns residential property just a lock or so away and I feel this type of development will enhance the value of this property as well.

Sincerely,

Samuel W. Slaughter, III
City President, Starkville

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) Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject:	Public hearing and consideration of UE 22-03 a request for Use Exception to allow for the use "Offices-Professional" at 400 Greensboro Street in a TN-E zoning district
Date:	October 11, 2022

The purpose of this report is to provide information regarding Use Exception Request by Will and Stephanie Arnett to allow the operation of a Real Estate Brokerage office in the house located at 400 Greensboro Street in a TN-E (Traditional Neighborhood Existing) zoning district with the property #1180-00-319.00. Please see attachments 1-12.

Updated 10.11.22

BACKGROUND INFORMATION

The applicant is seeking a Use Exception to operate Real Estate Brokerage office in a house in a residential zoning district. The applicant will not reside in the home. Therefore, the use is classified as a commercial use and not a home occupation residential use. The Use Chart in Section 13.3 of the Unified Development Code requires a Use Exception or Special Exception for the use "Offices-Professional" in a TN-E zoning district. The proposed use does not require the construction of a new building or major modification to an existing building or site. Therefore, the request will be reviewed as a Use Exception. Section 3.5.1.F of Unified Development Code also requires that the Use Exception meet the additional standards for that use.

CRITERIA FOR USE EXCEPTION REVIEW AND APPROVAL (Section 3.5.1.)

1. **Site and structure suitability.** The proposed location of the use has adequate space for the use such as but not limited to: parking, available utilities, pedestrian access, vehicle access, loading areas, building size, building type, etc.
2. **Traffic.** There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the addition of the proposed use to the area.
3. **Immediate neighborhood impact.** The proposed use is not detrimental, injurious, obnoxious, or offensive to other properties in the neighborhood. Negative impacts can include excessive trip generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, and inappropriate hours of operation.
4. **Impact on property values.** The proposed location of the use will not cause or contribute to a decline in property values of surrounding properties.
5. **Consistency with Comprehensive Plan.** The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.
6. **Additional standards.** All associated additional standards for the proposed use have been adequately provided for on the site plan.

ABANDONMENT OR DISCONTINUANCE (Section 3.5.3.K)

If a use exception is abandoned, discontinued, or ceases for a continuous period of more than three (3) months, the use exception shall become null and void. The use exception shall only be tied to the applicant for that specific location and/or business and cannot be transferred to another entity or location without reapplication. Any use associated with an approved use exception may continue the associated use unless the use is made a nonconformity by any subsequent zoning ordinance and/or action by the Board of Aldermen.

NOTIFICATION

The request was noticed in accordance with Section 3.5.3.E of the Unified Development Code.

1. 15 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on September 20, 2022.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of October 11, 2022, the Planning Office has received three calls requesting information. Five phone calls, seven emails, one letter, and one in person office visit against the request. Staff also received a petition against the request signed by 42 individuals (Attachment 7).

ANALYSIS

In the opinion of the Planning Department the proposed use associated with the Special Exception request could meet the criteria for special exception review and approval.

