

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION SPECIAL CALL MEETING OF JUNE 29, 2010 THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi held a special called meeting in the City Hall Court Room at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Ira Loveless and John Moore. Commissioner Jeremy Murdock was absent from the meeting. The meeting was called to order by Commission Chairman Dora Herring. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith and Recording Secretary Sara McHann.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated June 29, 2010. After discussion and upon the motion of Commissioner Emison, which was seconded by Commissioner Hicks, the Commission voted unanimously to approve the written agenda as presented.

CITIZEN COMMENTS

Chairman Herring asked if any member of the public cared to address the Commission, stating that there was a public hearing on the agenda and comments regarding that item would be called for at the appropriate time. No public comments were received.

A PUBLIC HEARING REQUESTED BY TABOR PROPERTIES, LLC, TO APPROVE A CONDITIONAL USE TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONE LOCATED AT 703 SPRING STREET IN WARD 4

Next there came before the Commission item #CU 10-02: a public hearing requested by Tabor Properties, LLC, to approve a conditional use to allow multi-family residential use in a C-2 (General Business) zone, located at 703 Spring Street in Ward 4. The City Planner read a brief introduction of the item and stated that the request for a conditional use to allow multi-family use in a commercial zone, had been remanded back to the Planning & Zoning Commission by the Mayor and Board of Aldermen at their June 15, 2010 meeting. Mr. Griffith also asked if any Commissioners had received any communications from anyone regarding the request. All of the Commissioners present had received a letter from "Responsible Development of Starkville" which asked for their support of the project and included a newspaper article from the Sunday, June 6, 2010 edition of the "The Starkville Dispatch." City Attorney Chris Latimer asked the Commissioners if this communication would hinder, in any way, their ability to make an impartial decision regarding the request. The Commissioners replied individually that it would not.

The applicant, Mr. Larry Tabor of Tabor Construction and Development, addressed the Commission concerning the request. Mr. Tabor told Commissioners that the initial plan for the motel site had not changed. Tabor Construction & Development still plans to convert the old University Inn into 50 condominium units for sale, or lease as part of a hotel-condominium program, if the conditional use is granted. He thanked the Commissioners for holding the special called meeting and added that there were several members of the public who wished to address the Commission and offer their support of the project.

Mr. Mark Castleberry of Castleberry Properties spoke in favor of the request. Mr. Castleberry stated that he owns the Hampton Inn to the south of the University Inn site and the site of the former Coca Cola plant on Highway 12 West. He stated that he is working on a \$30 million project in Columbus and that with the economy as difficult as it currently is, it is extremely difficult to get a willing seller and willing buyer together on any project right now, especially a buyer with a proven track record as the Tabors have. Mr. Castleberry stated that he thinks this would be a good project, would enhance the overall look of the area and increase the tax base for the city.

Mr. Larry Bell, a self-employed painter, stated that Tabor Construction & Development does quality work and uses local vendors in order to provide jobs for local workers. He asked the Commissioners to approve the Tabors' request.

Mr. Jeremy Tabor of Tabor Construction & Development stated that he will be working very closely with his dad on the project, that he believes it will be exciting for MSU alumni, and that the development would benefit this particular part of town. He stated that he has a proven track record and does what he says he will do.

Mr. Wes Shelton who works for Bell Building Supply stated that Tabor Construction has a reputation for doing quality work. He stated that the Central Station and former Gales apartment projects prove the quality of their work. He added that they buy from local suppliers and create jobs for local craftsmen. Mr. Shelton concluded by stating that the local economy would benefit from an increased tax base.

Mr. Josh Stevens an attorney who represents the seller on the project stated that the Ergon project which was initiated in 2004 was a similar project to the Cotton Mill Marketplace, but never materialized because the project was not feasible. He stated that the Cotton Mill Marketplace project has been talked about since 2008 but has yet to materialize. Mr. Stevens stated that it was his understanding that nothing has been worked out with Mississippi State University regarding the purchase of the Cooley Building, the former Cotton Mill. He concluded by stating that the Tabors have a similar condo project in Oxford which has been very successful and that their proven track record in Starkville speaks for itself.

Mr. Ted Roman who is vice president at BankFirst stated that funding for the Tabor project had been approved. Mr. Roman said he thinks this a good project which would bring in needed revenue to the area and asked for support and approval of the request.

Chairman Herring then asked if anyone would like to speak in opposition to the request.

