

**MINUTES OF THE  
TUPELO PLANNING COMMITTEE  
April 5, 2021**

**CALL TO ORDER**

Chairperson Ms. Leslie Mart called the meeting to order. Ms. Patti Thompson, Mr. Scott Davis, Mr. Gus Hildenbrand, Ms. Pam Hadley, Mr. Lindsay Leake, Mr. Jimmy Swann, Mr. Bill Smith, and Development Services staff members Pat Falkner and Marilyn Vail were present.

Chairperson Mart asked Mr. Gus Hildenbrand to open with a prayer and Mr. Scott Davis to lead the pledge of allegiance.

**REVIEW OF FEBRUARY 1, 2021 MINUTES**

Chairperson Mart asked the group if they had reviewed the minutes of the last meeting. Ms. Thompson made a motion to approve the minutes as written and Mr. Swann seconded. The motion carried and the minutes were approved.

**REPORT ON COUNCIL ACTIONS**

Mr. Falkner reported that the February actions were approved by the City Council at their February 16 meeting.

**NEW BUSINESS**

**FLEX 21-01.** Application by Mr. Rodney Smith for flexible use approval of a change in a non-conforming use. The request is to replace a building and expand vehicle storage area at an existing wrecker service on South Gloster Street.

Mr. Smith, 2703 South Gloster, appeared and stated that he is taking over the property where his father had been operating a wrecker service, and that he planned to use the property as a maintenance and transfer facility for his business which is moving mobile homes. He said that he submitted plans for a new shop building, and would be removing the existing building once the new facility is complete. He also said that he was constructing a new fence to screen the property from the front and sides.

Mr. Leake asked if the towing service would continue to operate. Mr. Smith stated that his father would operate that business but that he personally would only be transporting mobile homes. He also reported that the city had repaired a water leak on the property which would allow him to move the vehicles now in front of the fence out of sight behind it. No wrecked vehicles would be kept outside the fence.

Ms. Mart asked about landscaping. Mr. Smith said that he was not sure what was shown on the plans but that it would be installed based on those plans. There would be some planting in front of the fence once the ground dries out enough.

No one appeared for the public comments section.

Ms. Mart asked if staff had a recommendation. Mr. Falkner answered that, with actions on non-conforming uses, a major element of the decision is the balancing of the benefits from proposed investment in the property with the potential benefits of eventually losing the non-conforming use. In this location, the proposed investments would be an upgrade for an area that has seen little new development. The staff recommendation would be for approval.

Mr. Davis made a motion to approve the application. Mr. Hildenbrand seconded the motion which was passed with all voting in favor.

### **OLD BUSINESS**

**VAR 20-08** Variance application from CLRS, LLC to allow construction of a building addition to within 5 feet of side property line. The application had been tabled in December.

Mr. Gus Hildenbrand made the motion to bring the application off the table. Mr. Swann seconded and the motion passed.

Ms. Amy Thomas, property manager, spoke for the applicant. She said that the business was outgrowing the building and needed to add space to store equipment and supplies. She reported that they had submitted a survey of the property which showed the location of the gas line across it, with the easement.

Committee members discussed the easement and how it might affect the proposed action. Mr. Falkner suggested that the committee call Mr. Mike Tapscott.

Mr. Tapscott, 1014 Belledeer Drive, appeared, stating that he was legally representing the neighbor, Ms. Corinne Keith, and that he had read the language of the easement. He provided a copy of the easement and pointed out to the committee that the easement ran parallel to the north line of the property (adjacent to Ms. Keith's property), beginning five feet from the property line and being ten feet wide. Mr. Tapscott noted that the easement prohibited construction within that ten foot area, which the proposed addition would encroach into. He noted that the easement was included in the sale of the property to CLRS and was still in effect. Mr. Tapscott added that he had contacted Atmos Gas Company, owner of the easement, and received a letter from the company stating that they would not permit construction in the easement.

Ms. Corinne Keith, 105 Rankin, also appeared to state her opposition to the variance, as did Ms. Joyce Logan, 106 Ranking.

Mr. Hildenbrand stated that the easement prohibited the proposed construction and that the variance could not be granted for that reason. Mr. Scott Davis moved to deny the application. The motion was seconded by Mr. Smith and passed unanimously.

Mr. Falkner explained the appeal option to Ms. Thomas, who stated that the company would not appeal the decision.

**OTHER BUSINESS:** Election of officers

Ms. Mart explained that this is the month when the committee officers terms end, and that according to the by-laws, the Vice President moves into the Chair position and the current Secretary becomes Vice President. The secretary position is to be filled by a new person. Mr. Hildenbrand nominated Pam Hadley as Secretary. Mr. Leake seconded the nomination which was approved unanimously.

Mr. Falkner reported that there was one application in the office for May. Ms. Mart set the next work session for April 26 and the regular meeting for May 3.

The meeting was adjourned on a motion by Mrs. Thompson, seconded by Mr. Hildenbrand.