

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
NOVEMBER REGULAR MEETING
Monday, November 7, 2022
6:00 PM Council Chambers**

CALL TO ORDER

Chair Pam Hadley called the meeting to order. Committee members Scott Davis, Patti Thompson, Leslie Mart, Chair Pam Hadley, Mark Williams, Lindsey Leake and Gus Hildenbrand were present. Bentley Nolan was absent. Staff members present included Director of Development Services Tanner Newman, City Planner Jenny Savely, and Zoning Administrator Russ Wilson. Chair Hadley asked Mark Williams to open with a prayer and Scott Davis to lead the pledge. Chair Hadley then presented an opening statement of the committee purpose and reviewed how the committee would conduct its business. The Staff and Committee were then asked to introduce themselves and did so.

REVIEW OF MINUTES

Scott Davis made a motion to approve the minutes of the October 3, 2022 Planning Committee Meeting. Seconded by Mark Williams and passed unanimously. Hadley then opened the regular session section of the meeting.

REPORT ON COUNCIL ACTIONS

City Planner Jenny Savely reported that the City Council heard the appeal of the Planning Committee's decision to uphold the denial of the Southern Heights RV Resort COMP22-12 and voted to uphold the Planning Committee's denial of this application. A couple of items from TA22-02 remains in legal review concerning housing and billboards and is still on the table. Additionally Planning is working on an inventory of housing in the city as well as an audit of billboards as part of a legal review of both of those items.

Old Business

FLEX22-01, the storage facility on Briar Ridge Road at East Main has been requested to remain on the table.

NEW BUSINESS

FLEX22-04 – Flexible Use for Expansion of a Nonconforming Use – Native Son Farms, LLC, 3811 Mount Vernon Road.

City Planner Savely stated that Native Son Farms has a parcel of about an acre that they are currently operating a retail farm stand in what is now located in Low Density Residential, which was in operation when the citywide rezoning took place in 2012 and was brought in as a non-conforming use for their retail. The applicant was unavailable due to a family emergency but Savely offered to answer any questions for the committee and explained that an expansion of a non-conforming use required flexible use approval by the Planning Committee. Currently they sell fresh produce from their adjacent farm but from items they don't sell, they have a kitchen to sell items for off premises customers. They currently have tables out front and would like to offer some of those items for outdoor dining on a limited basis. So a use of Restaurant and Outdoor Dining are both Flexible Uses in this zone, so the applicant is requesting flexible use approval to do that as an expansion of his current non-conforming use. Savely added that this would not change the structure of the building or the footprint of the site, it would just use what is already in place for a different additional purpose.

Chair Hadley asked if anyone wished to speak for or against the issue. Hearing none she closed the Public Input portion of the hearing and opened it up for committee discussion. Gus Hildenbrand asked if the applicant needed to add chairs or tables. Savely said she thought not, but maybe a couple eventually but not outside of the current footprint. Hildenbrand asked if the commercial kitchen was in the newer addition of the building and asked if there was a canopy between the two portions of the building. Zoning Administrator Wilson reminded the committee that they had approved the 3,000 sf addition last fall and he believed that the addition was connected. Hildenbrand said that the applicant could actually serve from there on the inside too. Savely agreed. Hildenbrand asked what it was that they would be cooking. Savely quoted the applicant as saying items that they weren't able to due to appearance that they either preserve or make into other food items, still farm to table. Leslie Mart made a motion that the Flexible Use be approved as submitted. Scott Davis seconded the motion with it passing unanimously with no opposition.

FLEX22-05 Flexible Use for Tier 1 Medical Cannabis Cultivation – Stinky Investment Group, Inc. – 3124 Old Belden Circle.

Chair Hadley asked Savely to present the staff analysis. Savely mentioned that the applicant's property is located on about 15 acres off of Old Belden Circle in the Mixed Use Employment zoning district, which allows Micro-Cultivation and Dispensaries as a Use by Right as part of our recently updated Medical Cannabis regulations. This location and applicant has already been approved for up to 2,000 square feet of Cultivation, as well as for a Dispensary. They are coming back now to ask for Flexible Use approval to allow them to increase the canopy size of their growing operation to under 5,000 square feet which requires Planning Committee approval of the use of this location. A Major Site Plan will be required for the Commercial Development of the expanded canopy if this is approved by the Committee. Right now this is not significantly different from the Use itself. The additional growth space (building) would be added on the East side of the property line where there is only one nearby residence. In the commercial review process, we recommended approval of this use but asked about buffering requirements on that side of the property and asked to make that a part of the Major Site Plan if approved. Hadley then asked the applicant to come forward.

Mike Alford, President and CEO of Stinky Investments Group came to the podium. Mr. Alford stated that the reason he is asking for the Flexible Use is that his license with the State is for up to 5,000 square feet of canopy. They started small with 2,000 square feet which was allowed by right in this zone, but they have now decided to expand to their full licensed capacity, and don't plan on going past that.

Leslie Mart asked if their existing 2,000 square ft. capacity was in an existing building. Alford said yes, they just completed that building with 1600 square feet for canopy. In order to expand to the 5,000 capacity, they would have to build a second building which would be a two tiered building about 20 ft. tall behind the current existing building with no additional visual impact. Alford explained that you only get about 60% efficiency out of the total square footage of the building in order to achieve the canopy allowance because of vacant space. In order to get 5,000 square feet of canopy, you need about 14,000 square feet of floor space in the building. Mart asked about fencing. Alford said that the State does not require a fence, but they will have an 8ft fence with barbed wire across the top for security, access controlled gate with the only people onsite being the workers somewhere between 2 and 8, and an occasional Fed-ex truck. There are 22 cameras onsite 14 inside and 8 outside. It is a very secure facility. Mart asked if that covered the entire property. Alford said yes. The fence permits were approved in the Site Plan Review process. Hildenbrand asked if this was cultivation only with no processing. Alford said yes. Mart asked about the building closer to Old Belden Circle. Alford said that is the Dispensary in the separate building near the front. Mart asked about the drive width. Alford said 35 feet which will be paved soon. Hildenbrand asked about packaging and processing. Alford said they would package the product and take it to the store which is not considered processing by the State. Processing is making it into another product.

Wilson stated that 26 letters were sent out to adjacent property owners explaining that the original use was a use by right, and that the expansion of that level would go before the Planning Committee tonight. Wilson said there were no calls or comments from anyone expressing an opinion.

Davis asked for clarification on the buffer size. Savely said that the buffer would be confirmed during site plan review during the construction phase. Savely said that this was not unusual but that it would be down the East side of the property between the residential. Director Newman adding an explanation of the typical buffer requirements which are made in-house during site plan review. Savely added that since there is only one property owner, we've had cases where we've worked with them to design the buffer to meet their needs. Davis asked if the committee could leave that up to the Department during review. Savely said yes – just looking for approval of the use, not the site plan tonight. Mart asked if they could add wording to insure that this is included. Mart asked about the fence. Alford said that the fence will be at the top of the hill and not be seen from the street. The fence is not in front of the dispensary, but in front of the growing area over 200 feet away from the street, and about 90 feet away from the residential use's property lines.

Hadley asked for a motion. Mart made a motion to approve the flexible use as requested noting that the buffer on the east side of that drive to the residence to the east be addressed during Site Plan Review by the Department of Development Services Staff. The motion was seconded by Mark Williams. The motion passed unanimously with no opposition.

Hadley stated that the next scheduled meeting of the Planning Committee will be 6PM on Monday December 5th, with the Work Session a week prior on November 28th. Patti Thompson made a motion to adjourn, seconded by Scott Davis and the meeting adjourned.