

City of Tupelo
 Planning Committee Meeting
 July 25, 2022, 6:00 PM

Project: The Presley Subdivision

Project Proposal Summary: Keith Henley, proposes the development of a major subdivision of parcel 088N-33-148-00 into 16 lots for proposed 2400 sq ft or smaller single family residential units and 2 lots for the development of 2 story townhomes with six (6) 2000 sq ft. units per townhome. Speculative builds will be developed by the subdivision developer and sold as built units.

Planning Committee Action Required: Public Hearing to consider recommendation of approval, disapproval, or deferment of the preliminary plat per completion and approval of Preliminary Plat Standards.

Staff Recommendation:

Application Number:	MAJSUB22-02	Application Type: Major Site Plan Flexible Variance
Parcel Numbers:	088N-33-148-00	Meeting Date: July 25, 2022
Applicant:	Keith Henley	Developer
Location:	Fronting Briar Ridge Road to the South, immediately south of the intersection of East Main Street and Briar Ridge Road across from access of Martin Hill Drive onto Briar Ridge in East Tupelo	
Purpose:	Preliminary Plat Approval and Allowed Use Variance	
Present Zoning:	Low Density Residential (LDR)	
Existing Land Use:	Vacant; previously cleared for development	
Size of Property:	17.020065 Acres	
Surrounding Land Use and Zoning:	West: LDR with Commercial use; North: MUAC, vacant and MUCC Commercial use as well as vacant/undeveloped parcels; East: LDR vacant/undeveloped; South: LDR Vacant/Undeveloped and MDR residential and vacant parcels	
Future Land Use:	Low to medium density residential south of walkable/neighborhood commercial along East Main	

Applicable Regulations:	12.10.15 Subdivisions, Action by Planning Committee
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Driving Directions: From City Hall proceed East on East Main Street, crossing Veterans Boulevard and taking Briar Ridge Road South (four blocks East from the intersection of Veterans and Main). Continue past 100 Briar Ridge Road, parcel is located to the Southwest of Briar Ridge immediately to the right.

Special Information:

A home exists on the parcel with address 1330 Hankins. This area will not be included as part of the subdivision development. Home is unoccupied and slated for removal and relocation to 817 Post Street as a historic home/tourism rental (Certified as previous Elvis Presley residence)

Chickasaw Review is required and is currently in progress.

Cluster mailbox unit on east side of access road with a circle drive for ease of access. Needs USPS review. Contacting for USPS project manager review

Tree Survey and Mitigation are required

HOA covenant has been requested

Construction will take place on 1 to 2 homes at a time

STAFF ANALYSIS

Development Code Review:

Use: Single Family Residential - allowed use by right; Townhomes – not specifically allowed in LDR

Proposed lot sizes meet LDR requirements for single family residential units.

Two lots are proposed for townhome development with six units each, total of 12 townhome units. LDR Density requirements allow 3 dwelling/acre maximum. A compatibility variance may be applied for toward allowance of adjustment to density requirements.

Lot	Lot Size	Proposed Number of Units/Acre
1	1.91	3.14/1
18	1.65	3.6/1

Variance is requested with consideration for LDR Allowed Uses as patio home/zero lot line use by Compatibility and duplex allowances by flexibility as to adjustment of allowed uses on the development. Allowed use will require special approval from the Planning Committee per Section 12.16.9 should the Committee make one of the following findings:

12.16.9. Findings.

- (1) In granting any variance, the Planning Committee shall make the following findings:
 - (a) That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - (b) That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the City Engineer, or designee, before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later;
 - (c) That the strict enforcement of this Code would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Code;
 - (d) That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Code denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;
 - (e) That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;
 - (f) That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties; and
 - (g) That the variance will not result in the expansion of a nonconforming use.

Lot Size and Setbacks: Lot with ranges from a minimum of 50.19 ft (smallest lot width at cul-de-sac) to maximum of 325.23 ft (southern Townhome parcel)

DDS in house variance allowed: 15-30% Compatibility Variance allowed – per 12.16.1
 Additional variance may be allowed by Flexibility by the Planning Committee, see administrative adjustment below.

