OFFICIAL AGENDA

BOARD OF ADJUSTMENTS & APPEALS

CITY OF STARKVILLE, MISSISSIPPI

WEDNESDAY, FEBRUARY 27, 2013 at 4:00 PM
COMMUNITY DEVELOPMENT DEPARTMENT (2nd FLOOR)
CITY HALL
101 E. LAMPKIN STREET STARKVILLE, MS 39759

I. CALL TO ORDER

II. ROLL CALL

III. CONSIDERATION FOR APPROVAL OF THE OFFICIAL AGENDA

IV. CONSIDERATION FOR APPROVAL OF THE OCTOBER 24, 2012 MEETING MINUTES

V. NEW BUSINESS

A. VA 13-01: A PUBLIC HEARING REQUEST TO GRANT A 20-FT INCREASE IN WIDTH AT THE FRONTAGE LINE CREATING A 140-FT WIDTH IN LIEU OF THE REQUIRED 120-FT WIDTH AT THE FRONTAGE LINE FOR THE PROPOSED CONSTRUCTION OF A PLACE OF WORSHIP TO BE USED AS A CHILDCARE FACILITY

B. VA 13-02: A PUBLIC HEARING REQUEST TO GRANT A 28-FT ENCROACHMENT INTO A FRONT YARD BUILDING SETBACK CREATING A 43-FT FRONT YARD SETBACK IN LIEU OF THE REQUIRED 15-FT FOR THE PROPOSED CONSTRUCTION OF A PLACE OF WORSHIP TO BE USED AS A CHILDCARE FACILITY

VI. PLANNER REPORT

VII. ADJOURNMENT

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Joyner Williams, at (662) 323-8012, ext. 121 at least forty-eight (48) hours in advance for any services requested.

UNAPPROVED

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS THE CITY OF STARKVILLE, MISSISSIPPI October 24, 2012

The Board of Adjustments & Appeals held a meeting at 4:00 PM. in the Building Department at City Hall. Members present included Mr. Lee Carson from Ward 1, Dr. Milo Burnham from Ward 2, Mr. Dennis Nordin from Ward 4, Mr. Marco Nicovich from Ward 5, Mr. James Johnson from Ward 6 and Mr. John Hill from Ward 7. Absent was Dr. Jeff Markham from Ward 3. Chairman Burnham, called the meeting to order. Attending the meeting was Assistant City Planner Pamela F. R. Daniel and Interim Building, Codes & Planning Dept Head, Lynn Spruill.

AN ORDER APPROVING THE WRITTEN AGENDA

The Board considered the matter of approval of the written agenda dated October 24, 2012. After discussion and upon the motion of Mr. Webb, seconded by Mr. Nicovich, the Board voted unanimously to approve the written agenda as prepared.

CONSIDERATION OF APPROVAL OF THE MINUTES OF SEPTEMBER 26, 2012

There came before the Board of Adjustments & Appeals the matter of approval of the September 26, 2012 meeting minutes. After discussion and upon the motion of Mr. Nicovich, duly seconded by Mr. Webb, the Board voted unanimously to approve said minutes as presented.

CITIZEN COMMENTS

Chairman Burnham asked if any member of the public cared to address the Board, reminding them that there was one public hearing on the agenda and comments regarding that item would be called for at the appropriate time. No one came forward to speak.

A PUBLIC HEARING REQUEST BY BRIAR JONES AGENT ACTING ON BEHALF OF MS. MARY GRACE MOORE TO CONSIDER A VARIANCE TO SECTION C(3)D OF THE CITY OF STARKVILLE'S CODE OF ORDINANCES TO GRANT A 19-FOOT ENCROACHMENT INTO A SIDE YARD BUILDING SETBACK CREATING A 1-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 20-FOOT SETBACK FOR THE CONSTRUCTION OF AN ATTACHED CARPORT IN AN R-E (RESIDENTIAL ESTATE) ZONING DISTRICT LOCATED AT 201 CHERRY LANE IN THE PLANTATION HOMES SUBDIVISION IN WARD 5

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There came before the Board of Adjustment & Appeals a variance request by Briar Jones, agent acting on behalf of Ms. Mary Grace Moore to allow a variance to section C(3)D of the City of Starkville's Code of Ordinances to grant a 19-foot encroachment into a side yard building setback creating a 1-foot side yard setback in lieu of the required 20-foot setback for the construction of an attached carport in an R-E (Residential Estate) zoning district located at 201 Cherry Lane in the Plantation Homes Subdivision in Ward 5. The Assistant City Planner, Pamela F. R. Daniel then read a brief introduction of the item.

Mr. Briar Jones stood and made a brief presentation to the Board, explaining that the plans show an existing lot and a 20' setback however the applicant requested a bit more encroachment than needed. He went on to say that the plans also show a 3' edge of roof encroachment and the wall/post encroachment of 6' from the property line. We actually requested a bit more (encroachment) than we need," Jones said. Therefore the encroachment will be far less, encroaching only 6 feet, he explained.

Chairman Burnham then made a statement about the carport's roof. He stated that the proposed roof which would be 3' x 8" from the property line and that he was concerned about there being enough space for the roof to be maintained. Mr. Jones stated it would be possible, however, Chairman Burnham then posed the question regarding the maintenance of the carport's roof to Mr. Carson who stated it would be difficult.

Mr. Webb asked the applicant who holds the ownership to the existing privacy fence to which she stated she does. Mr. Jones elaborated and stated that the existing fence is 1' off of the property line.

Mr. Nordin asked if an alternate location for the proposed carport has been sought. He went on to say that the property has a very irregular shape and that maybe locating the carport to the rear of the property should be considered.

Hearing no other questions from the applicant, Chairman Burnham turned the floor over to anyone from the public who wished to speak.

Homeowner Association, HOA member Bonnie Copeland addressed the Board and stated that the residents are very proud of their neighborhood and of the space and privacy their homes afford them. She stated the variance is not a small variation; it's a large one. We're very concerned about the precedent it would set for neighbors, she said. Mrs. Copeland then asked the Board to consider upholding their covenants which mirrors the side yard setback for the City.

Ms. Trammel, an adjacent property owner also addressed the Board and stated that she has been a resident of Plantation Homes for 47 years. She recalled two previous owners of Ms. Mary Grace Moore's property who asked to build carports as well. She also stated that Dr. C.N. Moore who is the father of the applicant contacted her in the past to purchase property from her so a carport could be constructed. Ms. Trammel concluded by stating that she believes the proposed carport will decrease the value of her land and home, if approved.

Mr. Cecil Williams, a resident of Plantation Homes also addressed the Board. He stated that he too has lived in the neighborhood for 40 years. He went on to say that the distance between the Trammel home and the fence is quite substantial and that the applicant has gone great lengths to

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preserve the aesthetic integrity of her home and the neighborhood with the design of the proposed carport. Therefore he has no objection to the request as it would not devalue the property or the neighborhood.

Mr. C.N. Moore who is the father of the applicant addressed the Board and stated that he has been a resident of Plantation Homes for 46 years. He stated that he is amazed at the response and emails for the proposed carport. He stated that the applicant's car is being damaged by the weather and it is a necessity that the carport to be constructed. He also stated that the location of the proposed carport is the only feasible place to construct the carport and that the adjacent property owner's home is more than 60' from the existing fence. He closed by asking the Board to give proper consideration of the request.

Past HOA President Helen Sue Parrish then addressed the Board. She stated that she had led the charge to protect the property from rezoning some years ago and that the HOA worked exhaustively to ensure that the covenants aligned with the City's ordinance. After reading the section of the covenants regarding the side yard setback, Mrs. Parrish stated that the neighborhood is a good neighborhood, the proposed carport should be located in the front yard or rear yard and urged the Board to deny the request.

The applicant Ms. Mary Grace Moore then addressed the Board. Ms. Moore stated that she has lived on the property since 1966 and over the years she has purchased 3 additional homes within the Plantation Homes Subdivision. She stated that she too cares about the neighborhood and agrees with the covenants but reasonable exceptions are requested and approved. She went on to say that the proposed carport will not set a precedent as an aerial of the neighborhood shows many existing carports. Ms. Moore stated that the existing fence is 65' from the adjacent property to the east and because of this the roofline of the carport would only be visible to the adjacent property owner. She stated that all homeowners within a 160' radius of her property had signed a letter approving of the request. She concluded by stating that the Board can create a win – win if the request is approved because the adjacent property owner Ms. Trammel has a beautiful yard. "I would hope to use that as a precedent to do the landscaping that goes along with the new carport and driveway, she stated."

Board member Lee Carson stated that to date the request is the most difficult request placed before the Board. He went on to say that the encroachment is a very large encroachment and this makes the decision that much harder. He stated that there is already a precedent in the neighborhood as people are already encroaching in the required side yard setback. He went on to say that he is torn because the positives far outweigh the negatives because approval from all neighbors within 160' with the exception of one property owner has been provided and the use as a carport already exists which is clearly shown in the photograph submitted as part of the staff report.

After discussion from the Board, Chairman Burnham asked for a motion to approve or deny the variance.

Mr. Carson made a motion to approve the request with the conditions submitted by Staff. Hearing no second the motion died.

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Chairman Burnham then asked if anyone wanted to make a motion to table the variance, instead, Mr. Carson made another motion to accept the variance, seconded by Mr. Webb, only for it to be voted down.

After more discussion, Chairman Burnham made a motion to deny the request with the conditions proposed by City staff. Mr. Nicovich seconded the motion and the Board voted in a 4—2 decision to deny the request.

PLANNERS REPORT

Assistant City Planner Pamela F. R. Daniel stated that there currently were no public hearings scheduled for the November 28th meeting and was not sure what else would be ready by that time. She went on to say that the Chairman and Board will be contacted regarding any submitted items. She asked the Board to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on the upcoming agenda.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, a motion to adjourn was made by Chairman Burnham and seconded by Mr. Nicovich at 4:52 PM.

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Milo Burnham, Chairman

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Pamela F. R. Daniel, Asst City Planner

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HISTORIC STARKVILLE
MISSISSIPPI'S COLLEGE TOWN

THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals

FROM: Pamela F. R. Daniel, Assistant City Planner (662-323-2525 x 131)

CC: Kevin Burchfield, Applicant

SUBJECT: VA 13- 01: Variance request for property located at 106 E. Lampkin Street in a T5 district in Ward 7, Parcel Number 102A-00-034.00

DATE: February 22, 2013

The purpose of this report is to provide you with information regarding the request of Mr. Kevin Burchfield, Pryor & Morrow agent acting on behalf of First Baptist Church to review a variance to Appendix A, Article VII, Section T§4 7.1(a) of the City of Starkville's Code of Ordinances to grant an increase of 20-ft into the required maximum width of 120-ft creating a 140-ft width at the frontage line for a proposed place of worship to be used as a child care facility. Chapter 2, Article VI of the City's Code of Ordinances provides specific criteria for the review and approval of requests.

BACKGROUND

General Information:

First Baptist Church of Starkville was established in 1839 and a building was built on the southwest corner of, what is now, Lampkin and Lafayette Streets. Originally, the location of the church was the beginning of the primary residential area of Starkville and, as time progressed, homes were built on all the property south and west of the church which is now block 53 in the City of Starkville. In 1889 the original frame building was demolished and replaced with a brick building which is now First Baptist Chapel. The church continued to grow and, over the years, the vision of First Baptist was constant that this should be a downtown church motivating the purchase of residential properties to the south and west as they became available. On this land in the block being discussed, in 1956 the church added an education building behind the sanctuary, a new sanctuary in 1962 and an additional education building in 1980. Since 1980 the church has continued to purchase houses and remove the structures as they have deteriorated which has left open space behind the sanctuary and education buildings, which is being used for a children's playground and overflow parking.

