

City of Tupelo
 Planning Committee Meeting
 August 7, 2023

Project: Rezoning 800 ft from center line of Agricultural Open Parcels fronting Barnes Crossing Road West of the Natchez Trace and East of the intersection of Barnes Crossing Road and I-22 to Mixed Use Commercial Corridor – Map Correction

Project Proposal Summary: City of Tupelo Department of Development Services proposes rezoning due to change of circumstance of parcels fronting Barnes Crossing Road currently zoned A/O to Mixed Use Commercial Corridor (MUCC) to reflect zoning of MUCC currently along a portion of Barnes Crossing Road. Rezoning will impact only 800 ft from the center line and will not alter present use or present taxable property until new commercial development is sited.

Planning Committee Action Required: Rezoning requires decision to recommend rezoning approval, approval with contingencies, denial, or tabling.

Staff Recommendation: Staff recommends approval

Application Number:	RZ23-02	Application Type: Rezoning	
Parcel Numbers:	See enclosed	Meeting Date: August 7, 2023	
Applicant:	Department of Development Services	City of Tupelo	
Location:	See enclosed		
Purpose:	Correction of zoning map to zone the entirety of Barnes Crossing Road from North Gloster to I-22 to MUCC		
Present Zoning:	MUCC and A/O		
Existing Land Use:	Vacant and/or agricultural use		
Size of Property:	various		
Surrounding Land Use and Zoning:	MUCC on center portion of Barnes Crossing. Regional Commercial zoning to East, MUE to the south		
Future Land Use:	Commercial		
Applicable Regulations:	Section 12.8, Zoning map changes		

Driving Directions

From the intersection of Main and I-45, take 1-45 north and continue on to I-22. Take the exit ramp to I-22 West. Exit onto Barnes Crossing Road/Coley Road. Parcels begin along north side of intersection of I-22 and Barnes Crossing.

Special Circumstances:

Previously 5 lane road improvements along Barnes Crossing Road immediately west of the Barnes Crossing mall Regional Commercial district was intended for commercial development. Increased development of retail, fuel stations, have provoked and incentivized increased interest in development along the corridor. Development of the roadway occurred after the City’s previous

rezoning and, thus, current zoning does not reflect the commercial development intended along the roadway and that the increased transportation route provides for. Rezoning will incentivize further development as intended.

Development Code Section 12.8 Zoning Map Change Requirements: The proposal to rezone has been set forth by the Department of Development Services as a correction of the map for development intended at the time of rezoning

All parcels proposed for rezoning must be approved first by the Planning Committee by a 2/3rd majority, followed by approval of the City Council.

A notice of this public hearing was published in the Daily Journal, July 17, 2023.

12.8.14. Written Recommendation and Review Criteria.

The Planning Committee shall provide a written recommendation regarding whether each proposed map change is consistent with the comprehensive plan and other applicable adopted plans. The recommendation shall be based on the reasons articulated by Committee members voting in the majority, and the recommendation shall be developed as determined in the Committee's Rules of Procedure. In addition to plan consistency, Committee members may also consider other matters deemed appropriate by the Committee, which may include but are not limited to:

- (1) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City; and
- (4) The availability of adequate school, road, parks, wastewater treatment, water supply and stormwater drainage facilities for the proposed use.

12.8.15. Action by the Governing Body.

Before taking action on a zoning map change request, the governing body shall consider any recommendations of the Planning Committee, Director of Development Services or designee, and of staff agencies, and shall conduct a public hearing where interested parties may be heard.

- (1) Notice and public hearing requirements shall be in accordance with Section 12.3, Notice and Public Hearings.
- (2) Continuances may be granted before action on the request.
- (3) Following the public hearing, the governing body may approve the request, deny the request, or send the request back to the Planning Committee for additional consideration.
- (4) In adopting or rejecting a zoning map change, the governing body shall adopt a statement describing whether its action is consistent with the Comprehensive Plan and why the action is reasonable and in the public interest. The governing body may adopt the statement furnished by staff or agencies, including but not limited to the Director of Development Services or the Planning Committee, or it may formulate its own statement.
- (5) The map change request approved by the governing body may include changes from the request presented. Changes to a development plan may be made upon the proffer by the applicant of such changes.
- (6) Approval of a petition gives the applicant the ability to proceed with any additional required approvals.

