

City of Tupelo  
 Planning Committee Meeting  
 April 3, 2023, 6:00 PM

**Project:** Lakefront Gardens Duplex Development

**Project Proposal Summary:** The developer has requested an additional duplex to be added to the approved site plan of FLEX20-02 which approved the renovation of two (2) existing facilities into residential duplexes and the construction of five (5) additional duplexes to the commercial property. The proposed amendment to the approved site plan includes a total of 8 duplexes.

**Planning Committee Action Required:** Flexible Use for duplex and Flexible Variance for number of units beyond 7 units/acre in zoning district. Major Site Plan review to recommend approval, approval with modifications, or denial of amendments to the approved site plan to City Council.

**Staff Recommendation:** Staff recommends approval for use and Major Site Plan.

<b>Application Number:</b>	FLEX 23-01	<b>Application Type:</b> Flexible Use, Major Site Plan
<b>Parcel Numbers:</b>	112E0400100, 112E040020	Meeting Date: April 3, 2023
<b>Applicant:</b>	Mark Summers	Owner
<b>Location:</b>	1030 South Veterans, Tupelo, MS (Includes 1028, 1022, 1024, 1026, 1030, 1038, 1036, 1034 S Veterans)	
<b>Purpose:</b>	Flexible Use Review; Major Site Plan Review	
<b>Present Zoning:</b>	Mixed Used Commercial Corridor (MUCC-2)	
<b>Existing Land Use:</b>	Duplex residential development	
<b>Size of Property:</b>	1.33 Acres	
<b>Surrounding Land Use and Zoning:</b>	Undeveloped parcel north (MDR), residentially developed and fraternal clubs south and east (MDR), commercial development west across Veterans (IND), vacant undeveloped NW of parcel (A/O)	
<b>Future Land Use:</b>	N/A	
<b>Applicable Regulations:</b>	12.12 – Flexible Use, 12.16.2 Flexibility Variance, 12.11.2. Major Site Plans (12.11.10 Continuing Validity of Site Plans)	

**Driving Directions:** From the intersection of Main and 1-45, continue east along Main Street to the intersection of Main and South Veterans. Turn South on South Veterans. Parcel south of intersection of Wilson St and S. Veterans, north of intersection of Canal St. and S Veterans

**Special Information:** Major Site Plan and Flexible Use approved as part of FLEX20-02. Project construction was delayed by COVID 19 pandemic. Approved sited plans maintain validity for four years per 12.11.10, however, the proposed duplex addition requires Major Site Plan approval and associated Flexible Use and Flexible Variance approval.

## **STAFF ANALYSIS**

### **Development Code: Flexible Use (12.12.2)**

#### **12.11.2.3. Major Site Plans.**

- (1) *Criteria:* Projects that meet one or more of the following standards shall be considered major site plans if:
  - (a) They request modifications of a standard established in this Code that requires flexible use approval;
  - (b) They involve the development of any use that requires the issuance of a flexible use permit; or
  - (c) They include multi-family housing other than upper story residential units, or more than three commercial spaces.
- (2) *Approval:* Major site plans shall be reviewed by all relevant city departments and the Planning Committee. The Planning Committee shall make a recommendation to the City Council on the project. The City Council shall be the approving authority.

#### **12.11.3. Review.**

- (1) *Coordination with Compatible or Flexible Use Review:*
  - (a) Applications for compatible or flexible use permits may be submitted concurrently with a site plan. However, decisions shall be rendered with a separate motion.
  - (b) Dimensional variance requests may be proposed with site plan applications or identified during the site plan review process. Such variances will be considered according to procedures for variances, Section 12.16.

#### **12.16.2. Flexibility Variance.**

- (1) The Planning Committee may grant variances of greater than 30 percent of any regulated dimension in the following circumstances:
  - (a) If the request is found to be compatible with similar structures in the immediate vicinity, or
  - (b) Where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property; or
  - (c) Where necessary for reconstruction, rehabilitation, or restoration of structures that are individually listed or are contributing structures within an historic district; or
- (2) Where other characteristics of the proposed use of property are found to support and advance the goals of the Comprehensive Plan, to a degree that exceeds the impact of the requested variance.
- (3) Flexibility variances may be considered as part of the site plan review process but must be separately approved.
- (4) The Planning Committee may waive certain requirements when authorized to do so by provisions adopted as a part of this Code.

- (5) No variance shall be granted that would have the effect of allowing a use not permitted in Table 4.2., Permitted Use Table.