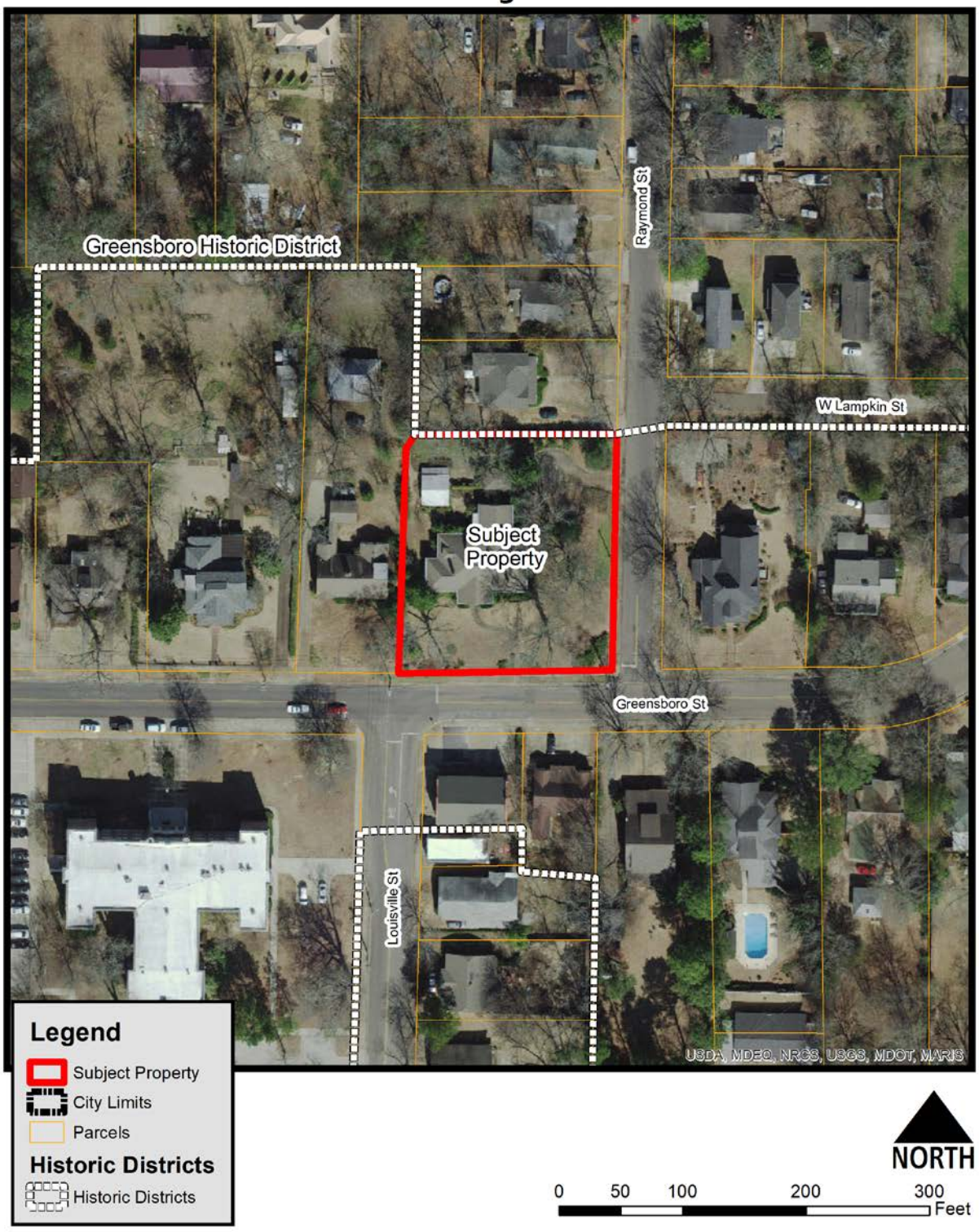
CONDITIONS OF APPROVAL

The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Conditions attached to the approval of a use exception shall run for the duration of the use. Conditions for a requirement for a renewal of a use exception may be applied to approval at the discretion of the Board of Aldermen. (Section 3.5.3.J).