Last year, the City adopted the Form-Based Code and a large portion of the church property was zoned Transect 5, (T5). Places of worship and child care uses are not permitted by right in a T5 district and must request a Use by Exception when new construction is proposed or substantial modifications are proposed and requested for existing structures.

The applicant is requesting a variance of 20-ft into the maximum required width of 120-ft creating a width of 140-ft measured from the frontage line to provide for the construction of the proposed building. The applicant states that the proposed building will front Lafayette Street which he maintains is a side street relative to the downtown area. The applicant has stated that the block between Main Street and Lampkin Street is currently one-way and very little traffic other than church traffic has a need for that street. This building, which will be behind the buildings facing Lampkin Street, will not be visible from Main Street and, therefore, will not detract from the character of downtown if it is wider than the maximum required lot width allowed in a T-5 zone.

Exhibit II shows the proposed aggregated parcels with the resulting split-zoning as well as information concerning the dimensional variances requested. The applicant believes the changes which have occurred in this area since any building project was done and zoning needed to be evaluated; the rezoning to T5 by the City as well as the disappearance of the residential use have created conditions which seem to justify the variance requested.

Under the Transect Districts intent it states that “the regulations on buildings equitably balance the rights of individual property owners and the interests of the community as a whole”. The request being presented presents an equitable balance in compliance with this intent when considered as a “package”. One of the objectives of the T5 category is to “create the strongest definition of outdoor spaces”. The plan being presented does that as a whole.

The transect ordinance iterates the following circumstances where a deviation of the transect guidelines can be approved:

1. That failure to approve the plan could result in exceptional hardship to the applicant; and
2. That approving the plan will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and
3. That the necessity for the plan is not the result of conditions which have been self-imposed by the applicant; and
4. That the approval of the plan is the minimum necessary for the applicant to continue with the project.

The applicant believes that the request made for the increase of 20-ft into the maximum required width of 120-ft creating a 140-ft width at the frontage line for a proposed place of worship to be used as a child care facility meets the aforementioned standards. Please reference the attached information provided by the applicant. These requirements have been addressed with each request having been made before the Planning & Zoning Commission and the Board of Adjustments & Appeals.

Thirty-one property owners of record within 300 feet of the subject property were notified directly by mail of the variance request. A public hearing notice was published in the Starkville Daily News on Friday, February 8, 2013 and a placard was posted on the property concurrent with publication of the notice.

Legal Description: Lots 1, 2, 3, 4, 5, 6, 7, 8, 8-a and 9 of Block 53 of the City of Starkville, Oktibbeha County, Mississippi, as shown on the Official Map of the City of Starkville, Mississippi, 1974 edition, on file and of record in the Office of the Chancery Clerk of Oktibbeha County, Mississippi.

Location: The subject property is located south of the sanctuary, the Applegate Bldg and Ray Bldg. The proposed place of worship to be used as a child care facility will front S. Lafayette in Ward 7

Parcel Size: The subject property currently consists of approximately 78,408 square feet or 1.8 acres in size.

Physical Characteristics: The subject property is currently a boot shaped parcel with the longest edge fronting S. Lafayette. The property has been developed and is currently utilized for parking and a playground. After the completion of the three (3) proposed lot aggregations the subject property will be a rectangular shaped parcel approximately 333-ft deep.

Zoning Classification: Transect 5 (T5)

Setback Dimensions: Front: 2' min 15' max Side: 0' min 24' max Rear: 3' min
Min. Lot Area: 90% of the lot Min. Lot Width at Bldg. Line: 120' Max. Bldg. Ht.: 4 stories

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	T6	City Govt./Commercial Offices
East	C-2	Law Office
South	R-2	Vacant Land
West	T5	Place of Worship

Appendix A, Article VI, Section K of the City's Code of Ordinances provides relief from the requirements of the land development regulations when such relief will not be contrary to the public interest and, where, owing to special conditions, a literal enforcement of the provisions of the land development regulations would result in an unnecessary hardship. When appropriate, the Board of Adjustments & Appeals may prescribe appropriate conditions and safeguards in the granting of the variance. In determining whether or not sufficient justification for the granting of a variance has been fulfilled, the Board of Adjustments & Appeals must find that the following criteria have been met. The criteria are outlined below, along with analysis of the conformance of the request with the variance standard.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

Last year, the City adopted the Form-Based Code and a large portion of the church property was zoned Transect 5, (T5). Transect 5 requires subdivision of existing lots and new combinations of lots shall have a minimum width of 18-ft and a maximum width of 120-ft, measured at the frontage line. Prior to the adoption of the Form-Based Code there were no requirements for subdivision of existing lots and new combinations of lots regulating maximum width requirements measured at the frontage line.

2. That the special conditions and circumstances do not result from the action or negligence of the applicant.

   The applicant states that the church had no knowledge of the change in zoning from R-2 to T5 or the adoption of the Form-Based Code which placed regulations on the width of newly subdivided lots at the frontage line.

3. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

   No special privileges would be conferred on the applicant that could be denied to others in the same district. The proposed increase of 20-ft into the required maximum width of 120-ft creating a 140-ft width at the frontage line for a proposed place of worship to be used as a child care facility would be in character with the surrounding area.

4. That literal interpretation of the provisions of the Form-Based Code intent and process would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

   The T5 district allows to the applicant to build at a maximum width of 120-ft and prohibits building across lot lines. Exhibit I shows a copy of the official tax map of the City of Starkville prepared and approved in 2003. The northern parcel fronting Lampkin Street extends from Lafayette Street on the east to Washington Street on the west (200' north/south x 333' east/west) and is zoned T-5. The red line marks the south border of this parcel. The south border of this parcel goes through the middle of the Applegate Educational Building and a portion of the Ray Building. The south border is proposed to be moved further south and will include part of the subject parcel so the entire footprint of the two aforementioned buildings will not be included in the subject parcel. The first lot aggregation will request that the southern property line be moved to the south and extend from Lafayette Street to Washington Street – indicated by the green line. The southern property line will then become the northern property line for the subject parcel. Exhibit I also shows a second lot aggregation request proposed to move the southernmost line of the subject parcel facing Lafayette Street and extending west toward Washington Street which will become the new southernmost property line of the subject parcel for the proposed place of worship to be used as a child care facility. The third and final lot aggregation will continue this line to the west to Washington Street across the parcel zoned R-2 to divide it and combine the north half of the parcel zoned R-2 into the subject

parcel zoned T5. The subject parcel will then be approximately 140' wide (north/south) and 333' deep (east/west) facing Lafayette Street (this proposed re-aggregated parcel is the parcel being proposed for the footprint of the new Children's Building.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

   The variance requested is the minimum required to accommodate the applicant's request for the width measured at the frontage line to construct the proposed place of worship to be used as a childcare facility.

6. That the grant of the variance will be in harmony with the general intent and purpose of the Form-Based Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

   The variance requested will be in harmony with the general intent and purpose of the land development regulations and the variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

CONCLUSIONS

If the Board of Adjustments & Appeals were to grant the variance request to allow an increase of 20-ft into the required maximum width of 120-ft creating a 140-ft width at the frontage line for a proposed place of worship to be used as a child care facility at 106 E. Lampkin Street, as proposed by the applicant on the application dated January 11, 2013, the approval would be based on the findings of fact and conclusions of this staff report dated February 22, 2013, and the following conditions:

1. The applicant shall be required to submit one lot aggregation application to be reviewed and approved by the City's Development Review Committee to move the southern property line of parcel #118P-00-342.00 further south approximately 70' within three (3) months of final approval by the Mayor and Board of Aldermen.

2. The applicant shall be required to submit one lot aggregation application to be reviewed and approved by the City's Development Review Committee to move the southernmost property line of the current parcel #102A-00-034.00 facing Lafayette Street and extending the property line west toward Washington Street approximately 165' to the north approximately 90' within three (3) months of final approval by the Mayor and Board of Aldermen.

3. The third re-aggregation being requested is to combine the southernmost fragment of the property facing Lafayette Street which was created by removing it from parcel 34 in item #2 (approximately 90' north/south x 165' east/west) with the southern part of parcel 35 facing Washington Street, which remains after combining the northern part to parcel 34.

4. The applicant shall be required to record the three lot aggregations with the Chancery Court prior to commencement of any construction activity at the site and building permits are issued.

5. The applicant shall not exceed the requested increase of 20-ft into the required maximum width of 120-ft creating a 140-ft width at the frontage line.

6. The variance request shall run with the land.

7. The applicant shall submit a detailed site plan for review by the City's Development Review Committee within three (3) months of final approval by the Mayor and Board of Aldermen and prior to the commencement of any construction activities at the subject property.

8. The site plan shall be required to meet all applicable City land development regulations.

9. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within three (3) months of approval of the variance by the Board of Adjustments & Appeals.

10. All applicable inspections and certificates of occupancy from the City of Starkville's Building and Fire Departments shall be obtained prior to the commencement of any childcare services, worship or faith-related activities at the site.

11. All of the above conditions shall be fully and faithfully executed or the use by exception shall become null and void.

CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CASE LOCATOR MAP

CASE #VA 13-01

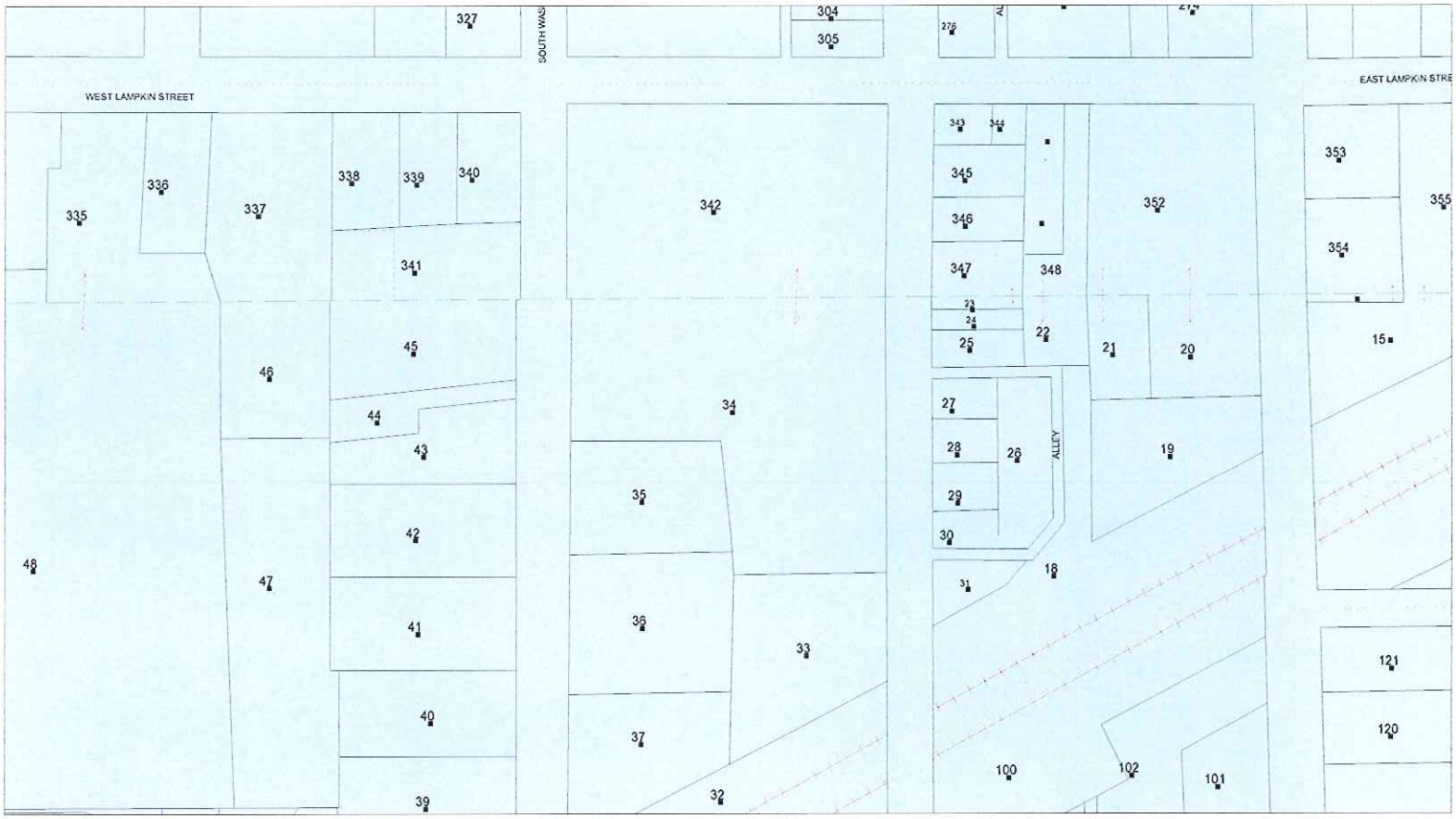
WARD # 7

DATE OF PUBLIC HEARING: WEDNESDAY, FEBRUARY 27, 2013

SHADED AREA INDICATES SUBJECT PROPERTY

NORTH
NTS

OKTIBBEHA, MISSISSIPPI



Wednesday, January 30, 2013 4:25 PM

OKTIBBEHA, MISSISSIPPI

Wednesday, January 30, 2013 4:25 PM

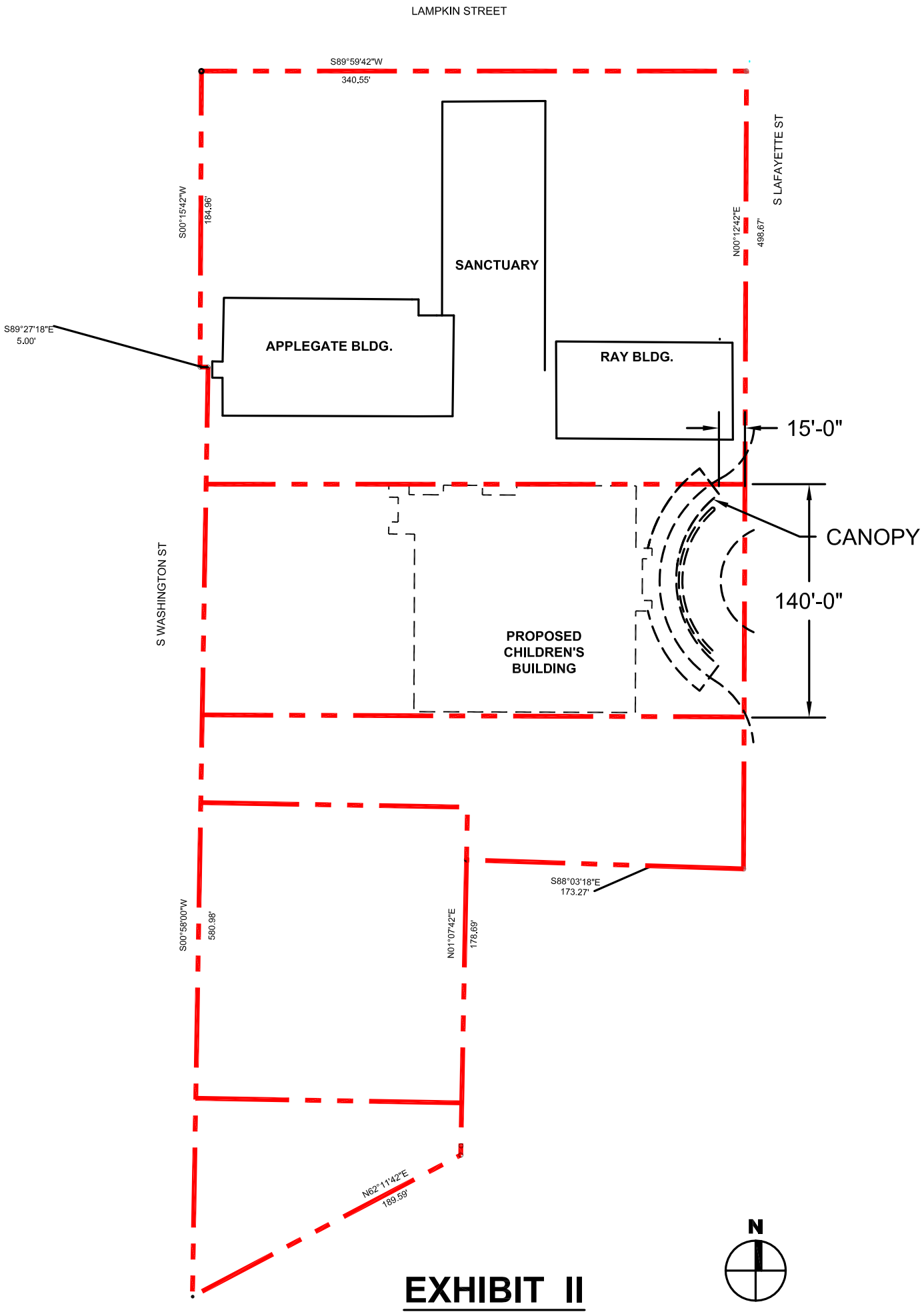

LAMPKIN STREET
S89°59'42"W
340.55'
S LAFAYETTE ST
S00°15'42"W
184.96'
N00°12'42"E
498.67'
SANCTUARY
S89°27'18"E
5.00'
APPLEGATE BLDG.
RAY BLDG.
15'-0"
CANOPY
140'-0"
S WASHINGTON ST
PROPOSED
CHILDREN'S
BUILDING
S88°03'18"E
173.27'
S00°58'00"W
580.98'
N01°07'42"E
178.69'
N62°11'42"E
189.59'
N

EXHIBIT II

SEC. T
§4 SPECIFIC TO T5 DISTRICTS

Zoning Map Key

- T4
- T5
- T6
- CD

SEC. T
§4 SPECIFIC TO T5 DISTRICTS

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

7.1 Lots

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

7.2 Lot Occupation

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

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

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

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

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

7.3 Building Form

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

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

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

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

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

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

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

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

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

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

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

7.4 Building Use

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

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

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

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

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

(f) Retail Uses under 1500 square feet shall be exempt from parking requirements.

7.5 Parking Location

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

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

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

7.6 Landscape

(a) The first Lot Layer may be paved.

7.7 Signage

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

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

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

TABLE 12. T5 BUILDING SETBACKS

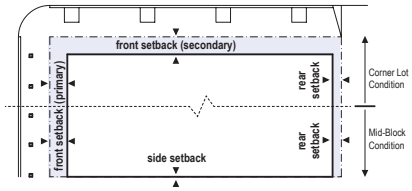
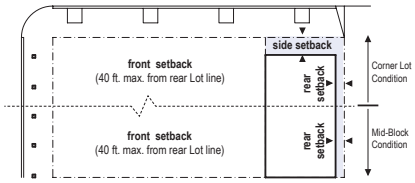
	PRIMARY / SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	2 ft. min 15 ft. max.	40 ft. max. from rear
Front Setback (Secondary)	2 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min 24 ft. max.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

TABLE 13. T5 BUILDING HEIGHT

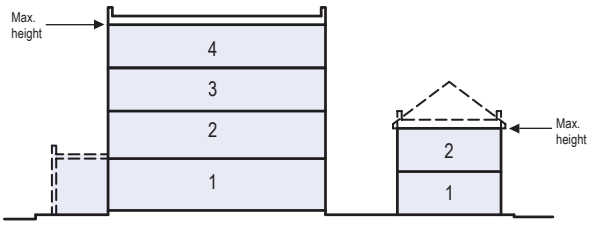
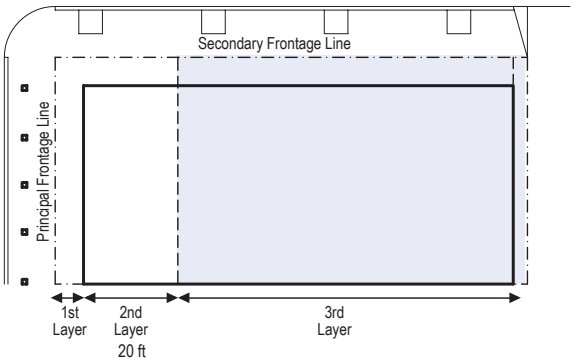
	PRIMARY / SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	4 stories	2 stories
Illustration		

TABLE 14. T5 PARKING PLACEMENT

PARKING PLACEMENT

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



SEC. T
§2 GENERAL TO ALL TRANSECT DISTRICTS

TABLE 6. REQUIRED PARKING

	T4	T5	T6*
RESIDENTIAL			
Primary Building	1.5 / dwelling	1.0 / dwelling	0 / dwelling
Secondary Building	1.5 / dwelling	1.0 / dwelling	n/a
Accessory Building	1.0 / dwelling	1.0 / dwelling	n/a
LODGING	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
OFFICE	3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.
RETAIL	4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.
CIVIC			
OTHER			

*Areas previously classified as C-3, Commercial Business District, on the Official Zoning Map of Starkville, Mississippi prior to the date this amednment was adopted shall be exempt from T6 parking requirements.