Mr. Mark Nicholas of Nicholas Properties stated that he owns six acres in front of the old University Inn which Tabor Construction & Development is proposing to renovate into a hotel condominium. In response to a question from Chairman Herring, he gave a brief explanation of the ownership of

properties associated with the Cotton Mill Marketplace project area, clarifying that he owns the parcels which include the “log bank building,” the old “Pizza Hut” and movie theater. He also gave a brief history of the development history of the area, including the Ergon property on Russell Street, the Cooley Building and the Cotton Mill Marketplace project itself. Mr. Nicholas said he believes that the surrounding property will turn into a strip center if residential use is allowed in a C-2 zone. He said he would be willing to buy the property from the current owners, had paid for several options, but had not been able to come to a mutual agreement. Mr. Nicholas stated that the Cotton Mill Marketplace project has been on hold because of the economic downturn, adding that the project has received the support of the Mayor and Board of Aldermen, the Governor, and the Mississippi Development Authority. He also stated that there is a need for more condos in Starkville, but preferably new ones instead of a remodeled 1950’s-style building, because the proposed condos are not compatible with what he intends to build. Mr. Nicholas stated that the highest and best use of the property would be for a mixed-use retail life-style center, that these types of developments were no longer going on highways but focusing on areas close to the rooftops where the target markets were located. Mr. Nicholas presented letters which were signed by three residents on Spruell Place stating their opposition to the proposal by Tabor Construction to renovate the existing University Inn into condominiums or a condo-hotel. He also gave the Commission Chairman copies of two handouts outlining his objections to the conditional use request and asked that both documents be made a part of the official record.

Commissioner Walker asked Mr. Nicholas what was the difference between a life-style center and a strip center. Mr. Nicholas answered that a life-style center usually required 10—13 acres at a minimum and called out the “Renaissance Center” in Ridgeland as a primary example. Commissioner Walker stated that although larger in size, a life-style center was still essentially a retail strip center because visitors had to drive their cars to get to it and then they could walk around.

Mr. Jimmy Gouras from Vicksburg, Mississippi, is an urban planner with 40 years of experience, specializing in public finance programs, bringing funding such as the Mississippi Development Authority to attract properties such as the Cotton Mill Marketplace. Mr. Gouras stated his opposition to the conditional use request and provided a packet of materials to the Commissioners, outlining his concerns if the project were to be approved, requesting that it be made part of the official record. He stated that he believes that this evening’s meeting may be improper because it should have been held at a regularly scheduled meeting and not a special call meeting. City Attorney Chris Latimer responded that the ordinance by-laws governing the Planning & Zoning Commission allow for this item to be addressed in a special call meeting. Mr. Gouras responded he was merely raising that argument to preserve the record.

Mr. Gouras said the proposed project was not consistent with the comprehensive plan or with the proposed Cotton Mill Marketplace, and that it would have an adverse impact on surrounding property values. He stated that he would hit the high points of the materials provided earlier, discussing some of the policies of the comprehensive plan encouraging nodal development, such as the Renaissance Center in Ridgeland, and discouraging strip centers due to their unattractiveness. Mr. Gouras also discussed historic preservation and the uniqueness of the Cooley Building, adding that both the structure and the surrounding properties should be protected. He stated that great care and attention to detail had been given to the proposed hotel and convention center to preserve the historical integrity of the Cooley Building, and that the University Inn would not positively impact the Cooley Center and was not consistent with the comprehensive plan. Mr. Gouras added that the comprehensive plan addressed gateways to the city numerous times throughout the document and that the University Inn project

should not be considered for approval in one of the highest profile gateway areas between the city and the university.

Commissioner Walker asked Mr. Nicholas if there is a timetable for the development of Cotton Mill Marketplace to begin. Mr. Nicholas answered that there is not a timetable now, but there would be very soon. Commissioner Walker stated that he believes the two projects are compatible.

Commissioner Emison asked if the University Inn property was essential to the Cotton Mill Marketplace project and if so, why did Mr. Nicholas not have an option to buy it? He also added that he did not believe this will be a strip center. Commissioner Loveless asked who owns the Cooley Building and whether or not there was an agreement with the university. He also asked about the Ergon property. Mr. Nicholas answered that he was working hand-in-hand with MSU and Ergon and that it was up to Dr. Keenum to decide when to make any announcements regarding the Cooley Building, but that he felt that an announcement was imminent.

Commissioner Walker asked how the conditional use would adversely impact the Cotton Mill Marketplace. Mr. Gouras answered by discussing the differences between a strip shopping center and a life-style center, especially the walkability and location close to both residential and university areas. He concluded by stating that it was basically an incompatibility in land uses.

Commissioner Emison stated that he had a problem understanding why the conditional use request was fatal to the Cotton Mill Marketplace project, yet the university is moving forward with the Cooley Building project, especially if Mr. Nicholas does not have ownership or control of enough property to build the proposed lifestyle center he and Mr. Gouras have been talking about, adding that if it was so important, why did he not already own or control it? Mr. Nicholas answered that Dr. Keenum was only concerned with the hotel and conference center property which the university owns. He stated that he owns six acres in front of and beside the University Inn but needs ten acres or more in order to build a lifestyle center. He stated that he previously had several options with the University Inn owners, but with the economy down and no retailers looking to do anything, he let them lapse. Now that the economy was improving, retailers were again looking at the possibility of a world-class retail development, but not necessarily next to a 1950's-style rehabbed structure. Commissioner Emison repeated that Mr. Nicholas did not own a key piece of property to construct a lifestyle center and wondered out loud why he was asking the City to stay an action so he could acquire the property in question. Mr. Nicholas answered that the condo project was not compatible with C-2 zoning.