Low-Density Residential District (LDR)	
Minimum/Maximum Lot Size*	.33 acres - 1 acre
Minimum/Maximum Width*	90 feet minimum/no maximum
Minimum/Maximum Front Setback	20 - 50 feet
Minimum/Maximum Side Setback	10 feet/no maximum
Minimum/Maximum Rear Setback	10 feet/no maximum
Maximum Height**	2 stories
Minimum/Maximum Density***	1 dwelling unit/acre minimum 3 dwelling units/acre maximum
Open Space Requirement	15%

Block Length: Lots are contiguous and abut a cul-de-sac, no distinctive blocks, all lots front single access drive

Traffic Impact: 28 total residential units with primarily undeveloped surrounding parcels along Briar Ridge Road (Hwy 6) which is a striped, fully developed 2 lane road with shoulder

Ingress/Egress: Developer provided stop sign at access point on Briar Ridge Road. Martin Hill Drive, which accesses Briar Ridge to the south of the proposed access, also provides a stop sign as traffic calming entry onto Briar Ridge

Drainage: Topo and applicant report steep grade at the southern and northern end of the lot. The cleared area is what remains of a hill that has been capped. The proposed street is curb and gutter, which is also provided on Briar Ridge at the north and Lake Street to the west. Hankins St to the south is served by a ditch. 3. Southern portion of the lot has a "gully" which the subdivision development will not cross. The primary build out will take place primarily on the area that has already been cleared.

Reports that property to the west has petitioned for vegetation planting for erosion prevention to prevent impact to adjacent property. Project engineer recommends silt fencing along road construction during subdivision infrastructure development and during individual home builds throughout the subdivision per the enclosed storm water pollution prevention plan and erosion control details and plan.

Project engineer also recommends minimal land clearing and establishing vegetation on each lot as soon as possible during development.

Streets: The parcel was previously permitted for use as a cemetery by William Kinard and has an established private drive "Fans Forever", which will be amended for the proposed curb and gutter street with cul-de-sac which will be dedicated to the City of Tupelo.

Sidewalks: Sidewalks are scheduled for full street perimeter as well as a nature trail along the property line perimeter, developed with underbrush removal and natural path materials. No clear cutting for this portion. An easement for the nature trail will be maintained within the developer's ownership for maintenance under the HOA

Utilities: Construction plans currently in plan review, see notes below

Lighting Plan: No proposed lighting plan

Waste Disposal: No dumpsters will be located on the property. All units will be served by individual waste management receptacles

Open Space: Need acreage of open space, required must be accessible by 2600 ft to 95% of residential units

Allowable Variances and Administrative Adjustments:

12.16.1. Compatibility Variance.

The Director of Development Services may grant variances to certain requirements of this Code, in harmony with the general purpose of these regulations, as follows:

- (1) A variance of 15—30 percent of any regulated dimension may be allowed if the request is found to be compatible with similar structures in the immediate vicinity, as determined by a finding that the requested dimension or feature is within the range of the affected dimension on other properties within the context area, or;
- (2) A variance of 15—30 percent of any regulated dimension may be allowed 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

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) Compatibility variances may be considered as part of the site plan review process, but must be separately approved.

Minimum lot width in LDR is 90 ft. Compatibility Variance may allow for adjustment to 63 ft width. No lots will require additional variance by the Planning Committee:

Lot	Proposed Width (in feet)
3-7	80
2	80.2
8	94.82
9	65.8
10	50.19
11	59.61
12-17	80
13	80.71

Compatibility Variance may also allow adjustment to density requirements for the allowance of townhomes on lots 1 and 18. Allowed Use will require additional approvals with consideration for density and compatibility of housing unit type.

Summary Analysis and Recommendations:

Plan Review Notes:

- Public Works dept. suggested a Drainage study with Erosion control.
- Sewer hookup near Old Dollar General being reviewed for access. City Water Department Reviewing
- Fire hydrant at the entrance of the subdivision and at the cul-de-sac.
- Townhouses will require automatic sprinkler system.

Note:

Final Recommendation: