



OFFICIAL AGENDA

BOARD OF ADJUSTMENTS & APPEALS

CITY OF STARKVILLE, MISSISSIPPI

WEDNESDAY, MARCH 23, 2011

**4:00 PM IN THE CITY HALL BUILDING DEPARTMENT
101 E. LAMPKIN STREET, STARKVILLE, MS 39759**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION FOR APPROVAL OF THE DECEMBER 15, 2010 MEETING MINUTES
- IV. NEW BUSINESS
 - A. VA 11-01: A REQUEST BY BOARD TOWN, LLC, TO CONSIDER GRANTING A VARIANCE TO “TABLE 32 RECOMMENDED GROSS DENSITY” OF THE STARKVILLE COMPREHENSIVE PLAN TO ALLOW 15.38 DWELLING UNITS PER ACRE IN LIEU OF THE MAXIMUM 15 ALLOWED IN AN R-5 (MULTI-FAMILY, HIGH-DENSITY) ZONING DISTRICT LOCATED AT 509 RUSSELL STREET IN WARD 4.
- V. PLANNER REPORT
- VI. ADJOURNMENT

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City's ADA Coordinator at least 48 hours in advance of the meeting at (662) 323-8012, ext. 119.

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
DECEMBER 15, 2010**

The Board of Adjustments and Appeals held a meeting at 4:00 Pm in the Building Department at City Hall. Members present included Ms. Patricia McCarthy from Ward 1, Dr. Milo Burnham from Ward 2, Dr. Jeff Markham from Ward 3, Mr. William Poe from Ward 4, Mr. Larry Bell from Ward 5, and Mr. John Hill from Ward 7. Mr. Larry Bell, Board Chairman, called the meeting to order. Attending the meeting were City Planner Ben Griffith and Recording Secretary Sara McHann. Mr. James Johnson from Ward 6 was absent from the meeting, due to an illness.

CONSIDERATION OF APPROVAL OF THE MINUTES OF NOVEMBER 17, 2010

There came before the Board of Adjustments & Appeals the matter of approval of the November 17, 2010 meeting minutes. After discussion, and upon the motion of Ms. McCarthy, duly seconded by Dr. Burnham, the Board voted unanimously to approve said minutes, as revised.

A REQUEST BY LITTLE PROPERTIES, INC. TO GRANT A 21-FOOT INCREASE IN HEIGHT, CREATING A 66-FOOT OVERALL HEIGHT IN LIEU OF THE MAXIMUM 45 FEET ALLOWED FOR A PROPOSED HOTEL IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 982 MS HIGHWAY 12 EAST IN WARD 5

Next there came before the Board of Adjustments & Appeals item #VA 10-06: a request by Little Properties, Inc. to grant a 21-foot increase in height, creating a 66-foot overall height in lieu of the maximum 45 feet allowed for a proposed hotel in a C-2 (General Business) zoning district, located at 982 MS Highway 12 East in Ward 5. Mr. Ricky Marecle presented the request to the Board.

Mr. Marecle addressed the Board and stated that he is requesting a height variance to allow for the construction of a hotel tower for a proposed "La Quinta Inns & Suites." He stated that it was part of the Blackstone/Hilton family of hotels, would have 68 guest rooms, including 16 suites, and approximately 75 parking spaces. Mr. Marecle stated that it would have a fitness center and offer continental breakfast. He added that he would like to begin construction in February and open in August.

Mr. Poe asked what the tower would be used for.

Mr. Marecle said the tower will house a stairwell, storage room, housekeeping and maid supplies, maintenance areas and a laundry room.

After discussion, Mr. Poe made a motion to approve the request as proposed. Dr. Burnham seconded the motion and the Board voted unanimously to approve the request.

PLANNERS REPORT

Mr. Griffith reported that Mr. Frank Jones had appealed the Board's denial of his variance request at their November meeting to the Mayor and Board of Aldermen and that it was scheduled to be heard by them on Tuesday, December 21, 2010.