#### **12.12.2. [Flexible Use] Application Process.**

- (7) *Criteria for Approval of Compatible and Flexible Use Permits.* Applications for compatible or flexible use permits shall be approved only if the approving authority finds that the use as proposed or the use as proposed with conditions:
- (a) Is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity;
  - (b) Conforms with all special requirements applicable to the use; and
  - (c) Will not adversely affect the health or safety of the public.

#### **Allowable Variances and Administrative Adjustments:**

Not Required – Flexible Variance require for adjustments beyond 30% permitted by Code.

Proposed addition of one duplex unit and updated Major Site Plan require additional flexible use approval for duplexes, flexible variance approval of more than 30% variance in required dimensions to permit 16 units (approximately 12 units/acre on 1.33 acres) where MDR otherwise limits number of dwelling units to 7/acre maximum.

Prior approval per FLEX20-02 permitted 12 units on the 1.33 acre development. Proposed update to Major Site Plan includes 16 dwelling units. Approximately 9.33 dwelling units permitted on 1.33 acres per Code. Flexible Variance of 58% required for approval of use and Major Site Plan.

#### **Summary Analysis and Recommendations:**

Plan Review team has completed review of the proposed site plan and all utilities, drainage, access, parking, lighting, and safety plan considerations. Site plan approved by plan review team.