TABLE 7. PARKING OCCUPANCY RATES

USES	M - F	M - F	M - F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM - 6 PM	6 PM - 12 AM	12 AM - 8 AM	8 AM - 6 PM	6 PM - 12 AM	6 PM - 12 AM
RESIDENTIAL	60%	100%	100%	80%	100%	100%
LODGING	70%	100%	100%	70%	100%	100%
OFFICE	100%	20%	5%	5%	5%	5%
RETAIL (general)	90%	80%	5%	100%	70%	5%
Restaurant	70%	100%	100%	70%	100%	100%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
CONFERENCE	100%	100%	5%	100%	100%	5%
CIVIC (non-Church)	100%	20%	5%	10%	10%	5%
CIVIC (Church)	20%	20%	5%	100%	50%	5%

TABLE 5. BUILDING USE

TRANSECT DISTRICT	T4	T5	T6
RESIDENTIAL			
Assisted Living Facility	▪	▪	
Dwelling, Accessory Unit	▪	▪	
Dwelling, Single Family	▪	▪	
Dwelling, 2 - Family	▪	▪	
Dwelling, 3 & 4 Family	▫	▪	▪
Dwelling, Multi - Family	▫	▪	▪
Dwelling, Live/Work	▫	▪	▪
Dormitory		▪	▪
Fraternity / Sorority House		▪	▪
Group Home		▪	
COMMERCIAL			
Business Offices	▫	▪	▪
Conference / Convention Center		▫	▪
Eating / Drinking Establishment	▫	▪	▪
General Retail / Services	▫	▪	▪
Personal Services	▫	▪	▪
Recreation and Entertainment, Indoor		▪	▪
Recreation and Entertainment, Outdoor		▪	▪
Visitor Accommodations & Services		▪	▪
Parking Lot / Garage		▫	▫
Home Occupation	▪	▪	▪
LODGING			
Bed & Breakfast Inn	▪	▪	▫
Boarding / Rooming House		▫	▫
Hotel (no room limit)		▫	▪

TRANSECT DISTRICT	T4	T5	T6
PUBLIC & INSTITUTIONAL			
Child Care		▫	▪
Community Services	▪	▪	▪
Family Run Child Care	▪	▪	
Educational Facilities	▪	▪	▪
Governmental Facilities	▫	▪	▪
Institutional & Health Care Facilities	▫	▪	▪
Places of Worship	▫	▫	▫
Transportation			▪
Utilities	▪	▪	▪
MANUFACTURING & INDUSTRIAL			
Industrial, Light		▫	
Manufacturing, Light		▫	
CIVIL SUPPORT			
Fire Station	▪	▪	▪
Police Station	▪	▪	▪
Post Office		▪	▪
Funeral Home	▫	▫	▫

▪ BY RIGHT

▫ BY EXCEPTION

COLUMBUS OFFICE:
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Columbus, MS 39703-0167
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PRYOR & MORROW
architects and engineers
A Professional Association

ROGER A. PRYOR, AIA
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RUD B. ROBISON, JR., AIA
WILLIAM V. DEXTER, JR., AIA
COREY D. RAVENHORST, P.E.
J GUADALUPE ARELLANO, AIA

January 31, 2013

TO: Planning Division of Community Development of the City of Starkville, MS., Planning and Zoning Commission, Board of Adjustments and Appeals, Mayor and the Board of Aldermen

FR: Kevin Burchfield, Pryor and Morrow Agent, acting on behalf of First Baptist Church

RE: First Baptist Church New Children's Building – project to include:

1. **Three items of re-aggregation** of parcels 118P-00-342.00, 102A-00-034.00, 102A-00-035.00 - the three parcels would remain three parcels with different boundary lines. The re-aggregations are explained to the Planning and Zoning Commission because requests for approval by the Commission are contingent upon approval of the re-aggregations,

2. **Two items of rezoning** to make the zoning category consistent within two of the re-aggregated parcels,

3. **Two items of rezoning** in adjacent parcels to update parcels from R-2 to B-1,

4. **Four items** in adjacent parcels to allow conditional use for parking in B-1 zoning,

5. **One item** to permit First Baptist Church to have a weekday childcare by exception as a ministry of the church in a T-5 zone and

6. **Two dimensional variances** from the T-5 building codes (to be reviewed by the Board of Adjustments and Appeals) for the proposed new Children's Building related to lot width and setback.

PURPOSE:

The purpose of this report is to simplify through explanation and graphics the requests that are being made and highlight the need for consideration of these as a package, contingent on the agreement of all municipal parties involved.

BACKGROUND INFORMATION:

First Baptist Church of Starkville was established in 1839 and a building was built on the southwest corner of, what is now, Lampkin and Lafayette Streets. Originally, the location of the church was the beginning of the primary residential area of Starkville and, as time progressed, homes were built on all the property south and west of the church which is now block 53 in the city of Starkville (the block involved in these requests). In 1889 the original frame building was demolished and replaced with a brick building which is now First Baptist Chapel. The church continued to grow and, over the years, the vision of First Baptist was constant that this should be a downtown church motivating the purchase of residential properties to the south and west as they became available. On this land in the block being discussed, in 1956 the church added an education building behind the sanctuary, a new sanctuary in 1962 and an additional education building in 1980. Since 1980 the church has continued to purchase houses and remove the structures as they have deteriorated which has left open space behind the sanctuary and education buildings, which is being used for a children's playground and overflow parking.

When the formal zoning of Starkville was done, the entire property in block 53 was zoned R-2 except for the parcels next to the railroad, which were zoned C-2. As the church purchased lots and demolished the existing structures, the zoning remained R-2 and C-2 next to the railroad line.

Last year, the City adopted a Form-Based Code and rezoned a large portion of the church property to the transect zone 5 (T-5), which left the remainder of the block 53 property zoned R-2 and C-2. Places of worship do not have a specific zoning category and must ask for conditional or exceptional use when construction or addition to existing structures in any zoning category listed in the Chart of Permitted Uses, which includes all zones <u>except</u> Transect Zones. In a zone designated T-5, places of worship are listed "by exception". Traditionally, the City has approved most, if not all, requests for conditional or exceptional use for places of worship. The multiple zoning and incompatibility to church needs of the T-5 requirements, even though the church is permitted "by exception", has created an exceptional hardship for the church as it attempts to implement its long-range plan for which the property was purchased and for which the zoning was compatible before the zone change to T-5.

The church now wishes to construct a Children's Building as it tries to accommodate growth needs and implement its long-range plan.

Under the transect zoning ordinance the stated intent is that "the regulations on buildings equitability balance the rights of individual property owners and the interests of the community as a whole". The requests being presented present an equitable balance in compliance with this intent when considered as a "package". One of the objectives of the T-5 category is to "create the strongest definition of outdoor spaces". The plan being presented does that as a whole.

The transect ordinance iterates the following circumstances where a deviation of the transect guidelines can be approved:

1. *That failure to approve the plan could result in exceptional hardship to the applicant; and*
2. *That approving the plan will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and*
3. *That the necessity for the plan is not the result of conditions which have been self-imposed by the applicant; and*
4. *That the approval of the plan is the minimum necessary for the applicant to continue with the project.*

It is believed that the requests made for the Children's Building project of First Baptist Church meets these standards. The change made by the City to T-5 after the property was acquired for church purposes, the fact that all the residential structures on this property have been removed since the R-2 category was assigned and the fact that the activities of the church overlap several parcels where different zoning of the parcels creates a great hardship for the church justifies the requests being made.

The Exception and Variance section (1.5) of the transect ordinance requires that the exceptions be clearly defined with related reasons, including maps and text, and that these be consistent with the intent and description of the transect district and with the goals, objectives and policies of the City of Starkville's comprehensive plan. This requirement has been addressed with each request being made.

There are a number of items which comprise the total plan of the church and which should be considered as a whole because they are all interrelated and necessary for this project to go forward. For presentation, these items are grouped into the categories of "aggregation of parcels", rezoning, permissions, exception use and dimensional variances requested because recommendations to the aldermen are made by different boards and/or commissions relative to these categories. The Planning and Zoning Commission is being asked for a recommendation of approval for the rezoning, permissions and exceptional use contingent upon approval of the parcel aggregations and dimensional variances by other groups.

To help improve understanding of the items requested, three exhibits depicting maps of the block being considered have been prepared. They include the proposed plans relative to the Children's Building and related parking to help with the understanding of how these requests interrelate to the overall project.

Exhibit I shows the block as it now stands with parcel lines drawn in red and lines after re-aggregation in green. **Exhibit II** shows the block as the parcels will appear after the re-aggregation (omitting the initial parcel lines) with the dimensional variances indicated. **Exhibit III** shows the final results which will support that this action taken as a whole is consistent with the intent and the description of the transect district and other zones involved and is consistent with the goals, objectives and policies of the City of Starkville's comprehensive plan. Each exhibit will be explained, but **Exhibit II** will be the primary focus of the Planning

and Zoning Commission since its recommendation will be based upon the contingency of the approval of the re-aggregations.

(Please refer to **Exhibit I** to help explain the re-aggregations requested.)

Exhibit I:

1. Shown is a copy of the official tax map of the City of Starkville prepared and approved in 2003. Parcel 342 next to Lampkin Street extending from Lafayette Street on the east to Washington Street on the west (200' north/south x 333' east/west) is zoned T-5 and marked by a red line on the south border. The south border of this parcel goes through the middle of the Applegate Educational Building. The south border is proposed to be moved further south and include a part of parcel 34 so the entire footprint of these two buildings will be included in parcel 342. The specific request is that the southern border of parcel 342 be moved to the south approximately 70-feet (70') and extend from Lafayette Street to Washington Street (270' north/south x 333' east/west – indicated by the green line. The southern boundary of parcel 342 will become the north boundary of the new parcel 34 and also the north boundary of the Children's Building and its new parking lot.

2. The second re-aggregation requested is to move the southernmost line of the current parcel 34 facing Lafayette Street and extending west toward Washington Street approximately 165' to the north approximately 90' to become the new southern line of parcel 34 to the extent of this 165' which will also be the southern border of the Children's Building. Continue this line to the west to Washington Street across parcel 35 to divide it and re-aggregate the north half of current parcel 35 to parcel 34. The new addition to parcel 34 will be behind the Children's Building and is being requested to be rezoned T-5 (described below so the re-aggregated parcel 34 will be T-5 and will extend from Lafayette Street west to Washington Street. Parcel 34 will then be approximately 140' wide (north/south) and 333' deep (east/west) facing Lafayette Street (this proposed re-aggregated parcel is the parcel being proposed for the footprint of the new Children's Building.

3. The third re-aggregation being requested is to combine the southernmost fragment of the property facing Lafayette Street which was created by removing it from parcel 34 in item #2 (approximately 90' north/south x 165' east/west) with the southern part of parcel 35 facing Washington Street, which remains after combining the northern part to parcel 34.

These three re-aggregations will correct a parcel line for the parcel adjacent to Lampkin Street and recognize three parcels as consistent in extending east/west from Lafayette to Washington Street as it is now being used. The re-aggregated parcels will remain 342, 34 and 35. Parcels 36 and 37 are not being re-aggregated.

<u>Exhibit II</u>:

Shown are the re-aggregated parcels with the resulting split-zoning as well as information concerning the dimensional variances requested. The changes which have occurred in this area since any building project was done and zoning needed to be evaluated, the rezoning to T-5 by the City as well as the disappearance of the residential use have created conditions which seem to justify the action requested. The specific requests for recommendation for approval by the Planning and Zoning Commission are as follows:

1. Re-zone from R-2 to T-5 the fragment of the northern portion of parcel 35 re-aggregated to parcel 34 facing Washington Street. This fragment and the T-5 portion to which it was re-aggregated are behind the Children's Building. This action will make clean east/west lines from Lafayette Street to Washington Street of this T-5 block and prevent parcel 34 from having two separate zoning categories.
2. Rezone the remaining fragment of parcel 35 now zoned R-2 facing Washington Street to B-1 in response to the changing conditions of this area which is no longer residential. This will be developed as a buffer to protect the residential area across Washington Street.
3. Rezone from T-5 to B-1 the fragment of re-aggregated parcel 35 facing Lafayette Street, which was deleted from parcel 34 and aggregated to parcel 35. This will make the re-aggregated parcel 35 have the same zoning category rather than being a split.
4. Allow conditional parking in the re-aggregated parcel 35 rezoned B-1 in items #2 and #3 to be developed into a green space will provide residents of Washington a pleasant vista and a buffer area for their protection.
5. Rezone from R-2 to B-1 parcel 36 facing Washington Street. The protective buffer area described in item #4 continues.
6. Allow conditional use parking in parcel 36 after rezoning to B-1 to continue the protective buffer area described in items #4 and #5.
7. Allow conditional use parking in parcel 37, now zoned C-2, facing Washington Street next to the railroad. Green space and buffering will continue on this parcel.
8. Allow by exception a childcare use in the re-aggregated parcel 34 zoned to T-5. Childcare is identified in the transect ordinance as permitted by exception. This use is consistent with the intent and description of the transect code and is consistent with the goals, objectives and policies of the City of Starkville's comprehensive plan. The childcare program is not a self-sufficient childcare business; rather, it is an outreach of the church. However, the childcare ministry does meet during the week but not on Sunday. Approximately 80% of the children cared-for are not members of First Baptist Church, but all of the employees are employees of the church with similar benefits as others employed by the church and are under the supervision and responsibility of the Children's Minister of the church. Also, the weekday childcare is a ministry in the church budget. Even though parents pay a fee, the church subsidizes the budget of the childcare for a considerable amount. This is no different than any other outreach activity in which the church is engaged.

