

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
REGULAR MEETING
Monday, July 25, 2022
6:00 PM Council Chambers**

CALL TO ORDER

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

REVIEW OF MINUTES

Leslie Mart made a motion to table review of the previous minutes until the committee had a chance to review them more thoroughly. 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 had approved the June and July Planning Committee minutes with the exception of Tulip Creek and Flowerdale portions. Those minutes will be reviewed at a work session on 7/26/22 at 4PM in Council Chambers and will be called for vote at the August 2nd regularly scheduled council meeting.

Old Business - None

NEW BUSINESS

FLEXVAR22-03 Re-establishment of a non-conforming use at 5331 Timberlane Road, Belden

Hadley asked Savely to provide the Staff Analysis. Savely mentioned that there was an old slab that supported an old accessory structure which had been torn down, and a new 4,000 sq. ft. home being built just down from that on a 24 acre parcel fronting on Timberlane Road. The request is to re-establish the accessory structure which is larger than what is allowed, and also to allow it to be placed in the front yard on this lot. The proposed structure is 1600 sq. ft. with an 800 sq. ft. covered section attached. Savely said that with an in-house variance we could allow a structure of 1820 sq. ft. but the Planning Committee could allow a variance of the additional 580 sq. ft. to allow the total structure size. This has been built on the existing slab, so it is a continuation of an existing non-conformity. Savely mentioned that there were several structures similar in size to this in the immediate area that was annexed into the City as non-conformities. The applicant has already put in a landscape buffer at the front facing Timberlane to mitigate the impact. Photos were shown on screen of the other similar properties nearby.

Leslie Mart asked if the structure was already built. Savely said yes. Director Newman explained what happened with the former shop in place with the slab being still there and the nearby similarities, there was some confusion about what was allowed. Hadley asked the applicant to come forward to explain. Chip Turner and his wife Morgan Turner of 5331 Timberlane Road came forward. Turner stated that this is a shop for

mowers, and such. The house is actually 4,900 square feet. After some discussion a new calculation revealed that the variance required would only be 170.5 square feet, instead of the 580 sq. ft. originally requested. Mr. Turner apologized for not providing the correct information. Mr. Wilson mentioned that residential uses in A/O and LDR with larger lots, it was allowable to have screening around accessory buildings that were placed in the front yards. Scott Davis asked whether what was in place now was up to code and Newman said yes and explained that the Building Inspector had done a field inspection as a courtesy and found that it all met code. Wilson explained that there is a metal building adjacent to the Turner property with two roll up doors being used as living quarters with storage. Mart asked if there would be a bathroom in this building. Turner said no, but he would put an ice machine in the shop. Morgan Turner said this would also be a place for kids to play. Turner said that they did not intend to make this a dwelling unit. Mart asked about the driveway which is allowed to be gravel in an LDR or A/O large lot zone. Wilson mentioned that there was one call from a gentleman who had no problem with the project after hearing the details. Mart also asked about surface drainage. Savely mentioned that there was no problem with two ponds onsite. Turner spoke of his plans to dig the ponds deeper, rework the levies and create a four acre single lake. With no one there speaking for or against the application, Hadley closed the public input portion.

Hadley then called for a motion. Mark Williams make a motion to approve the additional 170.5 sq. ft. variance of accessory building overage and the variance to allow placement in the front yard, seconded by Bentley Nolan. All voted in favor and the motion passed.

MAJSUB22-02 Major Subdivision Site Plan for The Pressley on Briar Ridge Road

Hadley announced the application and asked for a report on the Staff Analysis. Savely showed the site plan onscreen for this proposed new subdivision which would contain 16 new single family lots plus two larger lots containing a total of 6 townhomes. Chickasaw Review is underway. USPS will require a cluster mailbox and turnaround which is currently being worked on. This previously cleared parcel is just west of the intersection of Briar Ridge Road and Martin Hill Road just south of East Main Street. It had previously been cleared for a proposed cemetery. This will be an HOA community. The Planning Committee will be looking at the housing density on this parcel as well as the site plan. Townhomes are not a listed use in LDR however there is an allowance of duplexes and patio homes by either compatibility or flexibility, thus the precedent is there for allowing these townhomes by variance. Savely also discussed the lot widths and variances which would need Planning Committee approval as outlined in the staff analysis for the variances being requested. The main central drive will be curb and guttered and a walking trail will surround the perimeter. 28 total residential units are included in the plan.

Mart asked for clarification on the location. Savely pulled up the location on the screen. There had been drainage concerns to the west where East Heights Baptist Church is located. Savely said the Committee is being asked to approve the Major Site Plan as well as the variances necessary in achieving the approval. Mart said that she has not had a chance to do a site visit, or to review the Staff Analysis and is hesitant to act upon it tonight. Hadley asked Keith Henley, the developer to come to the podium. He introduced his engineer Randy Hathcoat and began explaining the plan. Henley explained that the terrain drops off significantly around the perimeter of the property, thus the need for the curved design of the site. Nice front yards with similar sodded rear yards going down to a heavily wooded area in the rear. The walking trail is designed to keep privacy concerns in mind. MDOT approval has been granted for drainage along Briar Ridge. Mart asked about foundations of the homes. Henley stated that the foundations would be 18" above grade. Davis explained that they needed to excavate and then have 3 ft. of fill. Savely stated that this would be reviewed during construction. Davis stated that with recent experience, he wanted to make this clear now. Mart confirmed that she shared this concern, and wanted the developer to be aware of this.