Comprehensive Development Plan Compliance (per Section 12.8.14):

- 1) Compatibility and conforming uses: Existing land uses in the immediate vicinity and future land use plans for Barnes Crossing Road call for Mixed Use Commercial development
- 2) Suitability of proposal: Barnes Crossing Road is able and intended to support expansion of commercial development West of the Regional Commercial zone to I-22. Previous concern for flood zone and agricultural use are accounted for with rezoning only 800 ft from center line to permit immediate connection to the thoroughfare without disturbing drainage and agricultural uses.
- 3) Balance of use and City demand: Investment by the City's Major Thoroughfare Committee to expand and improve the roadway connecting I-22 to the Barnes Crossing mall development and retail regional commercial center has provided infrastructure development to support increased commercial development along Barnes Crossing Road. Current zoning prohibits such growth.
- 4) Availability of schools, roads, parks, wastewater treatment, water supply, and storm water drainage: City infrastructure has sufficient capacity to support commercial development.

Proposed zoning changes are compatible with present zoning and conforming uses of nearby property and the character of surrounding neighborhoods. There is no direct conflict or violation of the comprehensive development plan.

Allowable Variances and Administrative Adjustments: None required

Final Recommendation: Staff recommends approval

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
AUGUST REGULAR MEETING
Monday, August 7, 2023
6:00 PM Council Chambers**

CALL TO ORDER

Chair Lindsey Leake called the meeting to order. Other committee members present included Mark Williams, Bentley Nolan, Pam Hadley, Leslie Mart, Patti Thompson, and Scott Davis. Committee members Victor Fleitas and Gus Hildenbrand were not present. Staff members present included Interim Director of Development Services Dennis Bonds, City Planner Jenny Savely and Zoning Administrator Russ Wilson. Chair Leake asked Bentley Nolan to open with a prayer and Patti Thompson to lead the pledge. Chair Leake 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

Chair Leake asked if there were any corrections to the minutes. Leslie Mart moved to approve as presented, Seconded by Patti Thompson and passed unanimously. Leake then opened the regular session of the meeting asking for a report on Council Actions.

REPORT ON COUNCIL ACTIONS

City Planner Jenny Savely said there was nothing to report at this time.

OLD BUSINESS

Planner Savely mentioned old business TA-22-02, Billboards and Multi-Family Housing remains in legal review, and a reminder that the Verizon Cell Tower application had been withdrawn. Savely also mentioned that the Multi-Family code update is in active write up so that will be presented soon, and the 710 Chester Fence has been reviewed and approved.

Leake moved on to the first item on the agenda, RZ23-02 – An application by City of Tupelo to rezone Parcels fronting on West Barnes Crossing Road from west of The Natchez Trace Parkway to East of I-22, 800 feet both sides of the center line of Barnes Crossing from A/O to MUCC. Savely mentioned that this is a five lane road. The middle section was originally placed in the MUCC district when the road opened. We are now looking to rezone just the front 800 feet from the center line on both sides to MUCC. We are only looking to rezone the front portions due to infrastructure capacity considerations. This is an incentivizing rezoning to encourage development. Savely presented the uses that would be included with this zoning including residential and commercial uses included in the MUCC development standards. Savely reviewed the requirements for a rezoning, compliance with the Comprehensive Plan, Compatibility with present zoning, suitability with current development, and more. Savely mentioned that this rezoning meets these requirements on this five lane road which the city committed 11 million dollars to develop which has helped divert traffic off North Gloster. Savely also added that the property tax assessment of the property follows the use, not the zoning classification, reassuring those that their taxes would not increase due to the change

in zoning, only when the use changes. Planning recommends approval and moving the application on to the City Council for the next step in the process.

Leake then opened the floor for discussion from the public. Hearing no one requesting to speak, Leake closed the public input portion of the meeting and opened the meeting for discussion from the committee. Leslie Mart asked about a proposed connector street from North Gloster. City Engineer and Interim Director of Development Services Dennis Bonds said that the proposed connector would be a five lane road as part of Phase VII Major Thoroughfare Program. Scott Davis asked the status of utilities on West Barnes Crossing. Savely said this is a Tombigbee Electric district and that TWL will be working through this with an anticipation that only main line extensions would be required.

Patti Thompson made a motion to approve with Leslie Mart offering a second. The vote was unanimous in favor of approval of the rezoning as presented.

Leake then moved to the next application FLEX23-09, Flexible Use and Variance Request by Prevail Properties to allow duplexes in an LDR Zoning district with a 32% variance in dwelling unit density to allow 12 dwellings per acre at 4903 Endville Road just west of the railroad. Leake asked for the staff analysis to be presented.

City Planner Jenny Savely mentioned that the developer had been working with Planning for quite some time to develop livable space for the community. There is currently a lack of housing and duplexes can help create quality of life. Sometimes they are done poorly, but the developer has worked with us to create front yards for each duplex. Savely presented the plan to the audience present, but mentioned that our opinion today is that based on our recent mapping system updates, we misidentified the subject parcel and thus our notices didn't get to everyone in the required time, so what we'd like to do tonight is request that the committee table this until the September 11th meeting, but tonight since there are so many here to hear about it, Savely wanted to give an overview and then allow public comment so those comments can be included in the record for the September decision, so residents don't feel like they have to come back then. We will hold off on the developer presentation so that in September, they have a more thorough understanding of how to address the community concerns.

Savely then presented screen shots of the plan, showing the location, the proposed 6 duplexes on a 1.4 acre parcel, with parking off to the side instead of directly in front of the units, more open space, trees and landscaping. The developer demolished the previous dwelling on the property. Savely mentioned that duplexes are only permitted by flexible use approval in this district, with a limited number of dwelling units allowed which would require a 32% variance to build the 12 dwelling units proposed or 1 per 0.12 acres rather than 1 per 0.33 acres. Otherwise, no other variance is required.

Leake then opened the meeting for public comments with the understanding that the committee intends to table the item. He stated that speakers would have five minutes and asked that they give their name and address as they come forward to speak.

Celia Ward 849 Revival Road, (133 Windsong property? 662-255-3167). Ward said she owns property right behind this area, when they upgraded the property, they went too far, onto her property. She

asked about them building up the lot too high which hurt her property and asked how it could be corrected.

Sammy Green stepped to the podium saying he has property on Belden Pike. He asked a procedural question about whether the community should be expressing their concerns about this property without knowing the total project planning that is going to be presented to the City?

Savely stated that this would be the purpose of the public hearing. Green asked if the public hearing has been put off until September 11th when the developer will present his entire plan so the community will know exactly what he is going to do. Savely said yes, that's correct, but since our notices did not go out with adequate time, they wanted to give folks a chance to speak. Green said he would decline to comment at this time then until he has a chance to hear the full presentation.

Patti Parks, 4861 Endville Road came forward to speak. Ms. Parks said she did not receive a notice. She realizes a mistake was made. She has lived there for 9 years after moving home to take care of her mother. They've spent a ton of money trying to get that house ready to sell and now they want to put duplexes there adjacent to her house. Within city ordinances to even be talking about this the committee is in violation because she did not receive the 7 day notice. They finally received a two day notice. This should not have even been on the agenda. And for the city to say that they've been working on this for eight months sounds like it's a done deal to her. The whole thing sounds fishy and she has shared that with anybody she could share it with so it's nothing new. For the developer to have been working with the city for 8 months, nobody in Belden knew it. They had worked to find out who owned the property in order to buy it but couldn't get any information. But then all of a sudden it's sold, torn down within three days, and she is curious where all that asbestos and paint was disposed of because the house was 60-70 years old, so did the City give him a permit to do that? But she said she would hold the rest of her remarks until we have an actual meeting, but wants it to be on record that the city is in violation by even discussing this tonight.

Robert Parks, 4861 Endville Road then came forward to speak. Mr. Parks lives next door to the subject property. He read the definition of a Low Density Residential zone from the Development Code. He said there was nothing in this project that follows those requirements. How much property is even there? Savely responded 1.4 acres. Parks stated putting 12 units on that? He continued to read from the Development Code about LDR. Savely stated his time had expired. Mr. Parks continued. He asked questions further. He stated that the code refers to "Duplex Dwelling" not "Dwellings" which is another violation of our code. Savely again reminded Mr. Parks he was over time. Parks said he would be at the next meeting and stated that Savely was being rude.

Chairman Leake, seeing no one else to speak called for a motion to table. Motion to table put forth by Mark Williams, seconded by Leslie Mart and passed unanimously. Zoning Administrator Wilson reminded the audience that this would move to the next meeting which will be on September 11th due to the Labor Day Holiday and that notices will be mailed out again.

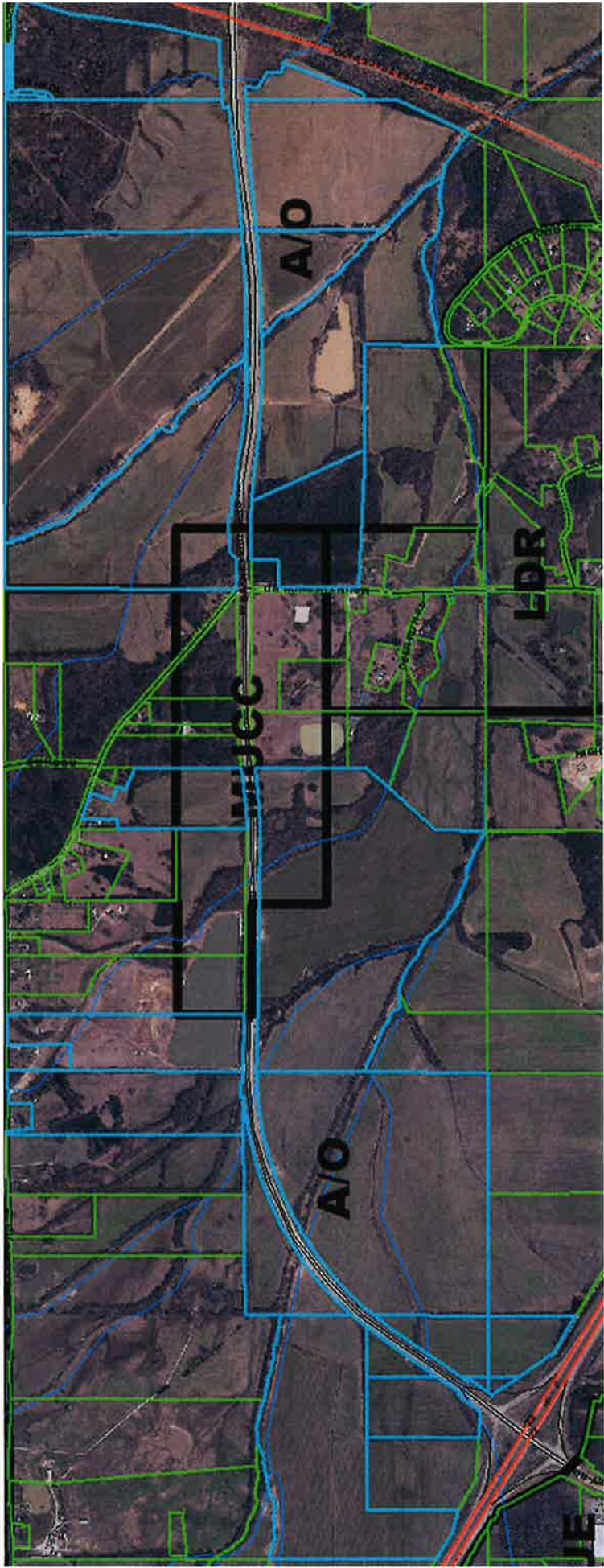
Leake then moved on to the next item on the agenda, FLEX23-08 – A flexible use request for Dynasty Event Center requesting to allow a restaurant without drive-thru in the basement of 321 Tolbert Street, located in a Mixed Use Residential (MUR) Zoning District. Leake asked for the staff analysis.

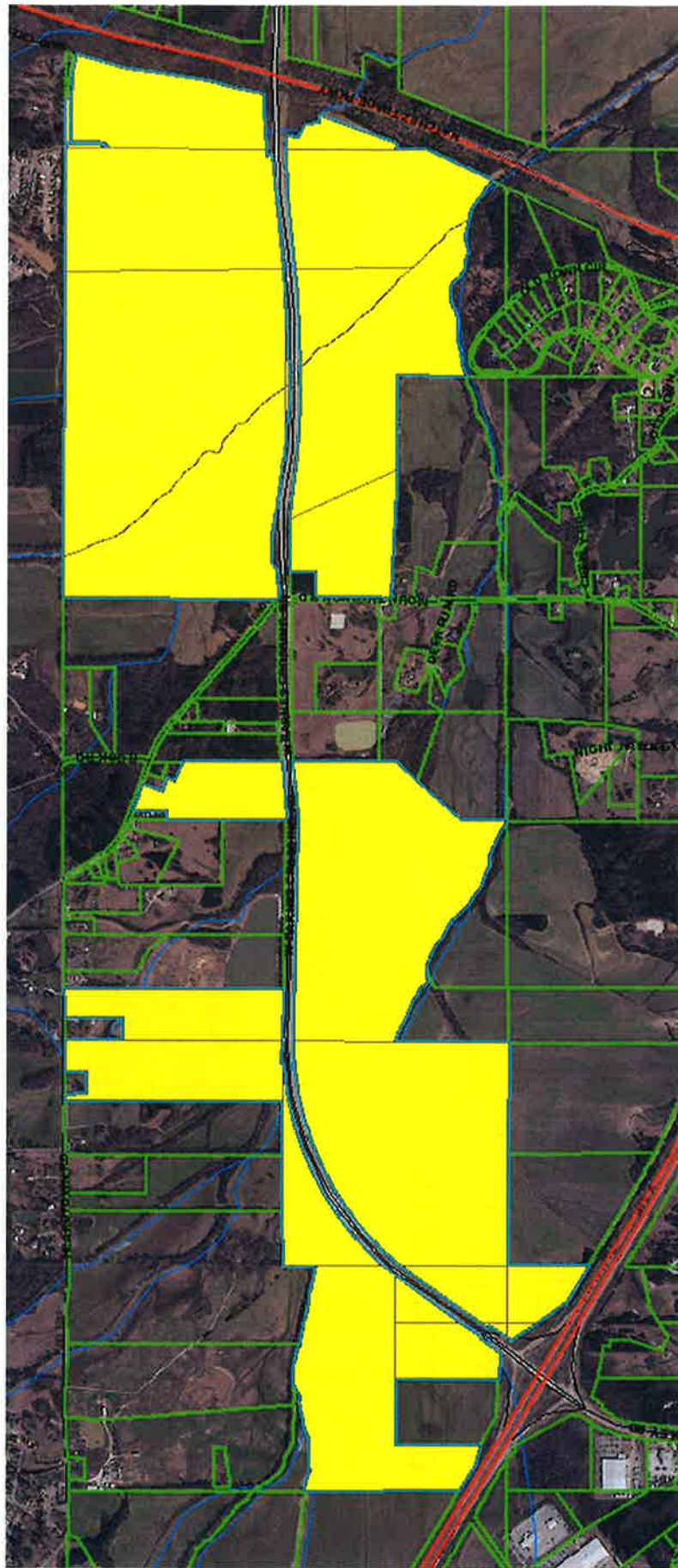
City Planner Savely recommended approval of this additional use at this location provided a final parking plan is submitted and approved. This is not a full kitchen so it does not require a commercial kitchen, and will have limited hours of operation. With no one coming forward to speak to the issue, Savely explained a pizza oven and two air fryers will be used.