The dimensional variances being requested related to the Children's Building are as follows:

1. Allow a variance of 25' in width for the building facing Lafayette Street from the 120' limit in a T-5 zone to 145' to provide for space needed for the building. Lafayette Street is a side street relative to the downtown area. The block between Main Street and Lampkin Street is currently one-way and very little traffic other than church traffic has a need for that street. This building, which will be behind the ones facing Lampkin Street, will not be visible from Main Street and, therefore, will not detract from the character from the character of downtown if it is wider than the lot width allowed in a T-5 zone.

2. Allow a variance of an additional setback in the front of the Children's Building. T-5 allows a maximum setback of 15' and the church has a great need for a circular drive for vehicular access off Lafayette Street. The circular drive will require an additional setback which varies from 1' to 28'. The setback will be graduated in that the drive and canopy on each end of the circle will be close to the street thus, the maximum dimension will only occur in the center of the curve. Approximately one-fourth of the First Baptist members are elderly or impaired while about one-third of the members have small children. These facts bring to the fore a need for a covered drop-off/pick-up area that the church does not currently have. The building plans provide a welcome area close to the entrance of this drop-off area with access to the current sanctuary via a covered hallway off the main entrance. The weekly childcare aspect of this building elevates the need for a covered drop-off/pickup area. Using part of the 'land' in front of this building for this purpose is very important to the church and not detrimental to the character of the T-5 zoning.

Exhibit III:

Shown is block 53 after all requested modifications, should they be approved. The parcels are cleaner, all parcels will have consistency in zoning, the church is allowed to develop its property as needed for its current and future needs and it is consistent with the comprehensive plan of the City and the future vision of the transect and buffer zoning.
In conclusion, the parking areas of the church are a great asset to downtown Starkville for municipal events such as Bulldog Bash, Christmas parades as well as many others. These events are projected to increase and are usually when the church parking areas are not in use for church events. This available parking is a great asset to downtown Starkville. Even now, the church happily provides parking on a daily basis for many City employees. Church members also use parking areas by City Hall on Sundays when not in use by City employees. For many years this attitude of sharing and cooperation has existed and this project will enhance all uses listed above.

Respectfully,

Kevin Burchfield, ASLA
Pryor & Morrow Architects and Engineers, P.A.

HISTORIC STARKVILLE
MISSISSIPPI'S COLLEGE TOWN

THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals

FROM: Pamela F. R. Daniel, Assistant City Planner (662-323-2525 x 131)

CC: Kevin Burchfield, Applicant

SUBJECT: VA 13-02 : Variance request for property located at 106 E. Lampkin Street in a T5 district in Ward 7, Parcel Number 102A-00-034.00

DATE: February 22, 2013

The purpose of this report is to provide you with information regarding the request of Mr. Kevin Burchfield, Pryor & Morrow agent acting on behalf of First Baptist Church to review a variance to Appendix A, Article VII, Section T § 2.3 (a) of the City of Starkville's Code of Ordinances to grant a 28-ft encroachment into a front yard building setback creating a 43-ft front yard setback in lieu of the maximum required 15-ft front yard setback for a proposed circular drive with a covered canopy. Chapter 2, Article VI of the City's Code of Ordinances provides specific criteria for the review and approval of requests.

BACKGROUND

General Information:

First Baptist Church of Starkville was established in 1839 and a building was built on the southwest corner of, what is now, Lampkin and Lafayette Streets. Originally, the location of the church was the beginning of the primary residential area of Starkville and, as time progressed, homes were built on all the property south and west of the church which is now block 53 in the City of Starkville. In 1889 the original frame building was demolished and replaced with a brick building which is now First Baptist Chapel. The church continued to grow and, over the years, the vision of First Baptist was constant that this should be a downtown church motivating the purchase of residential properties to the south and west as they became available. On this land in the block being discussed, in 1956 the church added an education building behind the sanctuary, a new sanctuary in 1962 and an additional education building in 1980. Since 1980 the church has continued to purchase houses and remove the structures as they have deteriorated which has left open space behind the sanctuary and education buildings, which is being used for a children's playground and overflow parking.

The applicant states that he is requesting the variance to allow an additional setback in the front of the proposed place of worship to be used as a child care facility. Transect 5 (T5) allows a maximum setback of 15' yet the church has a great need for a circular drive for vehicular access off Lafayette Street. The circular drive will require an additional setback which varies from 1' to 28'. The setback will be graduated in that the drive and canopy on each end of the circle will be close to the street thus, the maximum dimension will only

occur in the center of the curve. A public hearing request was made by the applicant to the Planning & Zoning Commission on February 12, 2013 for the Use by Exception to allow a place of worship to be used as a child care facility. The Use by Exception request was approved by the Planning & Zoning Commission with the added condition that the setback shall not exceed the 15-ft maximum required primary front setback in the T5 District. Approximately one-fourth of the First Baptist members are elderly or impaired while about one-third of the members have small children. These facts bring to the forefront a need for a covered drop-off/pick-up area that the church does not currently have. The applicant states that the proposed building plans provide a welcome area close to the entrance of this drop-off area with access to the current sanctuary via a covered hallway off the main entrance. The weekly childcare aspect of this proposed building further elevates the need for a covered drop-off/pickup area. Using part of the land on the church's property in front of the proposed building for this purpose is very important to the church and not detrimental to the character of the T5 zoning.

Under the Transect Districts intent it states that "the regulations on buildings equitability balance the rights of individual property owners and the interests of the community as a whole". The request being presented presents an equitable balance in compliance with this intent when considered as a "package". One of the objectives of the T5 category is to "create the strongest definition of outdoor spaces". The plan being presented does that as a whole.

The transect ordinance iterates the following circumstances where a deviation of the transect guidelines can be approved:

1. That failure to approve the plan could result in exceptional hardship to the applicant; and
2. That approving the plan will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and
3. That the necessity for the plan is not the result of conditions which have been self-imposed by the applicant; and
4. That the approval of the plan is the minimum necessary for the applicant to continue with the project.

The applicant believes that the request made for the 28-ft encroachment into the front yard building setback creating a 43-ft front yard setback in lieu of the maximum required 15-ft front yard setback for a proposed circular drive with a covered canopy meets the aforementioned standards. The Exception and Variance section (1.5) of the transect ordinance requires that the exceptions be clearly defined with related reasons, including maps and text, and that these be consistent with the intent and description of the transect district and with the goals, objectives and policies of the City of Starkville's comprehensive plan. Please reference the attached information provided by the applicant. These requirements have been addressed with each request having been made before the Planning & Zoning Commission and the Board of Adjustments & Appeals. Please refer to the map labeled exhibit II and the packet submitted by the applicant.

Thirty-one property owners of record within 300 feet of the subject property were notified directly by mail of the variance request. A public hearing notice was published in the

Starkville Daily News on Friday, February 8, 2013 and a placard was posted on the property concurrent with publication of the notice.

Legal Description: Lots 1, 2, 3, 4, 5, 6, 7, 8, 8-a and 9 of Block 53 of the City of Starkville, Oktibbeha County, Mississippi, as shown on the Official Map of the City of Starkville, Mississippi, 1974 edition, on file and of record in the Office of the Chancery Clerk of Oktibbeha County, Mississippi.

Location: The subject property is located south of the sanctuary, the Applegate Bldg and Ray Bldg. The proposed place of worship to be used as a child care facility will front S. Lafayette in Ward 7

Parcel Size: The subject property currently consists of approximately 78,408 square feet or 1.8 acres in size.

Physical Characteristics: The subject property is currently a boot shaped parcel with the longest edge fronting S. Lafayette. The property has been developed and is currently utilized for parking and a playground. After the completion of the three (3) proposed lot aggregations the subject property will be a rectangular shaped parcel approximately 333-ft deep

Zoning Classification: Transect 5 (T5)

Setback Dimensions: Front: 2' min 15' max Side: 0' min 24' max Rear: 3' min
Min. Lot Area: 90% of the lot Min. Lot Width at Bldg. Line: 120' Max. Bldg. Ht.: 4

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	T6	City Govt./Commercial Offices
East	C-2	Law Office
South	R-2	Vacant Land
West	T5	Place of Worship

Appendix A, Article VI, Section K of the City's Code of Ordinances provides relief from the requirements of the land development regulations when such relief will not be contrary to the public interest and, where, owing to special conditions, a literal enforcement of the provisions of the land development regulations would result in an unnecessary hardship. When appropriate, the Board of Adjustments & Appeals may prescribe appropriate conditions and safeguards in the granting of the variance. In determining whether or not sufficient justification for the granting of a variance has been fulfilled, the Board of Adjustments & Appeals must find that the following criteria have been met. The criteria are outlined below, along with analysis of the conformance of the request with the variance standard.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

   Last year, the City adopted the Form-Based Code and a large portion of the church property was zoned Transect 5, (T5). Transect 5 requires primary buildings, secondary buildings and outbuildings shall be setback in relation to the boundaries of their lot as specified on Table 3. Table 3 has been included with the staff report for reference.

2. That the special conditions and circumstances do not result from the action or negligence of the applicant.

   The applicant has created this hardship but states that he is trying to maximize the use and enjoyment of the property by the congregation and customers of the proposed place of worship to be used as a child care facility.

3. That granting the variance requested will not confer upon the applicant any special privileges denied by the Form-Based Code intent and process to other lands, buildings or structures in the same transect district.

   No special privileges would be conferred on the applicant that could be denied to others in the same district. The proposed 28-ft encroachment into a front yard building setback creating a 43-ft front yard setback in lieu of the maximum required 15-ft front yard setback for a proposed circular drive with a covered canopy would not be in character with the surrounding area as there are no other circular drives located in the downtown area or the city.

4. That literal interpretation of the provisions of the Form-Based Code intent and process would deprive the applicant of rights commonly enjoyed by other properties in this same transect district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

   The applicant would be granted a privilege not usually conferred on others in the area, but the 43-ft encroachment into the required front yard building setback proposed by the applicant will be ideally suited for the site, aesthetically pleasing and convenient as well.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

   The variance requested is the minimum required to accommodate the applicant's request for the front yard setback to construct the proposed circular drive with a covered canopy for a place of worship to be used as a childcare facility.

