

MINUTES OF THE TUPELO PLANNING COMMITTEE

CITY COUNCIL CHAMBERS | CITY HALL

JULY 7, 2025

CALL TO ORDER:

The meeting was called to order by Chairman Leslie Mart. The invocation was delivered by Mr. Lindsey Leake, followed by the Pledge of Allegiance led by Ms. Patti Thompson.

All board and staff members present introduced themselves for the record.

The following board members were in attendance: Mr. Mark Williams, Ms. Pam Hadley, Ms. Leslie Mart, Mr. Victor Fleitas, Mr. Lindsey Leake, and Ms. Patti Thompson.

Staff members present included Mr. Tanner Newman, Director of Development Services; Mr. Patrick Reagan, Building Code Official; and Mr. Pat Faulkner, Planning Consultant.

ELECTION OF OFFICERS:

The Committee elected Victor Fleitas as the Chair, Mark Williams as Vice Chair, and Aaron Washington as Secretary. Motion was made to approve by Patti Thompson, seconded by Pam Hadley, and passed unanimously. Ms. Mart turned the meeting over to the new Committee Chair, Victor Fleitas, to conduct the meeting.

REVIEW JUNE 2, 2025 MINUTES

The committee discussed the review of the June minutes. Leslie Mart made a motion to accept the minutes with the correction of the date. It was seconded by Mark Williams and passed unanimously.

REPORT OF COUNCIL ACTION:

Mr. Newman confirmed there are no updates from the City Council's actions since the last meeting.

NEW BUSINESS:

FLEXVAR25-03: Request to allow 4.2 Setback Variance on Parcel 112B-04-003-02

Chairman Victor Fleitas reported that a flexibility variance request was submitted to allow a four and a half foot side setback instead of the required ten feet in a Low Density Zoning District. A permit had

been issued for a single-family residence, but the builder misidentified the property line. Causing the home to encroach into the setback. The structure is near completion, but cannot receive a Certificate of Occupancy until the setback issue is resolved. Mr. Newman confirmed that adjacent property owners were notified, and no public responses were received.

Applicant Lucricia Stanfield (912 Birch St, Tupelo) stated that the land was surveyed per the City's requirements and staked. There were other stakes, located on the adjacent property, that were accidentally used to locate the new build, resulting in the home being constructed too close to the property line, promoting the variance request. She noted the error was discovered when the home was about 60% complete, following concerns raised by the neighboring property owner. Ms. Mart asked if the adjacent property owner had told the contractor earlier in the construction that it looked like the house was built to the property line. Ms. Stanfield acknowledged that he had told the dirt contractor of his concern, who had called her, and they stated it was not. The adjacent owner serves in the National Guard and had to leave for 3 months after initially telling the dirt contractor about the issue. The re-surveying of the property lines was not done until the city notified the permit holder.

Committee member Mark Williams asked if an easement or land swap had been explored. Ms. Stanfield replied that although a land swap was discussed, the neighboring owner declined. She also clarified the home was not built on the neighbor's property, just within the setback area.

Applicant representative Derek Neil (2574 Simmons Rd, Clarksdale, MS) stated the contractor had mistakenly used an old property stake instead of the correct one from the updated survey. He emphasized it was an honest mistake.

Mr. Reagan, Building Code Official, confirmed the incorrect stake had been used during inspections, but the issue was strictly related to zoning, with no building code violations. Mr. Neil also confirmed that Ms. Stanfield was the construction property manager.

Mr. Faulkner, Planning Consultant, outlined the variance approval criteria, explaining that only two of the required seven findings were met. He stated the lot is level and buildable, the error was within the applicant's control, and approving the variance would grant an unfair privilege not available to others. He recommended denial of the request.

Mr. Neil responded that, although only two of the required criteria were satisfied, the structure was already significantly complete, representing a major financial investment. He added that an attempt was made to purchase land from the adjacent owner, who requested ten thousand dollars, which was not feasible for the applicants. Mr. Neil and Ms. Stanfield reiterated that the mistake was unintentional. Newman commented that responsibility likely rested with the contractor. Mr. Neil noted that without

the variance or a land agreement, the applicants would not be able to secure a final inspection, making the home unusable.

There were no surrounding property owners to speak.

Chairman Victor Flietas asked city staff what weight should be given to the City's initial approval based on the incorrect property stake. Mr. Newman responded that contractors bear the responsibility for verifying property lines, and City Inspectors rely on the information presented at the time of inspection. Building Code Official Mr. Reagan concurred, stating inspectors are not surveyors and must rely on the contractor or owner's representative. Ms. Mart inquired who was present at the inspection. Mr. Newman stated it was the general contractor, Tony Moore. Later, Mr. Neil clarified that the subcontractor had laid the dirt pad, which began the setback issue.

Chairman Flietas asked if the committee could hold the matter in abeyance. Mr. Newman confirmed that the request could be tabled to allow the applicant time to work with City Staff toward a resolution. Mr. Neil expressed appreciation to the committee and reiterated the financial investment made in the nearly completed home. Mr. Williams noted that without a variance, the only resolution would be a private agreement with the adjacent property owner; otherwise, the home would not qualify for occupancy and could be subject to removal.

Ms. Mart noted while nobody is perfect and we all make mistakes, sometimes those mistakes are costly. Making a deal with the property owner to buy the additional land is an option and it would result in not making as much money, but they would be able to finish the home.

Chairman Flietas stated he supported tabling the matter to give time for a potential resolution between the parties. Ms. Thompson inquired whether delaying a decision would pose legal risks. Mr. Flietas clarified that no legal liability existed for the city or committee, as the adjacent property owner has the right to enforce the setback but cannot control the committee's decision. He added that maintaining the status quo would not create an additional burden, and as Mr. Newman confirmed, City Staff are available to assist in a neutral capacity.

Leslie Mart moved to table the request to allow the applicant time to work toward a resolution. Seconded by Pam Hadley and passed unanimously.

RZ25-02: Request to rezone parcels 084S-18-10-00, 084U-19-008-00 from Agriculture to Mixed Use Commercial Corridor

Chairman Fleitas noted that the subject property has two parcel numbers due to crossing a section line, and only a small portion of the 10.9 acres is developable because of a borrow pit at the rear. Although near the Barnes Crossing commercial area, the property has not been zoned commercial due to the presence of King's Creek Channel. Mr. Fleitas asked Mr. Newman if adjacent property owners had been notified; Mr. Newman confirmed no responses were received and noted that the City is one of the adjacent owners. He also mentioned an ongoing review by the City's legal team to clarify property lines near the fire station, as there may be an overlap with the applicant's land. However, the applicant has expressed willingness to work with the City, and staff do not believe this issue should affect the committee's decision.

Applicant Michael Pettit (5159 Raven Ave Tupelo, MS)

Mr. Pettit appeared before the committee to present his proposal for the property, stating his intent to develop a family-friendly barbecue restaurant. He noted the proposed building would be approximately 4500 square feet, as designed by his architect. While the establishment would serve a limited selection of alcohol, the primary focus would be on creating a clean, welcoming, and family-oriented environment.

Mr. Pettit informed the committee that he had previously met with Planning Director Tanner Newman and City Engineer Dennis Bonds to review the necessary steps before purchasing the property. He emphasized that he is working with approved contractors and a licensed architect and that the concept has been in development for several years.

Chairman Fleitas asked if there was anyone to speak for or against the rezoning.

Applicant #2 – Mar Asher Galley, (1408 Orleans Place, Tupelo) Mr. Galley, a neighboring property owner, stated he supports the request but expressed concern about maintaining access to his land. He clarified that his property is undeveloped land, not a residence, and showed its location on a map. When asked by Mr. Newman if there is existing access or an easement, Mr. Galley confirmed there is none and mentioned he purchased the land at a tax sale twenty years ago without running a title search. Chairman Fleitas explained that the committee cannot grant access easements or base their decision on Mr. Galley's property, as access issues are governed by state law. Galley added that he is open to selling his property to the adjacent owner, Mr. Pettit.

Chairman Fleitas closed the Public portion and opened up the committee discussion.

Mr. Faulkner presented the staff analysis. Mr. Faulkner explained that zoning decisions are based on broader criteria rather than specific property details. The property in question is currently zoned

Agriculture Open Space (AO), typically preserved due to floodplain concerns and higher development costs. However, this zoning also serves as a holding designation for future development. The primary justification for the proposed rezoning is the significant commercial development across the highway, which has shifted market demand and reduced available commercial land. Staff recommends approval of the rezoning request due to these changes and the increased need for commercial-zoned property.

Ms. Mart asked if construction or rezoning in the floodway affects insurance for the property. Mr. Faulkner clarified that zoning the flood zone commercial would not change its flood zone status or requirements for permits, such as site elevation and water management.

Mr. Newman asked if rezoning would impact the adjacent fire station. Mr. Faulkner responded that it would not have a practical impact, as the public safety station is a permitted use in the Agriculture/Open Space Zoning District. Including the fire station in the rezoning action would simplify the map, but it is not functionally necessary. Mr. Faulkner recommended proceeding with the rezoning recommendation. Ms. Mart inquired about distance requirements from Interstate 22 (I-22) and the need for rezoning the rest of the green area. Mr. Newman suggested leaving it as Agriculture/Open Space to ensure developers come to the committee for approval, given the flood zone's additional work and funding requirements. Reagan provided the parcel number for the fire station (084S-18-010-01) to include in the rezoning.