Mr. Kenneth Mayfield came forward to clarify the project history and explained the plan for a pizza café in the basement as an addition to the Event Center to be used for social events ending before Midnight. He stated they plan to open 11-2 for lunch and 4-6 Monday through Saturdays. They plan to look into providing food for events, but most events will be catered. Wilson stated that there would be commercial kitchen requirements if food were prepared onsite for the events. Mayfield stated that they have obtained property across the street to use for parking and they are studying using 2.5 acres for some possible retail and residential with extra parking. Bentley Nolan made a motion to approve the flexible use application to allow the additional use. Seconded by Pam Hadley with the motion approved unanimously.

Leake suggested that the September Work Session be held Monday, August 28th at 5:15PM, and that due to the Labor Day Holiday, that the Regular September Planning Committee Meeting be moved to the following Monday, September 11th, 2023. Motion to accept these dates and times for the September meetings and a Motion to Adjourn was made by Patti Thompson. All voted in favor so the times were approved as presented and the meeting was adjourned.

RZ23-02 Barnes Crossing
Road

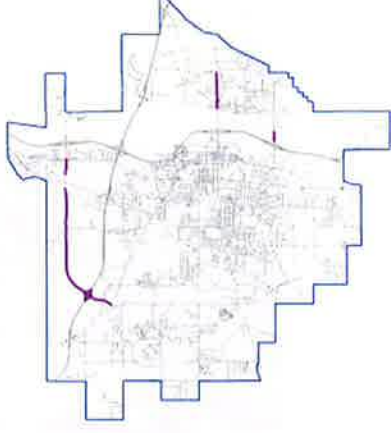
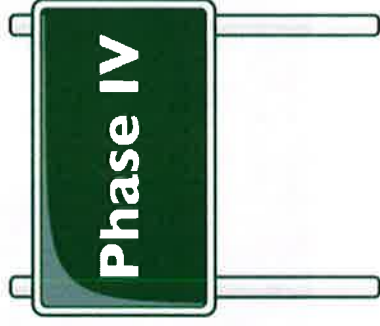