6. That the grant of the variance will be in harmony with the general intent and purpose of the Form-Based Code intent and process and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The variance requested will not be in harmony with the general intent and purpose of the Form-Based Code intent and process yet the variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare as the circular drive will be constructed on the church's property.

CONCLUSIONS

If the Board of Adjustments & Appeals were to grant the variance request to allow a 28-ft encroachment into a front yard building setback creating a 43-ft front yard setback in lieu of the maximum required 15-ft front yard setback for a proposed circular drive with a covered canopy, as proposed by the applicant on the application dated January 11, 2013, the approval would be based on the findings of fact and conclusions of this staff report dated February 22, 2013, and the following conditions:

1. The applicant shall not exceed the requested 28-ft encroachment into a front yard building setback creating a 43-ft front yard setback in lieu of the maximum required 15-ft front yard setback for a proposed circular drive with a covered canopy.

2. The proposed circular drive shall comply with the requirements set forth by the City's Development Review Committee.

3. The canopy must clear the circular drive vertically by at least eight (8) feet.

4. The variance request shall run with the land.

5. All of the above conditions shall be fully and faithfully executed or the use by exception shall become null and void.

CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CASE LOCATOR MAP

CASE #VA 13-02

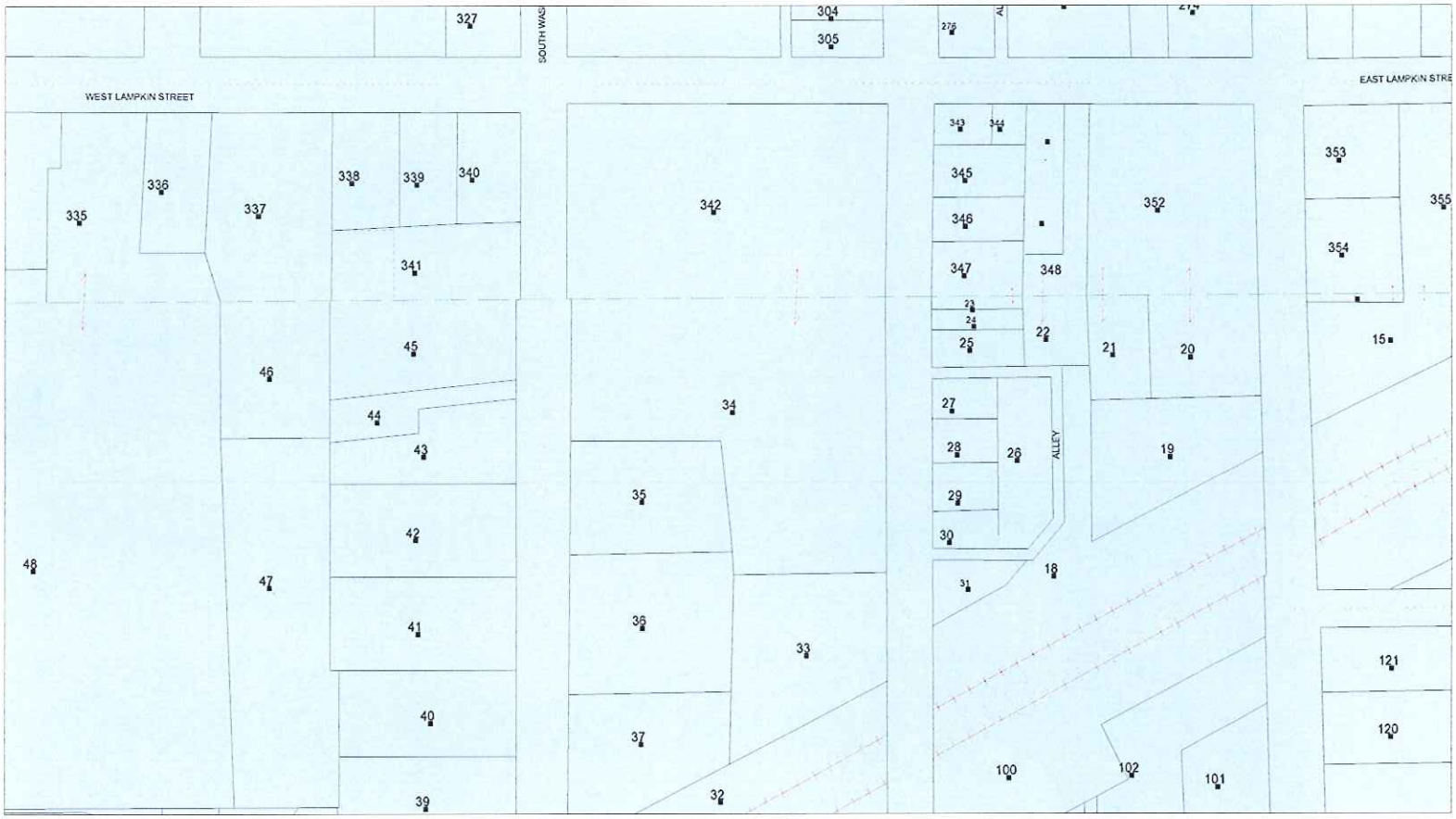
WARD # 7

DATE OF PUBLIC HEARING: WEDNESDAY, FEBRUARY 27, 2013

SHADED AREA INDICATES SUBJECT PROPERTY

NORTH
NTS

OKTIBBEHA, MISSISSIPPI



Wednesday, January 30, 2013 4:25 PM

OKTIBBEHA, MISSISSIPPI

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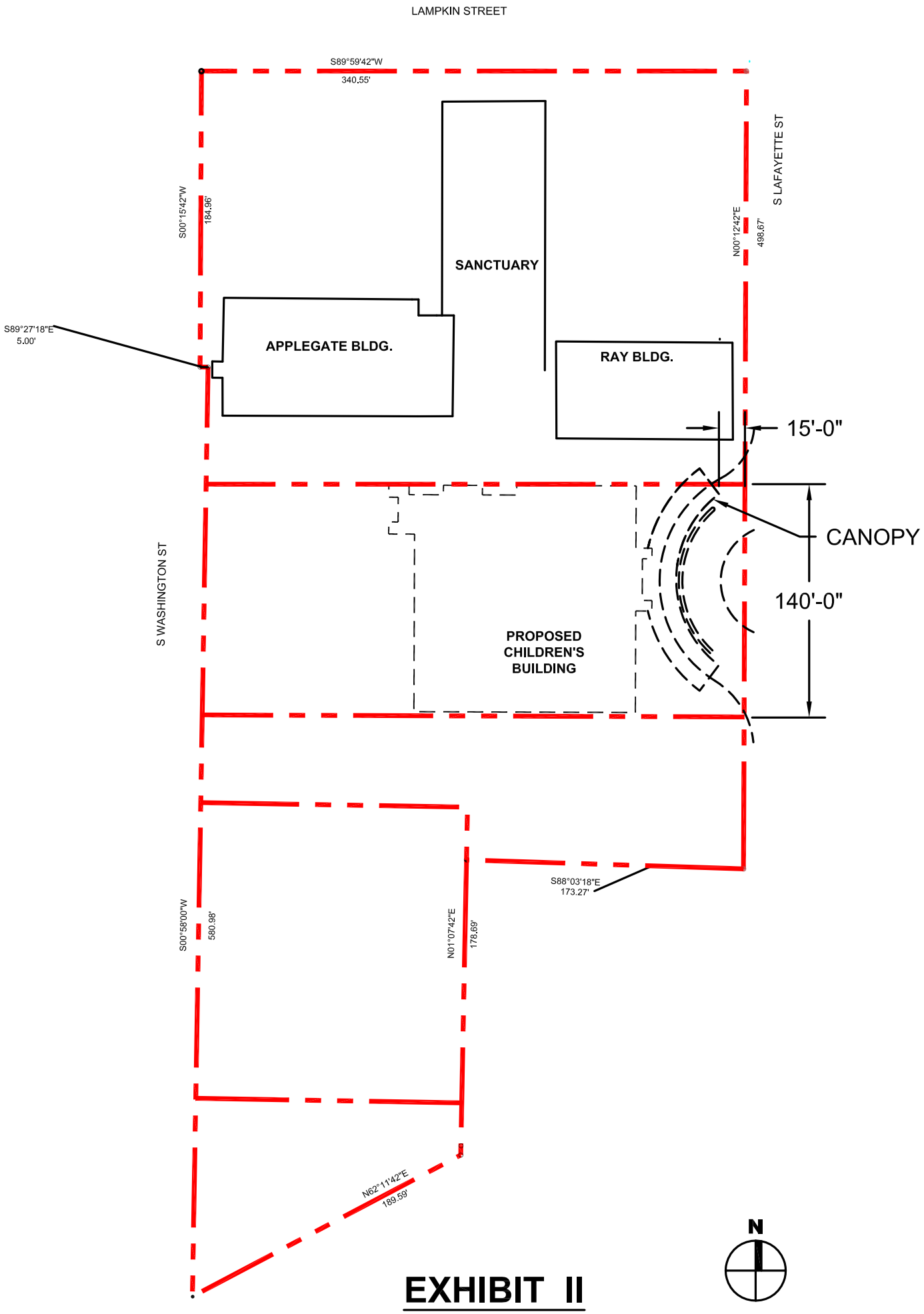
LAMPKIN STREET
S89°59'42"W
340.55'
S LAFAYETTE ST
S00°15'42"W
184.96'
N00°12'42"E
498.67'
SANCTUARY
S89°27'18"E
5.00'
APPLEGATE BLDG.
RAY BLDG.
15'-0"
CANOPY
140'-0"
S WASHINGTON ST
PROPOSED
CHILDREN'S
BUILDING
S88°03'18"E
173.27'
S00°58'00"W
580.98'
N01°07'42"E
178.69'
N62°11'42"E
189.59'
N

EXHIBIT II

COLUMBUS OFFICE:
P.O. Box 167
5227 South Frontage Rd.
Columbus, MS 39703-0167
Phone: (662) 327-8990
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January 31, 2013

TO: Planning Division of Community Development of the City of Starkville, MS., Planning and Zoning Commission, Board of Adjustments and Appeals, Mayor and the Board of Aldermen

FR: Kevin Burchfield, Pryor and Morrow Agent, acting on behalf of First Baptist Church

RE: First Baptist Church New Children's Building – project to include:

1. **Three items of re-aggregation** of parcels 118P-00-342.00, 102A-00-034.00, 102A-00-035.00 - the three parcels would remain three parcels with different boundary lines. The re-aggregations are explained to the Planning and Zoning Commission because requests for approval by the Commission are contingent upon approval of the re-aggregations,

2. **Two items of rezoning** to make the zoning category consistent within two of the re-aggregated parcels,

3. **Two items of rezoning** in adjacent parcels to update parcels from R-2 to B-1,

4. **Four items** in adjacent parcels to allow conditional use for parking in B-1 zoning,

5. **One item** to permit First Baptist Church to have a weekday childcare by exception as a ministry of the church in a T-5 zone and

6. **Two dimensional variances** from the T-5 building codes (to be reviewed by the Board of Adjustments and Appeals) for the proposed new Children's Building related to lot width and setback.

PURPOSE:

The purpose of this report is to simplify through explanation and graphics the requests that are being made and highlight the need for consideration of these as a package, contingent on the agreement of all municipal parties involved.

BACKGROUND INFORMATION:

First Baptist Church of Starkville was established in 1839 and a building was built on the southwest corner of, what is now, Lampkin and Lafayette Streets. Originally, the location of the church was the beginning of the primary residential area of Starkville and, as time progressed, homes were built on all the property south and west of the church which is now block 53 in the city of Starkville (the block involved in these requests). In 1889 the original frame building was demolished and replaced with a brick building which is now First Baptist Chapel. The church continued to grow and, over the years, the vision of First Baptist was constant that this should be a downtown church motivating the purchase of residential properties to the south and west as they became available. On this land in the block being discussed, in 1956 the church added an education building behind the sanctuary, a new sanctuary in 1962 and an additional education building in 1980. Since 1980 the church has continued to purchase houses and remove the structures as they have deteriorated which has left open space behind the sanctuary and education buildings, which is being used for a children's playground and overflow parking.

When the formal zoning of Starkville was done, the entire property in block 53 was zoned R-2 except for the parcels next to the railroad, which were zoned C-2. As the church purchased lots and demolished the existing structures, the zoning remained R-2 and C-2 next to the railroad line.

Last year, the City adopted a Form-Based Code and rezoned a large portion of the church property to the transect zone 5 (T-5), which left the remainder of the block 53 property zoned R-2 and C-2. Places of worship do not have a specific zoning category and must ask for conditional or exceptional use when construction or addition to existing structures in any zoning category listed in the Chart of Permitted Uses, which includes all zones <u>except</u> Transect Zones. In a zone designated T-5, places of worship are listed "by exception". Traditionally, the City has approved most, if not all, requests for conditional or exceptional use for places of worship. The multiple zoning and incompatibility to church needs of the T-5 requirements, even though the church is permitted "by exception", has created an exceptional hardship for the church as it attempts to implement its long-range plan for which the property was purchased and for which the zoning was compatible before the zone change to T-5.

The church now wishes to construct a Children's Building as it tries to accommodate growth needs and implement its long-range plan.

Under the transect zoning ordinance the stated intent is that "the regulations on buildings equitability balance the rights of individual property owners and the interests of the community as a whole". The requests being presented present an equitable balance in compliance with this intent when considered as a "package". One of the objectives of the T-5 category is to "create the strongest definition of outdoor spaces". The plan being presented does that as a whole.

The transect ordinance iterates the following circumstances where a deviation of the transect guidelines can be approved:

1. *That failure to approve the plan could result in exceptional hardship to the applicant; and*
2. *That approving the plan will not result in any threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public; and*
3. *That the necessity for the plan is not the result of conditions which have been self-imposed by the applicant; and*
4. *That the approval of the plan is the minimum necessary for the applicant to continue with the project.*

It is believed that the requests made for the Children's Building project of First Baptist Church meets these standards. The change made by the City to T-5 after the property was acquired for church purposes, the fact that all the residential structures on this property have been removed since the R-2 category was assigned and the fact that the activities of the church overlap several parcels where different zoning of the parcels creates a great hardship for the church justifies the requests being made.

The Exception and Variance section (1.5) of the transect ordinance requires that the exceptions be clearly defined with related reasons, including maps and text, and that these be consistent with the intent and description of the transect district and with the goals, objectives and policies of the City of Starkville's comprehensive plan. This requirement has been addressed with each request being made.

There are a number of items which comprise the total plan of the church and which should be considered as a whole because they are all interrelated and necessary for this project to go forward. For presentation, these items are grouped into the categories of "aggregation of parcels", rezoning, permissions, exception use and dimensional variances requested because recommendations to the aldermen are made by different boards and/or commissions relative to these categories. The Planning and Zoning Commission is being asked for a recommendation of approval for the rezoning, permissions and exceptional use contingent upon approval of the parcel aggregations and dimensional variances by other groups.

To help improve understanding of the items requested, three exhibits depicting maps of the block being considered have been prepared. They include the proposed plans relative to the Children's Building and related parking to help with the understanding of how these requests interrelate to the overall project.

Exhibit I shows the block as it now stands with parcel lines drawn in red and lines after re-aggregation in green. **Exhibit II** shows the block as the parcels will appear after the re-aggregation (omitting the initial parcel lines) with the dimensional variances indicated. **Exhibit III** shows the final results which will support that this action taken as a whole is consistent with the intent and the description of the transect district and other zones involved and is consistent with the goals, objectives and policies of the City of Starkville's comprehensive plan. Each exhibit will be explained, but **Exhibit II** will be the primary focus of the Planning

and Zoning Commission since its recommendation will be based upon the contingency of the approval of the re-aggregations.

(Please refer to **Exhibit I** to help explain the re-aggregations requested.)

Exhibit I:

1. Shown is a copy of the official tax map of the City of Starkville prepared and approved in 2003. Parcel 342 next to Lampkin Street extending from Lafayette Street on the east to Washington Street on the west (200' north/south x 333' east/west) is zoned T-5 and marked by a red line on the south border. The south border of this parcel goes through the middle of the Applegate Educational Building. The south border is proposed to be moved further south and include a part of parcel 34 so the entire footprint of these two buildings will be included in parcel 342. The specific request is that the southern border of parcel 342 be moved to the south approximately 70-feet (70') and extend from Lafayette Street to Washington Street (270' north/south x 333' east/west – indicated by the green line. The southern boundary of parcel 342 will become the north boundary of the new parcel 34 and also the north boundary of the Children's Building and its new parking lot.

2. The second re-aggregation requested is to move the southernmost line of the current parcel 34 facing Lafayette Street and extending west toward Washington Street approximately 165' to the north approximately 90' to become the new southern line of parcel 34 to the extent of this 165' which will also be the southern border of the Children's Building. Continue this line to the west to Washington Street across parcel 35 to divide it and re-aggregate the north half of current parcel 35 to parcel 34. The new addition to parcel 34 will be behind the Children's Building and is being requested to be rezoned T-5 (described below so the re-aggregated parcel 34 will be T-5 and will extend from Lafayette Street west to Washington Street. Parcel 34 will then be approximately 140' wide (north/south) and 333' deep (east/west) facing Lafayette Street (this proposed re-aggregated parcel is the parcel being proposed for the footprint of the new Children's Building.

3. The third re-aggregation being requested is to combine the southernmost fragment of the property facing Lafayette Street which was created by removing it from parcel 34 in item #2 (approximately 90' north/south x 165' east/west) with the southern part of parcel 35 facing Washington Street, which remains after combining the northern part to parcel 34.

These three re-aggregations will correct a parcel line for the parcel adjacent to Lampkin Street and recognize three parcels as consistent in extending east/west from Lafayette to Washington Street as it is now being used. The re-aggregated parcels will remain 342, 34 and 35. Parcels 36 and 37 are not being re-aggregated.

<u>Exhibit II</u>:

Shown are the re-aggregated parcels with the resulting split-zoning as well as information concerning the dimensional variances requested. The changes which have occurred in this area since any building project was done and zoning needed to be evaluated, the rezoning to T-5 by the City as well as the disappearance of the residential use have created conditions which seem to justify the action requested. The specific requests for recommendation for approval by the Planning and Zoning Commission are as follows:

1. Re-zone from R-2 to T-5 the fragment of the northern portion of parcel 35 re-aggregated to parcel 34 facing Washington Street. This fragment and the T-5 portion to which it was re-aggregated are behind the Children's Building. This action will make clean east/west lines from Lafayette Street to Washington Street of this T-5 block and prevent parcel 34 from having two separate zoning categories.
2. Rezone the remaining fragment of parcel 35 now zoned R-2 facing Washington Street to B-1 in response to the changing conditions of this area which is no longer residential. This will be developed as a buffer to protect the residential area across Washington Street.
3. Rezone from T-5 to B-1 the fragment of re-aggregated parcel 35 facing Lafayette Street, which was deleted from parcel 34 and aggregated to parcel 35. This will make the re-aggregated parcel 35 have the same zoning category rather than being a split.
4. Allow conditional parking in the re-aggregated parcel 35 rezoned B-1 in items #2 and #3 to be developed into a green space will provide residents of Washington a pleasant vista and a buffer area for their protection.
5. Rezone from R-2 to B-1 parcel 36 facing Washington Street. The protective buffer area described in item #4 continues.
6. Allow conditional use parking in parcel 36 after rezoning to B-1 to continue the protective buffer area described in items #4 and #5.
7. Allow conditional use parking in parcel 37, now zoned C-2, facing Washington Street next to the railroad. Green space and buffering will continue on this parcel.
8. Allow by exception a childcare use in the re-aggregated parcel 34 zoned to T-5. Childcare is identified in the transect ordinance as permitted by exception. This use is consistent with the intent and description of the transect code and is consistent with the goals, objectives and policies of the City of Starkville's comprehensive plan. The childcare program is not a self-sufficient childcare business; rather, it is an outreach of the church. However, the childcare ministry does meet during the week but not on Sunday. Approximately 80% of the children cared-for are not members of First Baptist Church, but all of the employees are employees of the church with similar benefits as others employed by the church and are under the supervision and responsibility of the Children's Minister of the church. Also, the weekday childcare is a ministry in the church budget. Even though parents pay a fee, the church subsidizes the budget of the childcare for a considerable amount. This is no different than any other outreach activity in which the church is engaged.

The dimensional variances being requested related to the Children's Building are as follows:

1. Allow a variance of 25' in width for the building facing Lafayette Street from the 120' limit in a T-5 zone to 145' to provide for space needed for the building. Lafayette Street is a side street relative to the downtown area. The block between Main Street and Lampkin Street is currently one-way and very little traffic other than church traffic has a need for that street. This building, which will be behind the ones facing Lampkin Street, will not be visible from Main Street and, therefore, will not detract from the character from the character of downtown if it is wider than the lot width allowed in a T-5 zone.

2. Allow a variance of an additional setback in the front of the Children's Building. T-5 allows a maximum setback of 15' and the church has a great need for a circular drive for vehicular access off Lafayette Street. The circular drive will require an additional setback which varies from 1' to 28'. The setback will be graduated in that the drive and canopy on each end of the circle will be close to the street thus, the maximum dimension will only occur in the center of the curve. Approximately one-fourth of the First Baptist members are elderly or impaired while about one-third of the members have small children. These facts bring to the fore a need for a covered drop-off/pick-up area that the church does not currently have. The building plans provide a welcome area close to the entrance of this drop-off area with access to the current sanctuary via a covered hallway off the main entrance. The weekly childcare aspect of this building elevates the need for a covered drop-off/pickup area. Using part of the 'land' in front of this building for this purpose is very important to the church and not detrimental to the character of the T-5 zoning.

Exhibit III:

Shown is block 53 after all requested modifications, should they be approved. The parcels are cleaner, all parcels will have consistency in zoning, the church is allowed to develop its property as needed for its current and future needs and it is consistent with the comprehensive plan of the City and the future vision of the transect and buffer zoning.
In conclusion, the parking areas of the church are a great asset to downtown Starkville for municipal events such as Bulldog Bash, Christmas parades as well as many others. These events are projected to increase and are usually when the church parking areas are not in use for church events. This available parking is a great asset to downtown Starkville. Even now, the church happily provides parking on a daily basis for many City employees. Church members also use parking areas by City Hall on Sundays when not in use by City employees. For many years this attitude of sharing and cooperation has existed and this project will enhance all uses listed above.

Respectfully,

Kevin Burchfield, ASLA
Pryor & Morrow Architects and Engineers, P.A.

SEC. T
§4 SPECIFIC TO T5 DISTRICTS

Zoning Map Key

- T4
- T5
- T6
- CD

SEC. T
§4 SPECIFIC TO T5 DISTRICTS

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

7.1 Lots

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

7.2 Lot Occupation

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

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

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

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

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

7.3 Building Form

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

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

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

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

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

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

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

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

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

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

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

7.4 Building Use

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

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

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

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

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

(f) Retail Uses under 1500 square feet shall be exempt from parking requirements.

7.5 Parking Location

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

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

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

7.6 Landscape

(a) The first Lot Layer may be paved.

7.7 Signage

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

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

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

TABLE 12. T5 BUILDING SETBACKS

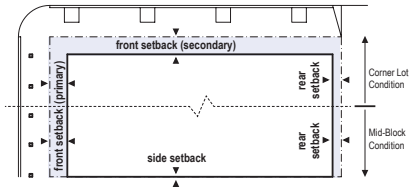
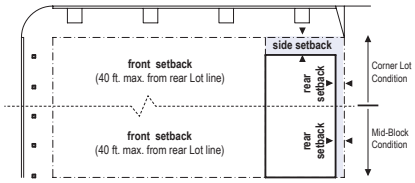
	PRIMARY / SECONDARY BUILDING	OUTBUILDING
Front Setback (Principal)	2 ft. min 15 ft. max.	40 ft. max. from rear
Front Setback (Secondary)	2 ft. min. 15 ft. max.	n/a
Side Setback	0 ft. min 24 ft. max.	0 ft. or 3 ft. at corner
Rear Setback	3 ft. min.	3 ft. min.
Illustration		

TABLE 13. T5 BUILDING HEIGHT

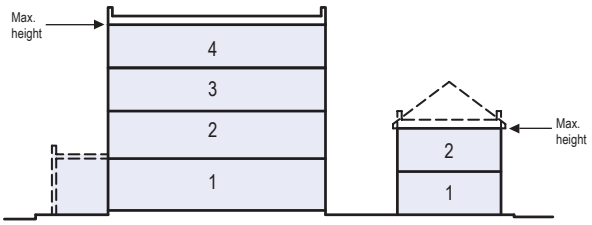
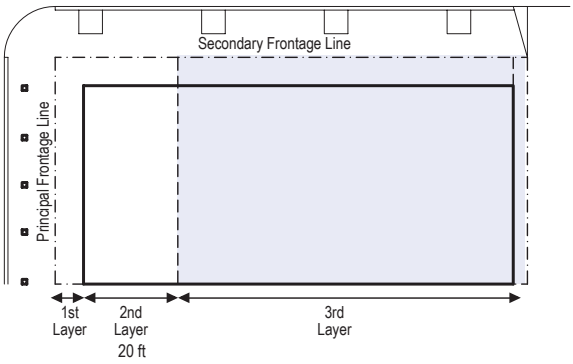
	PRIMARY / SECONDARY BUILDING	OUTBUILDING
Height (in Stories)	4 stories	2 stories
Illustration		

TABLE 14. T5 PARKING PLACEMENT

PARKING PLACEMENT

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



SEC. T
§2 GENERAL TO ALL TRANSECT DISTRICTS

TABLE 6. REQUIRED PARKING

	T4	T5	T6*
RESIDENTIAL			
Primary Building	1.5 / dwelling	1.0 / dwelling	0 / dwelling
Secondary Building	1.5 / dwelling	1.0 / dwelling	n/a
Accessory Building	1.0 / dwelling	1.0 / dwelling	n/a
LODGING	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
OFFICE	3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.
RETAIL	4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.
CIVIC			
OTHER			

*Areas previously classified as C-3, Commercial Business District, on the Official Zoning Map of Starkville, Mississippi prior to the date this amednment was adopted shall be exempt from T6 parking requirements.

TABLE 7. PARKING OCCUPANCY RATES

USES	M - F	M - F	M - F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM - 6 PM	6 PM - 12 AM	12 AM - 8 AM	8 AM - 6 PM	6 PM - 12 AM	6 PM - 12 AM
RESIDENTIAL	60%	100%	100%	80%	100%	100%
LODGING	70%	100%	100%	70%	100%	100%
OFFICE	100%	20%	5%	5%	5%	5%
RETAIL (general)	90%	80%	5%	100%	70%	5%
Restaurant	70%	100%	100%	70%	100%	100%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
CONFERENCE	100%	100%	5%	100%	100%	5%
CIVIC (non-Church)	100%	20%	5%	10%	10%	5%
CIVIC (Church)	20%	20%	5%	100%	50%	5%

TABLE 5. BUILDING USE

TRANSECT DISTRICT	T4	T5	T6
RESIDENTIAL			
Assisted Living Facility	▪	▪	
Dwelling, Accessory Unit	▪	▪	
Dwelling, Single Family	▪	▪	
Dwelling, 2 - Family	▪	▪	
Dwelling, 3 & 4 Family	▫	▪	▪
Dwelling, Multi - Family	▫	▪	▪
Dwelling, Live/Work	▫	▪	▪
Dormitory		▪	▪
Fraternity / Sorority House		▪	▪
Group Home		▪	
COMMERCIAL			
Business Offices	▫	▪	▪
Conference / Convention Center		▫	▪
Eating / Drinking Establishment	▫	▪	▪
General Retail / Services	▫	▪	▪
Personal Services	▫	▪	▪
Recreation and Entertainment, Indoor		▪	▪
Recreation and Entertainment, Outdoor		▪	▪
Visitor Accommodations & Services		▪	▪
Parking Lot / Garage		▫	▫
Home Occupation	▪	▪	▪
LODGING			
Bed & Breakfast Inn	▪	▪	▫
Boarding / Rooming House		▫	▫
Hotel (no room limit)		▫	▪

TRANSECT DISTRICT	T4	T5	T6
PUBLIC & INSTITUTIONAL			
Child Care		▫	▪
Community Services	▪	▪	▪
Family Run Child Care	▪	▪	
Educational Facilities	▪	▪	▪
Governmental Facilities	▫	▪	▪
Institutional & Health Care Facilities	▫	▪	▪
Places of Worship	▫	▫	▫
Transportation			▪
Utilities	▪	▪	▪
MANUFACTURING & INDUSTRIAL			
Industrial, Light		▫	
Manufacturing, Light		▫	
CIVIL SUPPORT			
Fire Station	▪	▪	▪
Police Station	▪	▪	▪
Post Office		▪	▪
Funeral Home	▫	▫	▫

▪ BY RIGHT

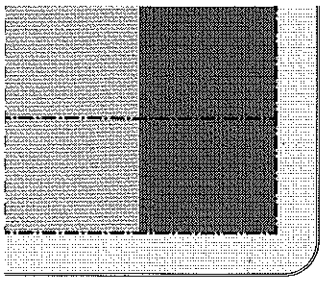
▫ BY EXCEPTION

TABLE 3. BUILDING PLACEMENT (continued)

REARYARD PLACEMENT

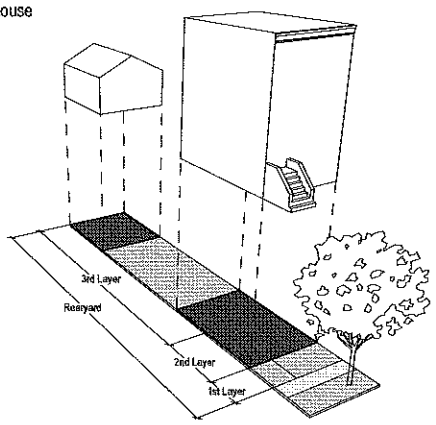
The placement of a Primary Building within the boundaries of its Lot to create a Rearyard, leaving the rear of the Lot as private space or available for dedicated parking in its commercial form. Common walls shared with adjacent buildings create a continuous Facade along the Frontage Line that steadily defines the public Thoroughfare in front of the building. Rear Elevations may be articulated for functional purposes.

Types: Rowhouse, Apartment Building, Commercial Building, Office Building, Live-Work Building, Mixed-Use Building

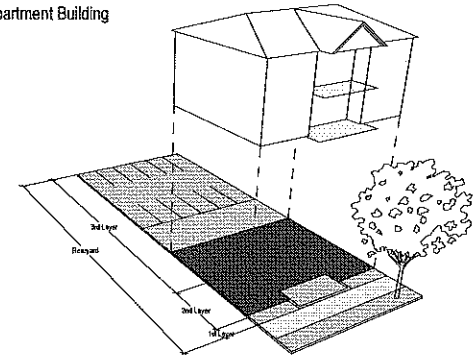


TYPE EXAMPLES - For illustrative and advisory purposes only

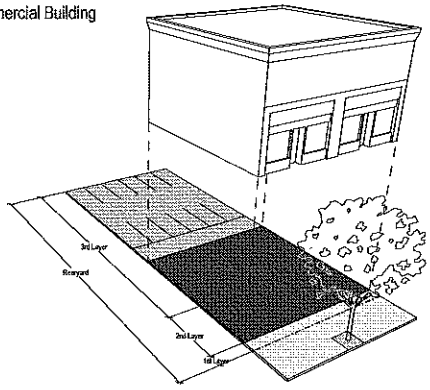
Townhouse



Apartment Building



Commercial Building



TRANSECT ZONE	T4	T5	T6
A. LOT OCCUPATION			
Lot Coverage	70% max.	80% max.	90% max.
Frontage Buildout at Setback	60% min.	80% min.	80% min.
B. PRINCIPAL BUILDING SETBACKS			
Primary Front Setback	6 ft. min. 18 ft max.	2 ft. min 15 ft. max.	0 ft. min. 15 ft. max.
Secondary Front Setback	6 ft. min 18 ft max.	2 ft. min. 15 ft. max.	0 ft. min. 15 ft. max.
Side Setback	0 ft. min.	0 ft. min 24 ft. max.	0 ft. min. 24 ft. max.
Rear Setback	3 ft. min.	3 ft. min.	0 ft. min.
C. OUTBUILDING SETBACKS			
Front Setback	setback + 20 ft min.	40 ft. max. from rear	n/a
Side Setback	0 ft. or 3 ft. at corner	0 ft. or 3 ft. at corner	n/a
Rear Setback	3 ft. min.	3 ft. min.	n/a
D. BUILDING HEIGHT (stories)			
Principal Building	2 max.	4 max.	5 max.
Secondary Building	2 max.	4 max.	n/a
Outbuilding	2 max.	2 max.	n/a
E. PRIVATE FRONTAGE			
i. Setback Encroachments			
Open Porch	50% max.	n/a	n/a
Balcony and/or Bay Window	50% max.	100% max.	100% max.
Stoop, Lightwell, or Terrace	100% max.	100% max.	100% max.
ii. Sidewalk Encroachments			
Awning, Gallery, or Arcade	100% max.	100% max.	100% max.
iii. Encroachment Depths			
Porch	8 ft. min.	n/a	n/a
Gallery	10 ft. min.	10 ft. min.	10 ft. min.
Arcade	n/a	12 ft. min.	12 ft. min.
F. PARKING LOCATION			
2nd Layer	not permitted	not permitted	not permitted
3rd Layer	permitted	permitted	permitted