Updated 10.11.22

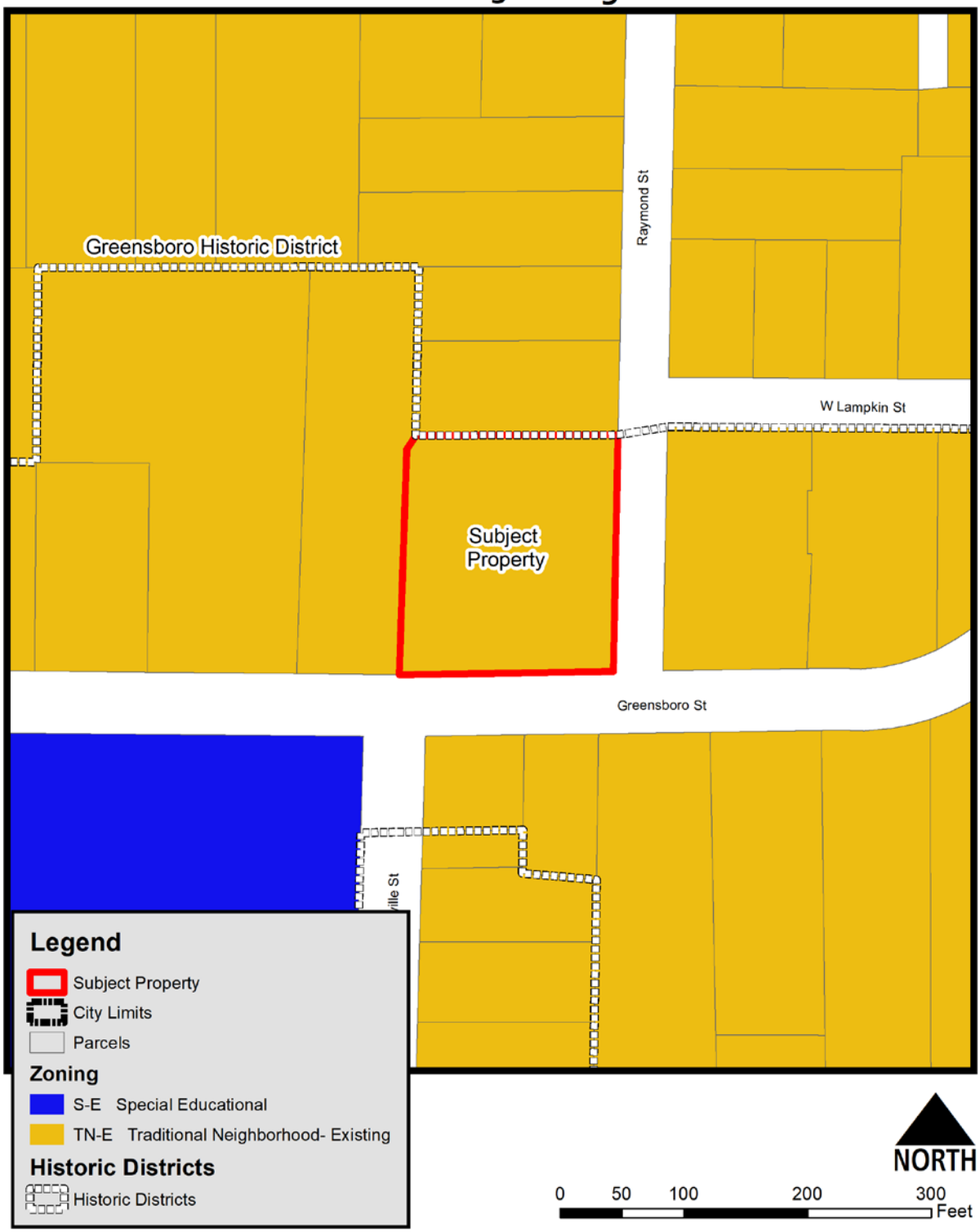
Attachment 1

UE 22-03 Aerial



Attachment 2

UE 22-03 Zoning



Attachment 3- Applicant Statement

Will & Stephanie Arnett
400 Greensboro Street
Starkville, MS 39759
662.769.0721

August 30, 2022

City of Starkville
110 West Main Street
Starkville, MS 39759

RE: Special and Use Exception Application

To Whom it May Concern:

Enclosed, please find my completed application for a Special/Use Exception for my property located at 400 Greensboro Street. Prior to purchasing this property earlier this month, I sought the City's direction during my contract due diligence period to ensure that this property could be utilized for my intended use of Second Home/Professional Office Space, prior to purchasing. I was advised by the City that no Special or Use Exception was required because I met the requirements of Home Occupation, which is permitted by right in this zoning district, subject to additional standards. In addition to advising that no exceptions were required, a privilege license was issued for my Real Estate Brokerage (Professional Office Space) at this location. I am not familiar with this process or the Unified Development Code, which is why I sought and relied upon the City's direction.

The day after purchasing this property, I was notified by the City that that a Special/Use Exception is required, although neither my intended use, nor the specifics thereof have changed. I submit this application to you for processing as expeditiously as possible, so that I may begin to use my property for the purpose in which it was purchased. Below, I have outlined additional information that I feel will assist you with your approval of this application. Should any additional information be required, please do not hesitate to contact me.

Current Zoning: TN-E w/Overlay - Historic Greensboro District.

Use requiring Special/Use Exception: Professional Office (Section 13 of the UDC indicates that Professional Office Space is permitted within this zoning by Special or Use Exception).