Mr. Griffith presented the 2011 submittal and hearing scheduled for the Board of Adjustments & Appeals and stated that it would be posted on the City's website unless any of the Board members had any objections. He added that the schedule was for the meetings to be held on the fourth Wednesdays of the month, with the exception of November and December, due to the holidays.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, a motion to adjourn was made by Ms. McCarthy and seconded by Mr. Hill at 4:20 PM.

Larry Bell, Chairman

Ben Griffith, AICP, City Planner



THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: Board Town, LLC, Applicant
SUBJECT: VA 11-01: Variance request for 509 Russell Street, Parcel Number 101D-00-196.00
DATE: March 11, 2011

The purpose of this report is to provide you with information regarding the request of Board Town, LLC to review a variance to “Table 32 Recommended Gross Density” of the Starkville Comprehensive Plan to allow 15.38 dwelling units per acre in lieu of the maximum 15 allowed. Chapter 2, Article VI of the City’s Code of Ordinances provides specific criteria for the review and approval of requests.

BACKGROUND

General Information:

The applicant purchased the property with the intent to build condominiums for fee-simple sale. The “High Cotton” preliminary plat was submitted to the City’s Development Review Committee and upon satisfactory review, was forwarded to the Planning & Zoning Commission. During the Planning & Zoning Commission meeting, it was noted that the density was 15.38 dwelling units per acre, slightly exceeding the maximum 15 allowed. Planning staff explained that Article V, Section 7 of City’s Subdivision Regulations allows minor variances and modifications to be approved when plats are submitted for review and approval. However, the City Attorney advised that the applicant submit a variance application for the overage amount, just to be on the safe side. The applicant withdrew the agenda item in order to submit the variance request, and if approved, the item will be placed back on the Planning & Zoning Commission’s meeting agenda. A copy of the Planning & Zoning Commission staff report has been included with this report for your reference.

Thirty-one property owners of record within 150 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, March 4, 2011 and a placard was posted on the property concurrent with publication of the notice. A couple of phone calls were received by the Planning Office and when the nature of the variance was explained, no callers voiced any opposition to the request.

Legal Description: LOT 10, BLOCK 2, UNIVERSITY URBAN RENEWAL AREA, STARKVILLE, OKTIBBEHA COUNTY, MISSISSIPPI

Location: The subject property is located on the north side of Russell Street, approximately 300 feet east of Jarnigan Street, across the street from the “Cotton Crossing” shopping center.

Parcel Size: The subject property consists of 11,304.6 square feet or approximately 0.26 acres.

Physical Characteristics: The subject property is approximately 60 feet in width and 200 feet deep with a single-family residence located towards the roadway frontage. This structure will be demolished as part of the redevelopment of the site.

Zoning Classification: R-5 (Multi-Family, High-Density)

Setback Dimensions: Front 25' Side 5' Rear 20'
 Min. Lot Area 1,800 SF per unit Min. Lot Width at Bldg. Line 50' Max. Bldg. Ht. 45'

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	R-5	Single-Family Residential
East	PUD	Multi-Family Residential
South	C-2	Commercial—Retail—Restaurant
West	R-5	Currently Vacant (House Burned)

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.
No special conditions or circumstances exist for the subject property, other than its location in the “Cotton District” which is an area widely known for its higher density residential development.

2. That the special conditions and circumstances do not result from the action or negligence of the applicant.
The applicant has proposed 4 dwelling units which meet the requirements of the City’s land development regulations. Because of a mathematical equation used to calculate density which exceeds the maximum by less than one-half, the applicant would be allowed to construct only 3 units instead of the 4 proposed.

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 development would be in character with others in the immediate vicinity. The “Planters Row” development located to the immediate east of the subject property

was the first PUD in the City and is indicative of the higher density of residential development in the "Cotton District" with approximately 29 dwelling units per acre.

4. That literal interpretation of the provisions of the land development regulations 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.

Literal interpretation and adherence to the City's Comprehensive Plan requirement of no more than 15 dwelling units per acre would allow the applicants to construct only 3 dwelling units, when they have shown that they can meet all of the City's land development regulations by constructing 4 dwelling units.

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 4 dwelling units proposed for the subject property on the "High Cotton" preliminary plat; no additional dwelling units can be accommodated on the site under the City's current land development regulations.

6. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations 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 a density of 15.38 dwelling units per acre in lieu of the maximum 15 allowed at 509 Russell Street, as proposed by the applicant on the application dated February 10, 2011, the approval would be based on the findings of fact and conclusions of this staff report dated March 11, 2011, and the following conditions:

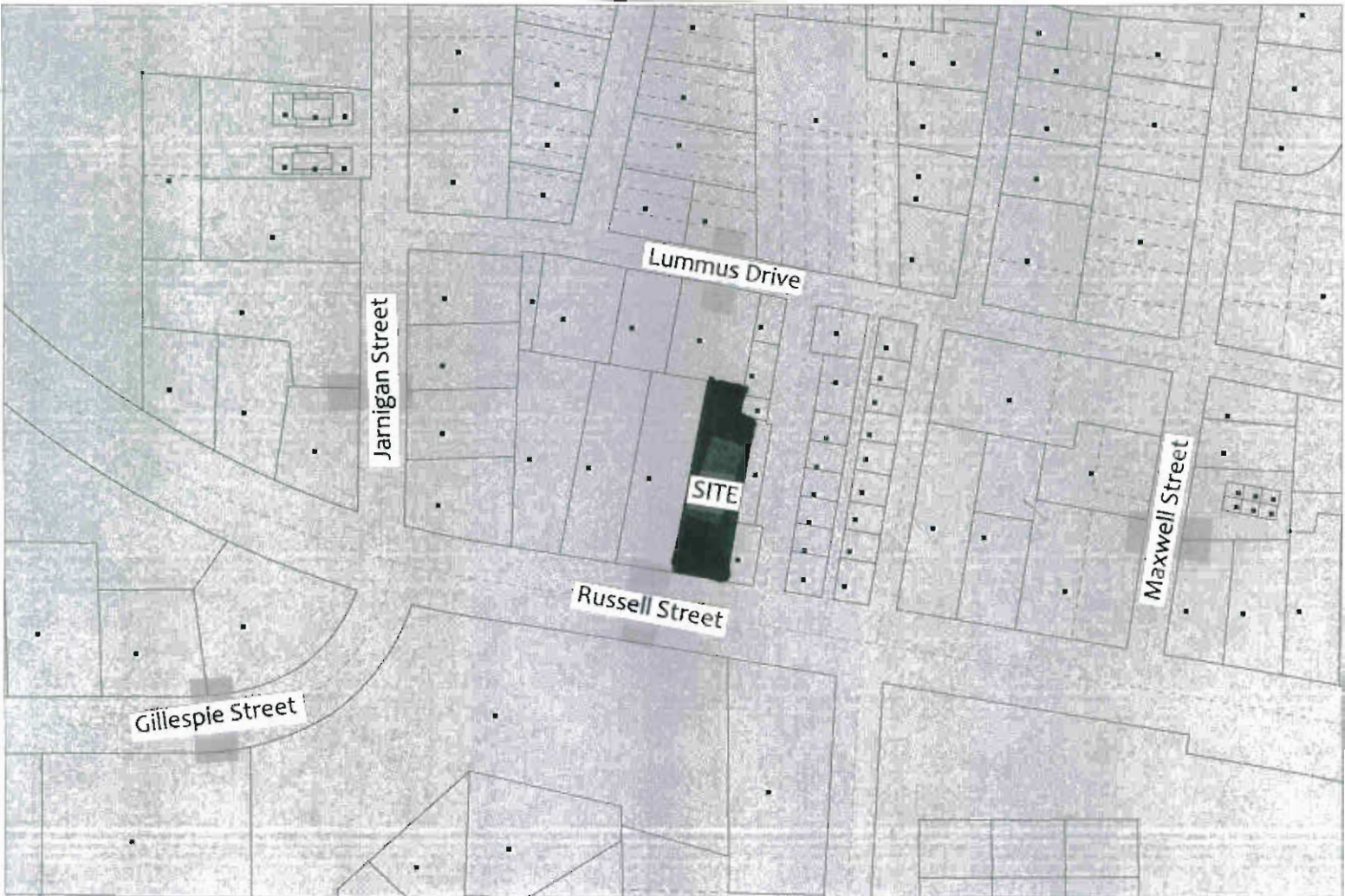
1. The maximum number of dwelling units on the subject property shall not exceed the four (4) proposed on the "High Cotton" preliminary plat.
2. The applicant shall submit the proposed "High Cotton" preliminary plat to the Planning & Zoning Commission for review within sixty (60) days of approval of the variance by the Board of Adjustments & Appeals.
3. The applicant shall include a general note on the "High Cotton" preliminary and final plat stating:
4. The applicant shall obtain a building permit and begin construction activities at the site within six (6) months of the approval of the "High Cotton" final plat by the Board of Aldermen.
5. All of the above conditions shall be fully and faithfully executed or the variance shall become null and void.

CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CASE LOCATOR MAP

Case # VA 11-01

Ward # 4

Date of Public Hearing: Wednesday, March 23, 2011



North



Not to Scale



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

STAFF REPORT

TO: Members of the Planning & Zoning Commission
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: Boardtown Development, Applicant
SUBJECT: PP 10-05: “High Cotton” preliminary plat located in an R-5 (Multi-Family, High Density) zoning district at 509 Russell Street in Ward 4; Parcel Number 101D-00-196.00
DATE: February 3, 2011

The purpose of this report is to provide you with information regarding the request of Boardtown Development, to review a proposed preliminary condominium plat of four dwelling units for an approximate 0.26-acre site. The proposed plat will require review and approval by the Mayor and Board of Aldermen at their next regularly scheduled meeting.

BACKGROUND INFORMATION

The subject property is zoned R-5 (Multi-Family, High-Density), as are the properties to the north and west. The properties to the east are zoned PUD (Planned Unit Development) and the properties to the south are zoned C-2 (General Business). The developer intends to market the property as condominium units for fee-simple sale.

PLAT PROPOSAL

General Information

Table 32 of the City’s Comprehensive Plan allows a maximum gross density of 15 dwelling units per acre for the R-5 zoning district, which is categorized as High Density Residential. The density calculation for the proposed preliminary plat would be approximately 15.38 dwelling units per acre.

Easements and Dedications

All easements and dedications are provided on the preliminary plat. There are no roadways to be dedicated to the City. Potable water, sanitary sewer and electrical service will be provided by the City. Street address numbers have been assigned for construction permitting and utility assignments. The City’s Public Services Director has indicated that the ten-foot sewer easement be removed from the plat and that General Notes #8, #13 and the second sentence of #16 be removed. The City’s Development Review Committee has no objections to approval of the preliminary condominium plat, as proposed, with the conditions provided at the end of this staff report.

Findings and Comments

The preliminary condominium plat is a Class “B” survey prepared by a professional licensed by the Mississippi Board of Licensure for Professional Engineers and Surveyors and meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended. The proposed subdivision meets R-5 zoning dimensions.

CONCLUSIONS

The Planning & Zoning Commission’s recommendation for approval of the “High Cotton” preliminary condominium plat located at 509 Russell Street would be based on the preliminary plat dated January 14, 2011, the findings of fact and conclusions of this staff report dated February 3, 2011, and the following conditions:

1. The preliminary plat meets the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.
2. The preliminary plat shall meet the minimum requirements for R-5 zoning dimensions.
3. Upon the recommendation of the City’s Public Services Director, the following items shall be removed from the preliminary plat:
 - a. Ten-foot sewer easement.
 - b. General Notes #8, #13 and the second sentence of #16.
4. Approval of the preliminary plat shall be tentative, pending the submission of the final plat, as specified in Appendix B, Article IV, Section 3 of the City of Starkville’s Code of Ordinances.
5. Condominium documents shall be submitted with the final plat for review by City staff and the City Attorney.
6. Approval of the preliminary plat shall be valid for one year, per Appendix B, Article III, Section 2(6)(b) of the City of Starkville’s Code or Ordinances.
7. A final plat review and approval shall be required prior to the recording of the plat at the Office of the Oktibbeha County Chancery Clerk.