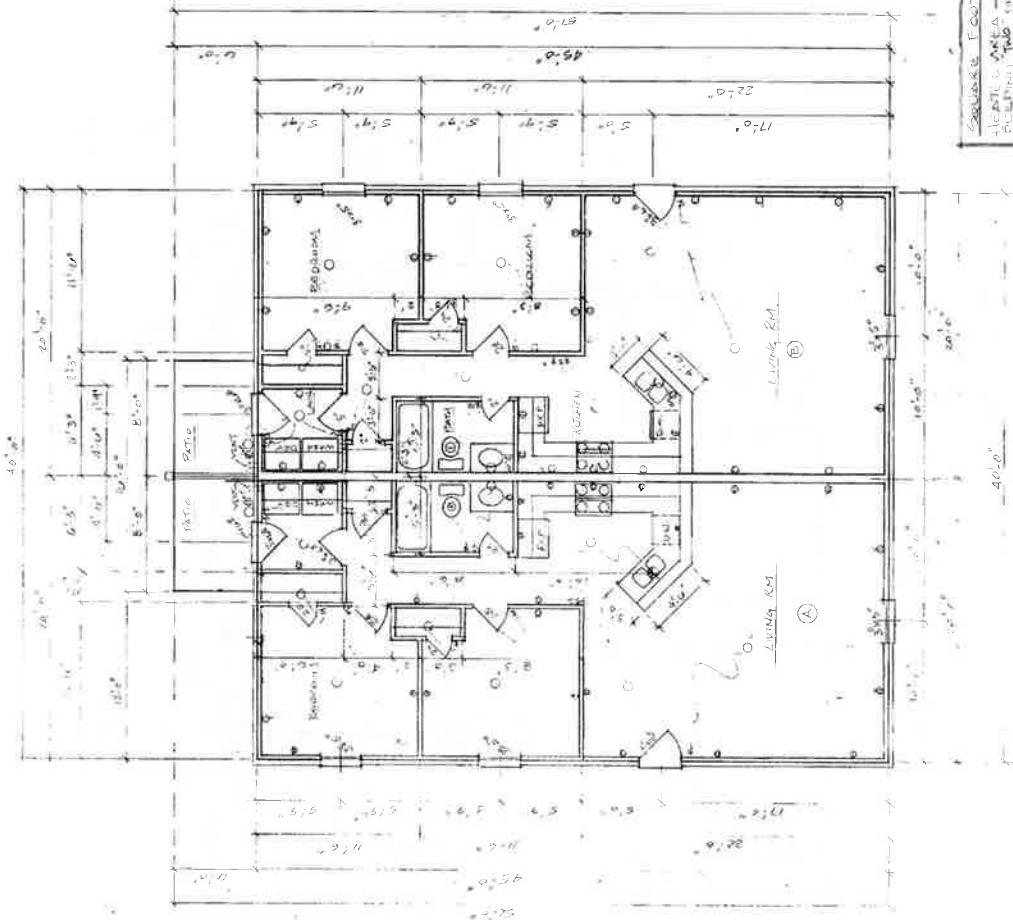
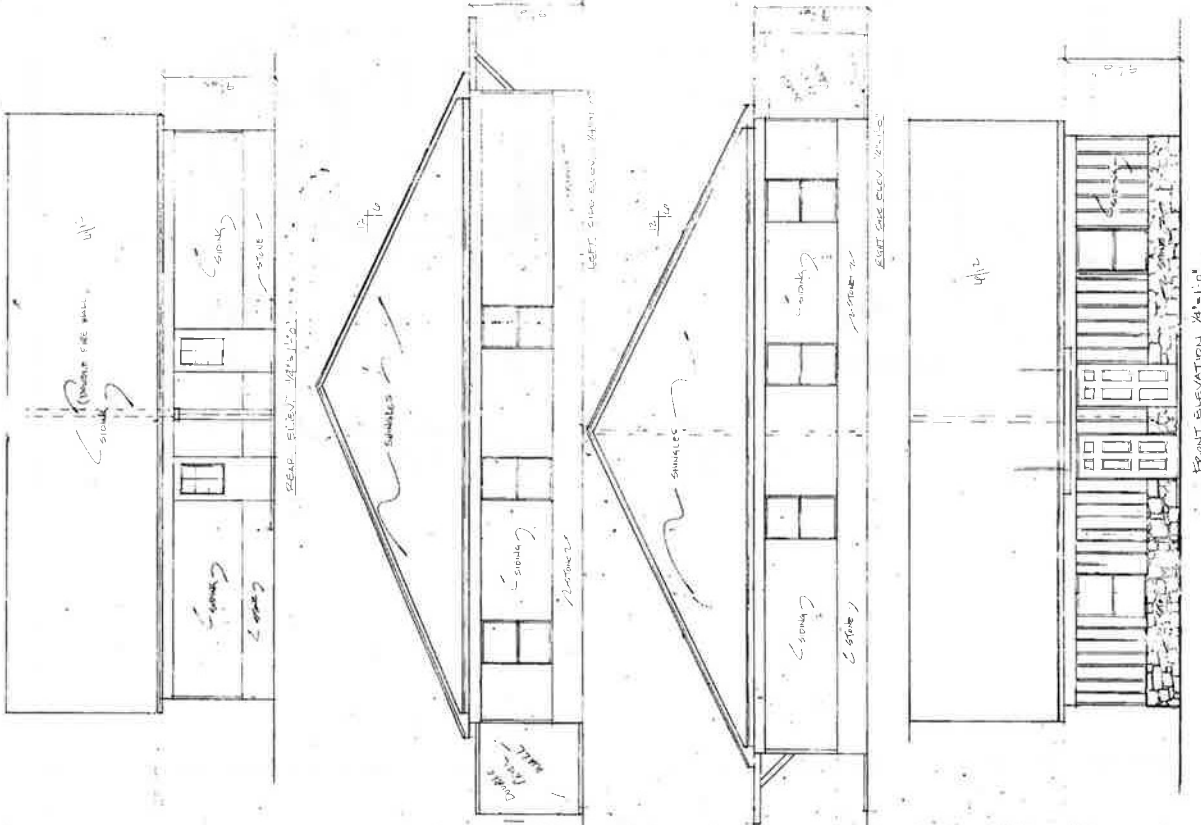
Major Site Plan update includes addition of 8<sup>th</sup> duplex at the northwest corner of the property where the initial site plan proposed open space and buffering. Buffering has been relocated to maintain requirements on the western side of the development and proposed landscaping improved on the eastern buffer, see attached FLEX20-02 and FLEX23-01 site plans. Access route has been amended to provide enhanced emergency vehicle access. Proposed structures have not changed.

The addition of an 8<sup>th</sup> duplex to the property will provide benefit to the growing commercial area as well as to the housing market for the City. No negative impact to adjacent residential development or commercial development is predicted.

**Final Recommendation:** Approval with consideration for additional landscaping for duplex units located on the northern side of the access and parking area.







NOTES: ALL DIMENSIONS IN FEET AND INCHES. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.

SQUARE FOOTAGE  
 TOTAL AREA 1980 SQ. FT.  
 BUILDING FOOTPRINT 1600 SQ. FT.  
 TOTAL AREA 1980 SQ. FT.  
 BUILDING FOOTPRINT 1600 SQ. FT.

MARK SUMMERS  
 11-29-2022  
 1801 W. 09 - 2022

FLOOR PLAN 11'x10'  
 BUILDING FOOTPRINT 1600 SQ. FT.