Chairman Herring stated that the property had been used as a motel for over thirty years and that the homes in the area were built after the motel was constructed and was having difficulty in seeing how the change from motel use to condo use was much different, even in a commercial area.

Commissioner Emison stated that it appeared that Mr. Nicholas was asking the City to exercise its police power of the state to stop a proposed development so that he could proceed with his own proposed development. Mr. Nicholas answered that you would have to decide what you want to see and that the Joseys knew this and had received money to show for it. He stated that the proposed condo development would be detrimental to his high-class property, that a new roof and paint on an old building would only make his property less desirable for the proposed development. Commissioner Herring asked if he had a timetable for development and Mr. Nicholas answered that it was quick and that the project would be built all together.

Commissioner Emison stated that a good urban designer could connect the lifestyle center to the Cooley Building with a good fit. Commissioner Walker discussed the property and how it could be suitable for nodal development, adding that maybe the University Inn property was not as jazzy as he would like, but that Mr. Nicholas could have his designers come up with something that would work. He added that attachment to place was a very important element of design, that if he were to start from scratch, all that attachment would evaporate, and that a mix of greenfill and infill developments would be a good blend for the area. Mr. Nicholas stated that most lifestyle center developers, especially high end ones, won't even consider a site unless it's at least ten-thirteen-fifteen acres in size. Commissioner Walker stated that a lifestyle center was just another name for a strip center because you still had to drive to get to both, you just walked more at a lifestyle center.

Commissioner Emison stated that the issue was not the Cotton Mill Marketplace and had a hard time seeing a construction of a parking garage or large parking lot at a gateway/entryway to the city as being constrained by the proposed condo project. He stated that you could have good or bad design, but that he felt that the design issues could be resolved and that something good and agreeable could come of it, adding that he didn't think it was the crisis it was being made out to be. Mr. Gouras stated that a lifestyle center couldn't be done on the existing property. Commissioner Emison asked what kind of decision had been made. Mr. Gouras answered that it could be a strip center or it could be something much better and that the Commissioners could help to make it better. He then read a passage from the comprehensive plan about compatibility going beyond land use, but also that architectural and historical significance had everything to do with what he and Mr. Nicholas had been talking about and that granting the approval to convert the motel into condos would adversely affect his ability to develop the value as he would like to.

Commissioner Hicks asked why Mr. Nicholas was not present at the previous Planning & Zoning Commission meetings concerning this request. Mr. Nicholas stated that he did not receive a notice of the public hearing. Mr. Griffith stated that he had sent notices to Mr. Nicholas to the address provided from the Chancery Clerk's land records and that they had been returned. He then contacted Mr. Nicholas to obtain his current address and sent the notice to the address provided.

Chairman Herring asked if anyone else wished to speak to the issue, to which Mr. Latimer stated that the ordinance allows the applicant the right of rebuttal.

Mr. Larry Tabor stated that Mr. Nicholas had presented at least four different plans for the Cotton Mill Marketplace project over a three-year period and still nothing has materialized. One of the plans submitted indicated that the University Inn would be used for student housing. He also read from several news articles about announcements regarding the Cotton Mill Marketplace over the last three years, that point to delays due to inability to obtain funding. Mr. Tabor stated that the funding for his proposal is in place and that he is ready to move forward, purchase the property and start working on the conversion. He stated that it would take years for the Cotton Mill Marketplace project to move forward after acquiring properties, rezoning them and then constructing the development. Mr. Tabor submitted four letters to Chairman Herring which were signed by residents of Spruell Place stating that they have no objections to the proposed project and asked that they be made part of the official record.

Chairman Herring then closed the public hearing. Mr. Latimer stated that the legal standards required that the burden of proof was on the applicant to meet the criteria for approval by a preponderance of evidence.

Commissioner Emison repeated that he felt that of all the criteria, their decision would be based on land use compatibility. Commissioner Hicks stated that it bothered him that the Commission can take into account potential development which seems to be something the Commissioners have not reviewed previously. Commissioner Emison added that it concerned him that if approved, they could not only consider potential development but also speculative development.

Commissioner Loveless expressed his concern about the other Cotton Mill Marketplace properties along Russell Street, asking that if they didn't have to adhere to the proposed project, then they wouldn't be able to conform. He stated that he was under the impression that the Commissioners were supposed to be reactive not pro-active, that they weren't the "property police" adding that when an applicant comes forward they are supposed to recommend approval or denial to the Board of Aldermen.

After further discussion, Commissioner Emison made a motion to recommend approval of the request subject to all seven of the conditions recommended by staff. Commissioner Walker seconded the motion and the Commission voted unanimously with a roll-call vote to recommend approval of the request to the Mayor and Board of Aldermen.

ADJOURNMENT

Commissioner Emison made a motion to adjourn the meeting at 7:30 PM. The next scheduled meeting will be Tuesday August 10, 2010, at 5:30 PM in the City Hall Courtroom.

Dora Herring, Chairman

Ben Griffith, AICP, City Planner