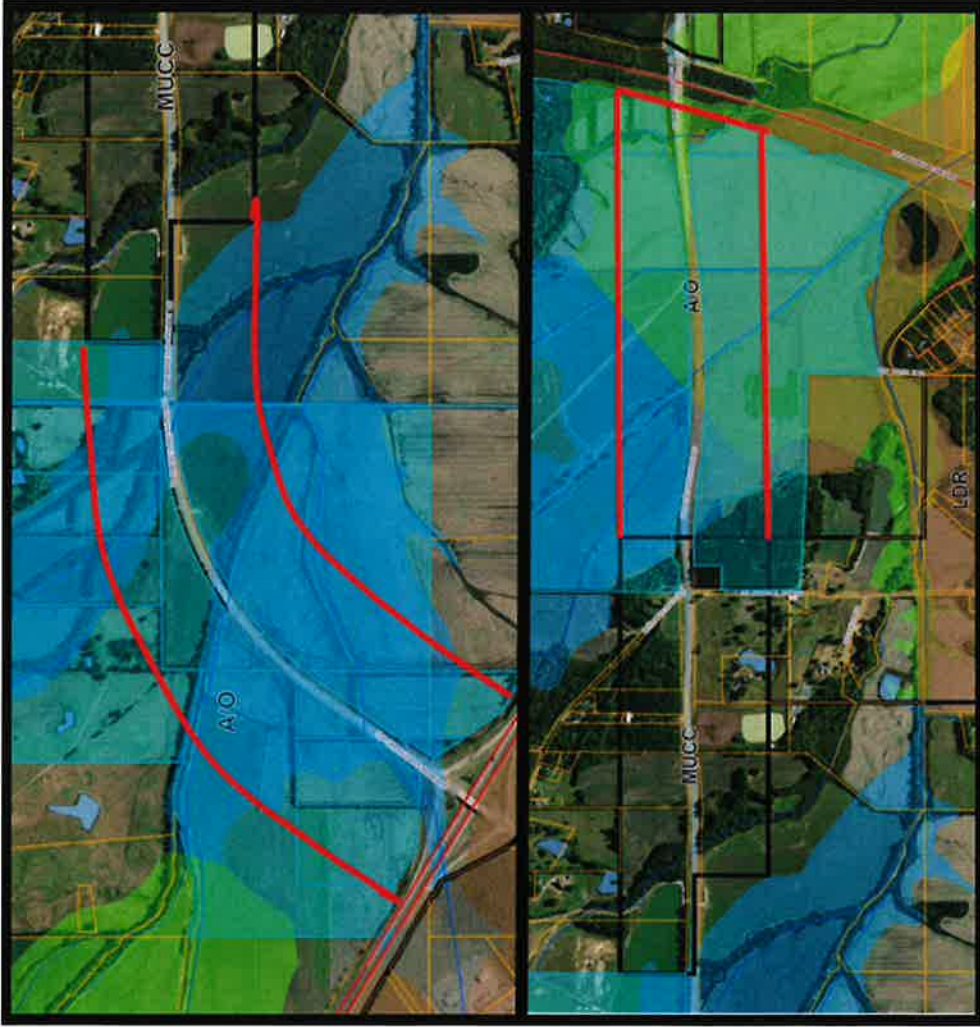


Rezoning Due to Change in Circumstance

- MUCC zoning of center section of Barnes Crossing and A/O zoning of eastern and western sides – 2013
- Completion of Barnes Crossing (Extended) Major Thoroughfare road widening in 2016

Where We've Been





- 800 ft from center line, contiguous with the existing MUCC zone
- Rezoning will incentivize commercial growth
- Limited area will contain capacity to what existing infrastructure can support
- Additional infrastructure will be needed to support development beyond the existing MUCC zone

MUCC Zoning District

- Congregate living, nursing home, townhouse, upper story residential uses
- Conference Center, Event Center, Church, Social or Community facilities
- Educational facilities
- Hotel, museum, indoor recreation,
- Retail, office, restaurant, vehicle sales and service

Comprehensive Plan Adherence

- (1) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City; and
- (4) The availability of adequate school, road, parks, wastewater treatment, water supply and stormwater drainage facilities for the proposed use.

A RESOLUTION TO ADOPT A "COMPLETE STREETS" POLICY
IN THE CITY OF TUPELO

WHEREAS, City of Tupelo policy as stated in the Comprehensive Plan is to reduce the number of car trips, increase energy efficiency, and encourage walking and bicycling as safe, convenient and widely available modes of transportation for all people; and

WHEREAS, increasing walking and bicycling offers the potential for improved health, reduced traffic congestion, a more livable community, and more efficient use of road space and resources; and

WHEREAS, the Complete Streets guiding principle is to design, operate and maintain streets to promote safe and convenient access and travel for all users, including residents who do not or cannot drive, such access to include sidewalks, bicycle paths, multi-use paths, vehicle lanes, and freight lanes; and

WHEREAS, other jurisdictions and agencies nationwide have adopted Complete Streets legislation including the U.S. Department of Transportation, the state of Tennessee, and communities in Alabama and Arkansas; and

WHEREAS, the City of Tupelo will implement Complete Streets policy by designing, operating and maintaining the transportation network to improve travel conditions for bicyclists, pedestrians, cars, transit and freight in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, the City of Tupelo recognizes the number of cost-effective improvements to existing roads that can increase access and safety, including crosswalks, bicycle lanes, signage, bulb-outs, on-street parking, adding trees, and changing the signalization of traffic lights; and

WHEREAS, the City of Tupelo will implement policies and procedures with the construction, reconstruction or other changes of transportation facilities to support the creation of Complete Streets including capital improvements, re-channelization projects and major maintenance, recognizing that all streets are different and in each case user needs must be balanced; NOW, THEREFORE,

The City's Complete Streets Policy resolves that efforts be made to:

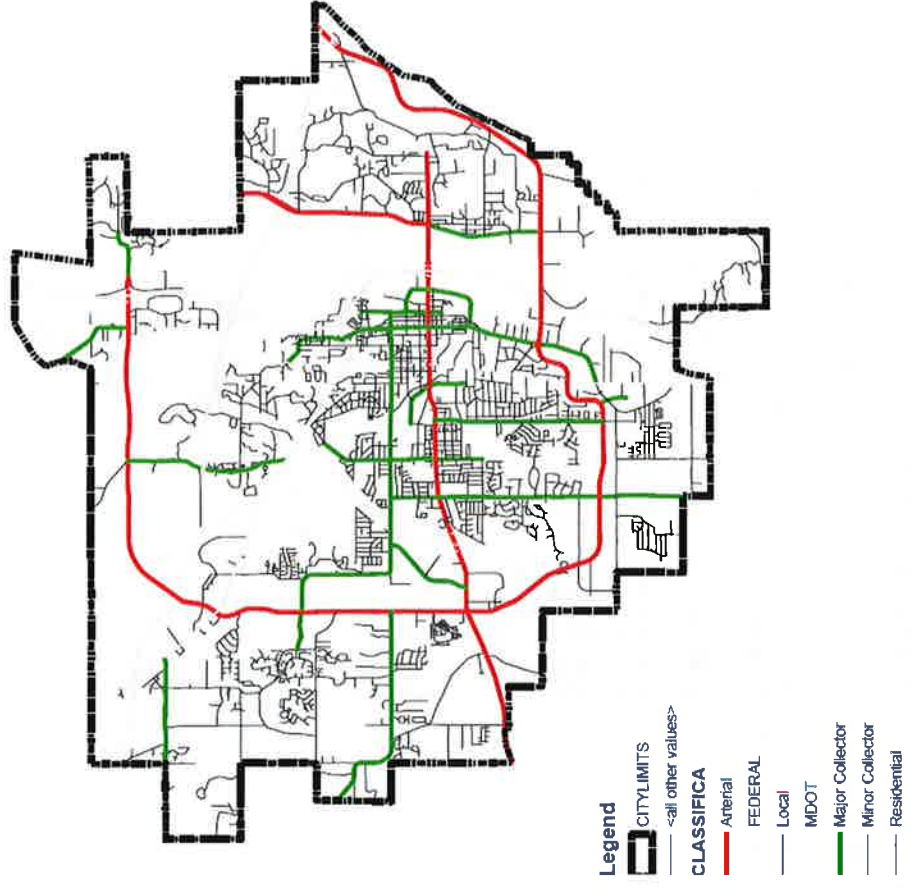
- Reduce number of car trips
- Provide safe and convenient access
- Improve conditions for transit and freight

Barnes Crossing Road is classified as an Arterial Road.

Other Arterial roads:

- Coley
- Main Street
- Cliff Gookin
- Veterans
- Eason

All carry commercial zoning as either MUCC, MUE, or Industrial



City of Tupelo Street Classifications

6.1.20



"Exhibit is not to Scale"
"For Conceptual Purposes Only"

Phase VII Proposed Road Construction Projects



[Google Earth View](#)

City's Major Thoroughfare Committee

- \$10,900,000+ has been expended to 5 lane thoroughfare connecting I-22 to North Gloster as part of Phase IV and V
- Approved connection Gloster to Barnes Crossing by way of a southern entrance as part of Phase 7 plans.

Flood Zone Impact



- Flood Zone AE (green) and A (blue) requires flood elevation certificate for building and 2 ft rise above flood elevation

Tax Assessed Impact

- Agricultural property is classified as “Class II” property and is assessed at 15% of its true value or “use value.”
- the valuation of Class II property must be based on its then-current use, and not its location, as determined on January 1 of each year
- “The land shall be deemed to be used for agricultural purposes when it is devoted to the commercial production of crops and other commercial products of the soil, including, but not limited to, the production of fruits and timber or the raising of livestock and poultry” (Miss. Code. Ann. § 27-35-50). The Mississippi Supreme Court has said that “mere zoning laws will not change the use of the property.” *Riley v. Jefferson Davis Cnty.*, 669 So. 2d 748, 751 (Miss. 1996).

FID	PPIN	PRCL_NMBI	PARCEL	OWNER_1	OWNER_2	OWNER_ADDRESS_1	ADDRESS_CITY	ST	ZIP	BOOK_PAGE	LOT_BLK_1	ACRES
577	48425	0720-10-00	7201000902	CALDWELL JAMES GARY & SANDRA ANN		503 HERDTOWN DR	TUPELO	MS	38804	Book 2010 Page 0081		40.072511
640	33763	0720-10-00	7201000901	CALDWELL ROBERT C & JANICE M		477 HERDTOWN DR	TUPELO	MS	38801	Book 2010 Page 0081 PT NW1/4 E1/2 NE:		39.072592
17015	48415	0710-11-00	7101100203	GAMBRELL LEWIS RHODES & BRENDA K		531 HERTOWN RD	TUPELO	MS	38804	Book 2017 Page 0021		32.259078
612	4015	0720-10-00	7201000500	HAMMITT REALTY MANAGEMENT LLC		2089 SOUTHRIDGE DR	TUPELO	MS	38801	Book 0602 Page 000:		99.415775
1455	4095	0710-12-01	7101201100	JTM LLC		210 EAST MAIN STREET	TUPELO	MS	38804	Book 2017 Page 014		31.977839
615	4021	0720-10-01	7201001100	M & E SCRUGGS FAMILY PROPERTIES LLC		1006 CR 811	SALTILLO	MS	38866	Book 0303 Page 294		131.7638
17123	4020	0720-10-01	7201001000	M & E SCRUGGS FAMILY PROPERTIES LLC		1006 CR 811	SALTILLO	MS	38866	Book 0303 Page 294		21.719107
618	4024	0720-10-01	7201001400	M & M SCRUGGS PROPERTIES LLC		3575 TOM WATSON DR	SALTILLO	MS	38866	Book 2007 Page 0021		21.459588
619	4025	0720-10-01	7201001501	M & M SCRUGGS PROPERTIES LLC		3575 TOM WATSON DR	SALTILLO	MS	38866	Book 2007 Page 0021		77.257343
616	4022	0720-10-01	7201001200	SCOTT GETHIA PARKER ESTATE	c/o DONALD L SCO	3036 OLD BELDEN CIRC	BELDEN	MS	38826	Book 0267 Page 028:		16.946967
620	4158	075T-15-00	075T1500400	SCOTT GETHIA PARKER ESTATE	c/o DONALD L SCO	3036 OLD BELDEN CIRC	BELDEN	MS	38826	Book 0374 Page 024:		10.956705
601	4084	0710-12-00	7101200100	SCRUGGS MITCHELL A		3575 TOM WATSON DR	SALTILLO	MS	38866	Book WB34 Page 15:		80.347784
613	4016	0720-10-00	7201000600	SCRUGGS MITCHELL A		3575 TOM WATSON DR	SALTILLO	MS	38866	Book WB34 Page 15:		29.654686
602	4085	0710-12-00	7101200200	SCRUGGS MITCHELL A & HAROLD EDWAI		3575 TOM WATSON DR	SALTILLO	MS	38866	Book WB34 Page 15:		152.33109
1448	4086	0710-12-00	7101200300	SCRUGGS MITCHELL A & HAROLD EDWAI		3575 TOM WATSON DR	SALTILLO	MS	38866	Book WB34 Page 15:		19.372067
1454	4094	0710-12-01	7101201000	SCRUGGS MITCHELL A & HAROLD EDWAI		3575 TOM WATSON DR	SALTILLO	MS	38866	Book WB34 Page 15:		78.540711
617	4023	0720-10-01	7201001300	SISK BRIAN & MELISSA		1013 INLAND DR	FRANKLIN TN		37064	Book 1401 Page 056:		17.513287
646	4157	075T-15-00	075T1500300	SISK BRIAN & MELISSA		1013 INLAND DR	FRANKLIN TN		37064	Book 1851 Page 056:		0.8428562
515	5254	083U-07-00	083U0700100	TURNER CECIL H ESTATE		213 RD 1553	BALDWYI MS		38824	Book 0744 Page 015:		45.90589
603	4087	0710-12-00	7101200400	TURNER CECIL H JR		213 CR 1553	BALDWYI MS		38824	Book 2009 Page 014:		84.218958
1449	4088	0710-12-00	7101200401	TURNER CECIL H JR		213 CR 1553	BALDWYI MS		38824	Book 2009 Page 014:		65.049797
7593	5255	083U-07-00	083U0700200	TURNER CECIL H SR ESTATE		213 RD 1553	BALDWYI MS		38824	Book 1249 Page 007:		6.9753614

NOTICE OF PUBLIC HEARING CITY OF TUPELO, MISSISSIPPI

A Public Hearing will be held by the Tupelo City Council to consider a request by the Department of Development Services to rezone by corrective action parcels fronting Barnes Crossing Road in Northwest Tupelo from North Gloster Street on the East and Interstate 22 on the West which are currently zoned Agricultural/Open Space (A/O) to Mixed Use Commercial Corridor (MUCC) a distance of 800 ft from the center line of road, contiguous with the existing Mixed Use Commercial Corridor zoning district line. Current uses of said parcels are not impacted.

A Public Hearing has been scheduled to consider this application on Tuesday, September 5 2023 at 6:00 P.M. This Public Hearing will be held in the Council Chambers on the second floor of City Hall, located at 71 East Troy Street.

Copies of the rezoning applicant and supporting information are available for inspection during regular business hours at the Department of Development Services on the third floor of City Hall, 71 East Troy Street, Tupelo, Mississippi.

WITNESS MY SIGNATURE, THIS THE 18th
DAY OF August 18, 2023.

Todd Jordan, MAYOR