Henley stated that this was why they were doing curb and gutter throughout. Davis asked about Townhouse designs. Savely brought this up on screen for the committee. Mart asked about the distance from the townhomes to the rear property line and if there would be a dumpster. Henley stated that the distance would be 35-40 ft., and that dumpsters would actually be individual roll out carts. Nolan asked about garages, and Henley confirmed that they are one car garages on the townhomes. Mart stated that we really need to address how trash pickup is done at this stage of development. Davis asked about lining up the development exit with Martin Hill Road intersection with Briar Ridge Road. Wilson stated that in a previous discussion with MDOT, they thought it was better not to line up the two entrances to prevent drivers from trying to dart across traffic to get in or out.

Henley returned to explaining the site. Newman asked if MDOT had any special requests for their access. Henley said that MDOT was ok with their present plan. Savely explained variances required for lot frontages on lot 10 of +12.81 ft. and on lot 11 of +3.39 ft. Mart asked about landscaping. Henley stated that the perimeter tree buffer would suffice. Mart stated that the entrance to the development would need to be a divided entrance. Wilson stated that a divided entrance was only required for multi-family developments of 40 units or more and even though there are multi-family buildings, the primary type of development is single family with less than 40 units and thus a divided entrance would not be required. Mart asked about lighting. Henley stated that nothing has been proposed at this point. Newman asked about the timeframe, Henley responded that they would like to start moving dirt this fall.

Mart asked about parking for the townhomes. Henley stated that there would be two spaces for their cars – one in the garage and one in their driveway with six extras in the parking lot, so basically three per townhome. Mart also asked about landscaping between the townhomes and the single family homes. A vegetation buffer will add to the natural flow of the property. Williams asked about square footage of the homes. Henley stated between 2,000 and 2,400 sq. ft. He will also be the builder. Newman asked if the HOA would have restrictions about rental of the units. Henley stated not right now, but he did want to ensure that this would be a nice impressive development. Newman, Henley and Nolan agreed that East Tupelo has great potential for development and need to be aware of things that can be done to protect the area for future growth long term. Davis stated that he knows this area well and is excited about what seems to be a quality development.

There were questions about the name “Presley” and if that would have problems with EP Enterprises. Henley said they didn’t expect any issues. Savely again summarized the variances required on lots 10 and 11, general approval of the site plan, a variance of the density requirements for the townhomes, details of which are all included in the written staff analysis. Mart again covered the normal things that Plan Review would require. Newman stated that the committee is actually approving the basic site plan, with some conditions added.

Seeing no one present for public input, Hadley opened the discussion for the committee. Mart asked about street requirements, which Savely and Newman stated the developer would have to meet City Standards for the streets, roadbed, width etc. Scott Davis made a motion to

1. Approve the Major Site Plan contingent on internal DDS Plan Review Approval,
2. Approve the townhouse variance to be allowed in an LDR zone, and
3. That the variance in lot widths be allowed as requested for lots 10 and 11, and
4. That density levels above 3 lots per acre be allowed for the townhomes on lot 1 and 18, and
5. That it be required that there be a garbage collection pad or an agreement with Waste Management prior to starting.

The motion was seconded by Patti Thompson, with all in favor except Mark Williams who voted to abstain. Williams said that we was not necessarily against the project but that the committee had not been afforded the proper time, not having our traditional work session, although the presentation was thorough, having to do a lot of fact discovery and that it was a negative precedent going forward.

Newman stated that this would be taken to the City Council and DDS would let Henley know next steps.

TA22-02 Text Amendments

Savely mentioned that the department was asking that the Text Amendments be taken off the table and cancelled. The 90 day notification of action will be expiring today and the administration would like to have other administrative and legal review of the proposed changes. Newman said that since so much time has passed, we really want to cross all the t's and dot the i's and should hold off on these and come back for a second review.

Mart suggested that Use by Flexibility vs. Use by Right for Billboards and Multi-Family is a big issue. These two things could be pulled out of the Use by Right until final code changes take effect. Davis mentioned that these two things need to come before the committee for input before proceeding. Mart said these were important for planning for our future. Newman stated that this is the intent of the text amendments. Some cities are issuing moratoriums. Mart said there had been big billboards put up recently totally against our sign ordinances. Wilson stated that there may be non-conforming billboards still in place, but that all recent billboards follow the code, thus we need to change the code if desired. Davis said these items need to come before the Planning Committee. Nolan asked about moratoriums. Savely said there are legal considerations and Newman said he would be interested in Committee feedback and suggested that the committee could make a recommendation to the administration to take action.

Mart made a motion to pull the Text Amendments off the Table for consideration, seconded by Scott Davis and unanimously approved. The Text Amendments are now open for discussion.

Mart then made a motion to discard all of the proposed text amendments except an amendment stating that pending legal review, in the Zones where Apartments, Multi-Family and Billboards are currently listed as a Use by Right, change those to a Use by Flexibility. In other words where Apartments, Multi-Family and Billboards are listed as a Use by Right, change it to a Use by Flexibility. Scott Davis seconded the motion. The vote was unanimous in favor of approval. Newman thanked Mart for her leadership on the issue. Savely stated that she would summarize the amendment as it would be sent to City Council and then send it out to the committee by email.

Discussion began about the upcoming meeting. The September Planning Committee meeting, if held as usual on the first Monday, would be scheduled for Labor Day which is a conflict. The Committee decided to move the meeting forward to September 12 with the Work Session to be held as usual on August 29th. The committee decided that when there is a conflict with the first Monday, as a policy, the meeting will be moved forward one week with the work session held as usual on the week before the first Monday.

With there being no further business, Patti Thompson made a motion to adjourn, seconded by Scott Davis with a unanimous vote to approve. The meeting was adjourned.