Ms. Mart questioned about serving alcohol near the fire department. Newman stated there are no known restrictions on this topic. The site plan provided by the engineer has addressed all concerns regarding the floodway. Discussion on access to Gloster and the need for Mississippi Department of Transportation (MDOT) permits. Mr. Newman stated MDOT does not want additional red lights between Interstate 22 and the Blue Canoe area. Future traffic patterns will determine further discussions between MDOT and the city.

A motion was made by Leslie Mart to rezone parcels 084U-19-008-00, 084S-18-010-00, and 084S-18-010-01 to Mixed-Use Commercial Corridor (MUCC). The motion was seconded by Lindsey Leake and passed unanimously.

Note: City staff will work to identify and clarify the property lines between the fire station and the adjoining property.

TA25-01:- Proposed amendments to chapters 2, 4, 5, and 11

Mr. Faulkner presented proposed amendments to the Tupelo Development Code (Chapters 2, 4, 5, and 11) to define and classify brew pubs, microbreweries, liquor stores, and convenience stores with fuel service. He also provided corrected Park Hill residential overlay guidelines, noting previous errors. Mr. Faulkner reported that the City and the Neighborhood Development Corporation (NDC) have acquired

around thirty lots in the Park Hill neighborhood and are preparing to begin master planning for affordable, neighborhood-compatible housing. Standards include roof pitch, porches, foundation elevations, and fencing.

Mr. Newman asked about the carport and garage requirements. Mr. Faulkner said side or rear carports are allowed, and front-facing garages are limited to forty percent of the front facade. Mr. Newman raised concerns about on-street parking due to a lack of off-street options and recommended requiring at least a single carport. Mr. Williams asked if typical lots could accommodate this; Mr. Faulkner responded that fifty-foot-wide replatted lots should suffice. Mr. Newman added that properties on Chapman Drive show rear garages are feasible. Chairman Fleitas noted that narrow streets, like in Fair Park, can aid in traffic calming and asked if that applied here. Mr. Faulkner agreed. Ms. Mart voiced support for codifying the carport/garage requirement for consistency and investment protection.

Ms. Mart then asked about regulations for metal roofs. Mr. Faulkner responded that standing seam metal roofs were considered but rejected due to cost. Instead, metal roofs will be allowed but limited to neutral colors, subject to overlay committee approval. Chairman Fleitas asked if the drafting committee supported the carport requirement; Chairman Fleitas stressed the need to codify this to prevent developments without driveways. Mr. Newman emphasized that overlay guidelines protect properties not under City or NDC control and confirmed that existing structures will be grandfathered. Mr. Faulkner clarified that the guidelines apply only to new construction.

Chairman Fleitas asked if the neighborhood committee and the district's councilwoman supported the overlay. Mr. Faulkner confirmed both had. Chairman Fleitas asked whether the committee would take action that day; Mr. Faulkner confirmed yes. Ms. Mart raised "housekeeping" items related to procedural consistency across overlays, such as one-year committee terms and submission timing. Ms. Mart recommended standardizing recurring provisions—like member terminations—across all overlays. Chairman Fleitas agreed. Mr. Newman noted such a change would require a separate public hearing, but supported the idea.

Ms. Mart asked the committee's thoughts on adding detailed review procedures now. Mr. Williams supported including them and asked if it would delay Council action. Mr. Newman said no and suggested treating it as a separate issue for broader code updates. Mr. Williams asked if the Park Hill neighborhood group would need to be informed of these changes; Mr. Newman confirmed they would, but emphasized that including the language now would keep things clean. Mr. Faulkner clarified that the City Council has final authority and that neighborhood approval is not needed for code-level changes.

Chairman Fleitas stated the design review committee must meet within ten days of receiving a complete application, aligning with Joyner and West Jackson overlays. The committee agreed on requiring a minimum of one side/rear carport or enclosed garage, limiting front-facing garages to forty percent of

the front façade. Foundation elevations must be between twelve and eighteen inches above street or sidewalk level. These discussions contribute to refining the Park Hill overlay district and ensuring consistency, affordability, and neighborhood compatibility.

Leslie Mart made a motion requesting that the City revise the Park Hill Overlay District code language to incorporate the following changes:

- Updated review procedures requiring the design review committee to meet within ten days of receiving a complete application
- A requirement for a carport located at the side or rear of the property, or an enclosed garage
- Roof language requirements
- Foundation height requirements, specifying a minimum and maximum

The motion was seconded by Mark Williams and passed unanimously.

Next Meeting:

Date: August 4 at 6 PM in the council chambers.

Work Session: July 28 at 5:15 PM on the third floor of City Hall.

Motion made to adjourn by Patti Thompson, seconded by Pam Hadley, passed unanimously.