Intended Use: Residential on the first floor, with professional office space (Real Estate Brokerage) on the second floor, which constitutes less than 1/3 of the overall square footage of the property. Please note that in light of the correspondence from the City over the past month, I have increased the commercial square footage to include all finished square footage on the second floor, so as to avoid any potential future ambiguity in my compliance with the City's direction. Technically, only 707 square feet will be Professional Office Space – however, I do not want to risk any future stress or misunderstandings. Based on recent conversations with the City, I have determined that I may quite possibly file for homestead on this property. If not, it will be my second home as originally intended. Regardless, this property will meet either classification, according to State and IRS requirements.

Per Section 13-7-17 of the Unified Development Code, please note the following:

A. Definition: Real Estate Agency
B. Parking:
    1. Not Applicable.
    2. Not Applicable.
    3. Not Applicable.
    4. No shared parking with other businesses.
    5. I was unable to locate the parking requirements for this zoning within the code. Using the most extreme I could locate of 1.25 per bedroom (x 4 bedrooms) that would require 5 parking spaces for the first floor residential. At one (1) space per five hundred (500) square feet of commercial floor area [using a maximum of the entire second floor including 1232 square feet], that would require 3 additional parking spaces, rounding up, for a total of 8 parking spaces. If we calculated the entire property with one space per every 500 square feet, that would require a total of 9 parking spaces. Regardless, this can be accommodated on site (see attached parking layout), in the side yard, where parking is currently located.
C. Loading: Not applicable, as there will be no commercial deliveries.
D. Additional Standards:
    1. Not applicable. However, no parking exists in the front yard.
    2. Requires Board of Alderman approval as stated above. However, there is no planned expansion of the existing building, or planned additional structures. Should the Board of Aldermen determine that additional off street parking is required, I have attached an aerial view from our contractor identifying current parking in white and potential additional parking in red.
    3. Not applicable. There is no planned expansion of the existing building, or planned additional structures.

Additional Notes:

- A minimum of 1/3 of the property's square footage will be used for professional office space
- There will be no exterior signage to indicate the presence of professional office space
- There will be no change to the exterior character of the home to accommodate the presence of professional office space. (There will be improvements to the exterior to enhance the curb appeal, remedy deferred maintenance, etc – much of which has already been done at the time of this application)
- The business will not be open to the general public. Operationally, we are primarily a paperless business, with virtual operations. Most client meetings are conducted off site (while showing or touring homes), or in restaurants, coffee shops, etc.
- In June's discussions with the City, to meet ADA requirements, the property will need a handrail in first floor bathroom, and an exterior ramp into the property (already in agreement to be installed within 60 days – contractor is sitting on "ready")

As stated above, I am not familiar with this process. If there is a better solution to resolve the issue at hand, please know that I welcome the direction from City Hall. For me, time is of the essence, due to the substantial financial investment that has already been made.

Respectfully,

Will Arnett

Stephanie Arnett

400 Greensboro St, Starkville, MS

2nd Floor Finished Area 1232.11 sq ft
Unfinished Area 254.27 sq ft

0 4 8 ft

PREPARED: 2022/05/28

N

White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

400 Greensboro St, Starkville, MS

Main Floor Finished Area 3078.61 sq ft

0 6 12 ft

PREPARED: 2022/05/28

N

White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

Attachment 4- Email Against Dunn

Daniel Havelin <d.havelin@cityofstarkville.org>

400 Greensboro St -please vote no

Laura Dunn <lhdunn85@gmail.com> Mon, Sep 19, 2022 at 2:16 PM
To: Daniel Havelin <d.havelin@cityofstarkville.org>

Hey Daniel,

I spoke to you a couple weeks ago regarding questions surrounding the purchase and use exemptions submitted by Stephanie Arnett at 400 Greensboro St. I live at 304 Greensboro St, just two doors down from the home in question. I attended the "open house" on Thursday, Sept. 14th and spoke with many of Stephanie's staff as well as Stephanie herself. I was taken aback that there were somewhere between 6-8 staff members that would have offices upstairs working on a daily basis, so this hardly seems to be a "virtual" office space to me. I even have a floor plan in my posession stating all of this if you need it. I had questions regarding parking and many of them commented they would walk from downtown, homes nearby, or even use the Greensboro Center for public parking. I doubt this will be the case on days when it rains.

Either way, I want to ensure you know, in writing, that I am HIGHLY opposed to this use exemption being granted. Please know that Stephanie and her entire team is blaming the city for "pulling" their approved use exemption the day after closing and placing every bit of blame on the city. We are a thriving downtown neighborhood many towns would be jealous to have. This use exemption could set a precedent for other businesses to try and do the same in the future and can not be allowed. The entire neighborhood is up in arms furious about this situation.

Do you happen to have email addresses for members of the P & Z? I'd like to reach out to them ahead of the Oct 11th meeting as well.

Thanks!

Laura

--
Laura Dunn
601-550-2135
lhdunn85@gmail.com

Attachment 5- Letter Against Williams

402 Greensboro St.
Starkville, MS 39759
September 22, 2022

Daniel Havelin
City Planner

Dear Sir;

We are the Henry's located at 402 Greensboro St. We vehemently oppose the Usage change proposed by the new owners of 400 Greensboro St.! Their house is (and has been for a long while) located in a RESIDENTIAL, HISTORIC neighborhood; NOT a commercial area.

We would appreciate your consideration in keeping our neighborhood a HISTORIC, RESIDENTIAL area. Thank you.

Sincerely,
Maureen Henry
William S. Henry

Attachment 6- Email Against Fratesi

Daniel Havelin <d.havelin@cityofstarkville.org>

Opposition to Use Exception - 400 Greensboro St.

Joe Fratesi <joefratesi@gmail.com> Fri, Sep 30, 2022 at 11:44 AM
To: Ben Carver <b.carver@cityofstarkville.org>, kimdmoreland@yahoo.com, Daniel Havelin <d.havelin@cityofstarkville.org>

Ben, Kim, and Daniel-

I am emailing you regarding the Use Exception for the property at 400 Greensboro Street (the *Stark House*). As a resident of Greensboro Street, I am opposed to this request. I believe that we have a vibrant and stable neighborhood and that the primary use of the homes within it should remain residential. Further, I think that granting this Use Exception request would set a dangerous precedent.

Thank you for your service to our community.

Regards,

Joe Fratesi
516 Greensboro Street

Attachment 7- Petition Against Request Received on 9-30-22

Daniel Havelin <d.havelin@cityofstarkville.org>

P&Z Stark House Use Exception Request

1 message

Jeremy Murdock <jmurdock@retailstrategies.com> Fri, Sep 30, 2022 at 11:57 AM
To: Daniel Havelin <d.havelin@cityofstarkville.org>
Cc: "emcorban@gmail.com" <emcorban@gmail.com>, "joefratesi@gmail.com" <joefratesi@gmail.com>

Dear Mr. Havelin,

Please see the attached letter and list of signatures from the residents of the Greensboro Street Historic District. This letter is in response to Mr. and Mrs. Arnett's Use Exception Request for the historic Stark House at 400 Greensboro Street.

As you can see from the response of over 40 residents, our neighborhood **overwhelmingly opposes** the request because it does not meet the criteria for an exception and sets a dangerous precedent for future requests in our vibrant and stable neighborhood.

Please include this letter in the official Planning and Zoning packet for October 11, 2022.

Please let me know if you have any questions.

Thank you,

Jeremy Murdock

502 Greensboro Street

662-312-9243

400-Greensboro_StarkHouse_UseException_SIGNATURES_10.11.22.pdf
3206K

Greensboro Street Historic District

Date: September 27, 2022

To: Starkville Planning and Zoning Commission
Starkville Board of Alderman

From: Residents of the Greensboro Street Historic District

RE: Use Exception Request - 400 Greensboro Street

As residents of the Greensboro Street Historic District, we are writing in formal opposition to the proposed use exception for the property located at 400 Greensboro Street. As a neighborhood, we are extremely concerned with the protection of the historic homes and neighborhoods that make up the central area of Starkville. We strongly believe that neighborhoods such as the Greensboro Street Historic District contribute to Starkville's charm and are vital to the long-term success of our community. A large part of this charm is created by the historic residential properties within the historic district, especially the historic *Stark House* located on the subject property.

We do not oppose home occupations for virtual workspaces in which the owner of the property resides within the home. However, it is our understanding that it is the intent of the applicant to use the dwelling as a virtual office and will not reside in either the dwelling or any accessory dwellings and therefore it must be classified as "Offices-Professional" and requires a Use Exception. Since the use as an "Offices-Professional" would not be incidental or secondary and all on-site employees will not reside within the primary dwelling or the accessory dwelling, we oppose the use exception request. The Greensboro Street Historic District is a thriving, sought-after neighborhood, and as residents we believe it is critical that the primary use of the homes within our neighborhood should remain residential.

In addition, it is our opinion that approving this use exception request to allow this "Offices-Professional" use to be carried out without a person residing on the premises would set a dangerous precedent and serve as a catalyst for negative changes to the character of both the home itself and the neighborhood. As such, we cannot support this request and ask that you deny the Use Exception request in order to protect the integrity of our neighborhood.

Thank you for your service to our community.

Sincerely,

The Residents of Greensboro Historic District

Greensboro Street Historic District

Name (print)	Signature	Address
JEREMY MURDOCK		502 GREENSBORO
Lynn Infanger	Lynn Infanger	504 Greensboro St.
G. G. Holmes	G. G. Holmes	511 Greensboro St
Jamie Mixon	Jamie Mixon	510 Greensboro St.
David Mixon	David Mixon	510 greensboro St.
MAUREEN HENRY	Maureen Henry	402 Greensboro St.
WILLIAM L. HENRY	William L. Henry	" " "
Alexandra Hui	Alexandra Hui	508 Greensboro St.
Anne Jordan White	Anne Jordan White	500 Greensboro St.
NORA STRICKLAND		103 BRYAN LANE
Joe Fratesi		516 GREENSBORO St.
Ashleigh B. Murdock	Ashleigh B. Murdock	502 Greensboro St.
Hagan Walker	Hagan Walker	201 Louisville St.
Jim Walker		207 Louisville St.
JASON R. BARRETT	Jason R. Barrett	427 GREENSBORO ST.
Laura Dunn		304 Greensboro

Greensboro Street Historic District

Name (print)	Signature	Address
George Dunn		304 Greensboro
Debra K. Shafer		601 Greensboro St
Gary Shafer		601 Greensboro St.
Georgia Lindley	Georgia Lindley	309 Greensboro
David B. Lindley	David B. Lindley	309 Greensboro
Robert A. Camp		521 Greensboro St.
Emily Corban		521 Greensboro St.
Luke White		500 Greensboro St
Mary Love Tagert	Mary Love Tagert	425 Greensboro Street
Shannon Barrett	Shannon Barrett	427 Greensboro Street
Bill DEVLIN		404 Greensboro
Melanie Devlin	Melanie Devlin	404 Greensboro
William Van Wurm	William Van Wurm	505 Greensboro
Kimberly Wurm	Kimberly Wurm	505 Greensboro
Anne E Marshall	Anne E. Marshall	305 Greensboro St
JAMES GIESEN	James Giesen	305 Greensboro St

Greensboro Street Historic District

Name (print)	Signature	Address
Bethany Mills		311 Greensboro
Tyson Mills		311 Greensboro
Chris Ayers		508 Greensboro St.
Andrew Wade		605 Greensboro St
Elizabeth Wade		605 Greensboro St.
Suzanne Sinno		303 Greensboro St.
Tyson Langston		604 Greensboro
Meredith Langston		604 GREENSBORO ST.
Michelle Jones		408 Greensboro
Briar Jones		408 Greensboro

Attachment 8- Email Against Shafer

Daniel Havelin <d.havelin@cityofstarkville.org>

Stark House Use Exception

1 message

Debra Shafer <debra.shafer@gmail.com> Fri, Sep 30, 2022 at 2:26 PM
To: d.havelin@cityofstarkville.org

Mr. Havelin,

We oppose the Use Exception request for the Stark House on Greensboro St. We feel strongly that in granting this request a precedent would be established for the demise of our vibrant, stable neighborhood.

Regards,
Debra & Gary Shafer
601 Greensboro St.

Sent from my iPhone.

Attachment 9- Email Against Murdock

Daniel Havelin <d.havelin@cityofstarkville.org>

400 Greensboro Street Use Exception Request

1 message

Jeremy Murdock <jmurdock@retailstrategies.com> Fri, Sep 30, 2022 at 4:02 PM
To: Daniel Havelin <d.havelin@cityofstarkville.org>

Dear Mr. Havelin,

I am contacting you in regard to Mr. and Mrs. Arnett's request for a Use Exception for the historic *Stark House* at 400 Greensboro Street. My wife Ashleigh and I **strongly oppose** the request and ask that the Planning and Zoning Commission recommend denial of the request.

We, like many of our neighbors, chose to live in the Greensboro Street Historic District because it is a well-preserved, vibrant, and stable central neighborhood.

As documented by the real estate appreciation data included in the packet that the Arnetts distributed to the immediate neighbors, the Greensboro Street Historic District is a vibrant, stable, and highly sought-after neighborhood. The past several years have brought new families into the neighborhood as many houses have come onto the market. In every case the houses sold quickly or, as the case with my home, was purchased without being listed on the real estate market.

Resent history has also shown the former office building at the corner of Greensboro Street and Louisville Street shift from commercial office space (commercial use) to a residential use.

There is no data or trends present that justify the applicant's request to allow the Stark House, arguably the most prominent home in our neighborhood, to be used as professional office space. We feel strongly that the primary use of the homes in our neighborhood should remain residential.

Many residents of the neighborhood have home offices or work virtually from home. However, the house is their primary residence, and the primary use of the structure is residential.

Please preserve the integrity of our unique neighborhood by denying the applicant's Use Exception request.

Please let me know if you have any questions,

Jeremy Murdock

502 Greensboro Street

662-312-9243

Attachment 10- Email Against Wade

HISTORIC STARKVILLE
MISSISSIPPI'S COLLEGE TOWN

Daniel Havelin <d.havelin@cityofstarkville.org>

Fw: Stark House Zoning considerations

1 message

Andrew Wade <andrew.wade@ymail.com> Fri, Sep 30, 2022 at 3:21 PM
To: "b.carver@cityofstarkville.org" <b.carver@cityofstarkville.org>, "kimdmoreland@yahoo.com" <kimdmoreland@yahoo.com>, "d.havelin@cityofstarkville.org" <d.havelin@cityofstarkville.org>

For your consideration... please see the original email below!

Thank you,

-Andrew Wade

----- Forwarded Message -----
From: Kelly Prather <kellydprather@gmail.com>
To: Andrew Wade <andrew.wade@ymail.com>
Sent: Wednesday, September 28, 2022 at 11:06:26 AM CDT
Subject: Re: Stark House Zoning considerations

Thank you for your email. Insights appreciated.

Kelly Prather

Sent from my iPhone

> On Sep 27, 2022, at 12:38 PM, Andrew Wade <andrew.wade@ymail.com> wrote:
>
> To Whom it may concern,
>
> I am sending this correspondence to voice my concern about zoning considerations for the Stark House on Greensboro Street. My family and I live at 605 Greensboro Street, so we have taken an interest in the proposed consideration.
>
> My primary concern is about precedence and future use, based on the outcome of the ongoing consideration.
>
> First, my family and I love living in our historic neighborhood, visiting with our neighbors, and enjoying the lifestyle it provides being centrally located in town.
>
> My concern is that a short-sighted decision may be made that may have unintended long-term consequences that could negatively impact our neighborhood.
>
> Our neighborhood is residential. Any move towards allowing professional office space, virtual or otherwise, is a step towards commercializing property that will have current and future impacts on all of our properties. Once steps are taken in this direction, it sets a precedent that will be difficult to turn back from.
>
> Many of us in the neighborhood work from home, including myself. I work in Information Systems as an IT Business Analyst for a national pre-engineered metal building manufacturer. On the side, I also run specially built computer systems that

process transactions on different blockchain projects, as well as I, am a published Indie Children's author. All of this is done out of our home, without the need to attempt to rezone our family home for what I can only imagine as some form of favorable tax purpose.

While I can understand potential financial gains from obtaining an exception to the existing zoning, I am also fearful of the long-term fallout if this were to take place.

I simply ask that everyone carefully consider the implications, not just for the near term but for the impacts that it might set in place once the precedent is in place in our neighborhood.

I am hopeful that our historic neighborhood is a place of preservation first, for its history and the families that live here, and not commercialization that may negatively impact how we live our lives today and in the future.

Please consider my family's concerns as you deliberate the zoning exception for the Stark House.

Sincerely,

-Andrew Wade

Attachment 11- Email Against Henry

Daniel Havelin <d.havelin@cityofstarkville.org>

Special Use Exception for 400 Greensboro Street

The Henrys <mmitc28814@aol.com> Mon, Oct 10, 2022 at 3:23 PM
To: d.havelin@cityofstarkville.org

Dear Mr. Havelin and Members of the Planning and Zoning Commission,
I respectfully ask you to decline the special use exception requested for 400 Greensboro Street by Stephanie Arnett/Mississippi Magnolia Real Estate. Granting this exception could start a dangerous trend for this historic district. As a resident of Starkville since 1974, I have seen many changes, both good and bad. Some of the worst of the bad changes during that time have been the losses of historic structures due to the carelessness of our developers and city leadership. Greensboro Street has so far been lucky to avoid the fate of other historic, formerly residential areas such as Louisville Street, University Drive, and Hwy 182. Some of those areas would have been difficult to keep exclusively residential, but the location of 400 Greensboro Street is not on the fringe of a commercial area. It is buffered on all sides by residential properties. In fact, the trend on Greensboro Street for the last 10-20 years has been for formerly commercial properties to become residential (i.e., the former Dolton McAlpin Law office on the corner of Greensboro and Louisville and the Junior High Grocery right behind it).
Greensboro Street is a thriving community that is very appealing to young families. Please keep this special neighborhood intact.
Respectfully,
Amanda Henry
307 Greensboro Street.

Sent from my iPhone

Attachment 12- Email Against Mixon

Daniel Havelin <d.havelin@cityofstarkville.org>

Greensboro Street Use Exception

Jamie Burwell Mixon <jamiebmixon@gmail.com> Tue, Oct 11, 2022 at 12:21 PM
To: b.carver@cityofstarkville.org, "kimdmoreland@yahoo.com" <kimdmoreland@yahoo.com>, "d.havelin@cityofstarkville.org" <d.havelin@cityofstarkville.org>, vlwest118@gmail.com, "kellydprather@gmail.com" <kellydprather@gmail.com>, agregory@caad.msstate.edu, Jeremiah.dumas@gmail.com, tverdell@physplant.msstate.edu

To the members of the Starkville Planning and Zoning Commission and Aldermen,

My name is Jamie Mixon. My husband David and I live at 510 Greensboro Street. We strongly oppose the proposed Use/Exception for 400 Greensboro Street, known in our neighborhood as the Stark House.

We've owned our Greensboro Street home since 2003 after moving here from the Overstreet Historic District. Our house was built in 1927 by the VanLandingham family.

We were attracted to the Greensboro Historic District because of its uniqueness. It was - and is - a historic oasis in Starkville, a tree-lined residential street with beautiful homes and sidewalks where home owners obviously love their houses and are devoted to the neighborhood.

When we moved here in 2003 we were surrounded by some of the original families and long time residents. The street has seen lots of history since the 1800s. The renovation of the old high school circa 1927, now the Greensboro Center, in the 1980s, along with the Historic District designation, helped save the area from what often happens to older neighborhoods in college towns. We have remained residential and are very proud of our neighborhood.

Over the years, we've witnessed a revival of sorts – now the street is filled with young families with countless children of all ages. Neighbors walking dogs, children riding bikes and playing in their yards. It truly is a magical place, like the set of an old movie. I'm retired now, but when we were recruiting new faculty into the Department of Art, we always included a tour of the Greensboro Historic District. It's a gem!

So, I can understand the attraction that one might have to locate a business here. It's beautiful! Yet, ironically, allowing any Use/Exceptions in our residential neighborhood will begin to chip away at the very character that makes it a desirable place to live. It starts with one, which sets the wheels in motion, and then quite logically, another use/exception is approved, and then another. And so it goes.

Starkville is a large place. There are many, many places in our town that are suitable for a realty company. Greensboro Street is not one of them.

Sincerely,

Jamie and David Mixon
510 Greensboro Street