

City of Tupelo
 Planning Committee Meeting
 October 2, 2023, 6:00 PM

Project: Prevail Properties Duplex Development

Project Proposal Summary: 6 duplex, 12 dwelling unit, development proposed on boundary of MUE zone on southern side of Endville Road.

Planning Committee Action Required: Flexible Use review is required for duplex development in the Low Density Residential zoning district. 64% flexible variance required for 12 dwelling units in LDR. Major Site Plan review to recommend approval, approval with modifications, or denial to City Council.

Staff Recommendation: Staff defers to Planning Committee

Application Number:	FLEX 23-07	Application Type: Flexible Use, Flexible Variance, Major Site Plan	
Parcel Numbers:	075S-16-002-00	Meeting Date: September 11, 2023	
Applicant:	Prevail Properties	Owner	
Location:	4903 Endville Rd		
Purpose:	Flexible Use Review; Major Site Plan Review		
Present Zoning:	Low Density Residential (LDR)		
Existing Land Use:	Vacant single family residential		
Size of Property:	1.4 Acres		
Surrounding Land Use and Zoning:	West and East - Single family residential (LDR); North and South, vacant LDR with proposed duplex developments north, area near boundary of MUE zoning		
Future Land Use:	N/A		
Applicable Regulations:	12.12 – Flexible Use, Flexible Variance; 12.11.2.3 Major Site Plans		

Driving Directions: From the intersection of Main and 1-45, travel north on 1-45 and continue west toward McCullough Blvd. Continue down McCullough to the intersection of Endville Road in the

Belden community. Turn west onto Endville Road and continue approximately 0.3 miles. Destination is on the south side of Endville Road.

Special Information:

Area annexed in 1989. Zoned Low Density Residential in 2013 alongside additional annexation of Endville Road going west toward Pontotoc County. LDR zoning at the time of City wide rezoning demonstrated the current use of parcels NOT the future land use intent of annexed properties. Continual changes in commercial development, housing, economic environment, and land use in the City of Tupelo requires that Low Density Residential zoning be strategically developed for the expansion of the City and continued growth of property values while retaining greenspace and limiting high intensity uses. Quality development and environmentally friendly design are prioritized while encouraging clustering of housing units, as per Section 4.7.2 of the Development Code. Flexibility options for LDR allow for a reduction in development standards with a higher percentage of open space and clustered dwelling unit design.

The Development Code is currently in conflict related to multi-family developments and is incorrectly defined. Apartment development has been removed as a use in favor of residential categories of duplex, multi-family unit 3-6 dwellings, multi-family unit 9+ dwellings. Apartment development is not defined by code. For this reason, the proposed duplex development, which might rightly be considered a multi-family development (also not defined by Code) is being reviewed at the highest level of review, by flexibility according to LDR standards, for the locating of duplexes as well as for multi-family development use which requires site plan review.

Vacant parcels on north side of Endville Road propose duplex developments on individual lots for rental.

Previous rental unit was located on the property. The owner submitted proper MDEQ permitting and was issued a permit for demolition by the City of Tupelo in August 2022.

Appeal received to tabled vote on 8/6/23, no action required without vote.

STAFF ANALYSIS

Development Code: Flexible Use (12.12.2)

12.11.2.3. Major Site Plans.

- (1) *Criteria:* Projects that meet one or more of the following standards shall be considered major site plans if:
 - (a) They request modifications of a standard established in this Code that requires flexible use approval;
 - (b) They involve the development of any use that requires the issuance of a flexible use permit; or
 - (c) They include multi-family housing other than upper story residential units, or more than three commercial spaces.

- (2) *Approval:* Major site plans shall be reviewed by all relevant city departments and the Planning Committee. The Planning Committee shall make a recommendation to the City Council on the project. The City Council shall be the approving authority.

12.11.3. Review.

- (1) *Coordination with Compatible or Flexible Use Review:*
- (a) Applications for compatible or flexible use permits may be submitted concurrently with a site plan. However, decisions shall be rendered with a separate motion.
 - (b) Dimensional variance requests may be proposed with site plan applications or identified during the site plan review process. Such variances will be considered according to procedures for variances, Section 12.16.

12.11.4. Site Plan Review Criteria.

- (1) The following evaluations shall be made during the site plan review process. Site plans that meet the following criteria shall be approved by the approving authority:
- (a) The site plan complies with all applicable Code requirements, including design standards in Chapter 6;
 - (b) The site plan complies with all previously approved applicable City plans, such as the comprehensive plan;
 - (c) The site plan displays a site design and development intensity appropriate for and tailored to the unique natural characteristics of the site, which may include the location of significant wooded areas, specimen trees, wetlands, steep slopes, Natural Inventory sites, and floodplains;
 - (d) For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste related facilities employed in the normal operation of the use, as applicable;
 - (e) The site plan includes adequate and clearly marked parking areas and pedestrian and vehicular access points;
 - (f) The site plan includes an adequate design of traffic patterns, traffic control measures and street pavement areas and has provisions for maintaining traffic flows and reducing negative impacts of traffic on nearby properties;
 - (g) The site plan complies with site construction specifications, including a finished floor elevation for all new residential construction on lots not considered as infill under section 6.10.1;
 - (h) The site plan includes adequate stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting, as applicable, as evidenced by compliance with department standards, specifications, and guidelines;
 - (i) The site plan complies with requirements for easements or dedications; and
 - (j) Where a TIA has been submitted, the site plan either accommodates the anticipated traffic generated by the development, or it proposes adequate traffic mitigation measures within the development project.

(Ord. of 1-2-2019(1) , § 2)

12.16.2. Flexibility Variance.

- (1) The Planning Committee may grant variances of greater than 30 percent of any regulated dimension in the following circumstances:
- (a) If the request is found to be compatible with similar structures in the immediate vicinity, or
 - (b) 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
 - (c) Where necessary for reconstruction, rehabilitation, or restoration of structures that are individually listed or are contributing structures within an historic district; or

- (2) 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) Flexibility variances may be considered as part of the site plan review process but must be separately approved.
- (4) The Planning Committee may waive certain requirements when authorized to do so by provisions adopted as a part of this Code.
- (5) No variance shall be granted that would have the effect of allowing a use not permitted in Table 4.2., Permitted Use Table.

12.12.2. [Flexible Use] Application Process.

- (7) *Criteria for Approval of Compatible and Flexible Use Permits.* Applications for compatible or flexible use permits shall be approved only if the approving authority finds that the use as proposed or the use as proposed with conditions:
 - (a) Is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity;
 - (b) Conforms with all special requirements applicable to the use; and
 - (c) Will not adversely affect the health or safety of the public.

Allowable Variances and Administrative Adjustments:

LDR density permits 3 dwelling units per acre, 1 per 0.33 acre maximum. At 12 total dwelling units on 1.4 acres, density is one unit per 0.12 acres (Medium Density Residential density permits on dwelling per 0.14 acres). 4.24 units permitted without variance. Proposal requires a 64% variance.

Summary Analysis and Recommendations:

Plan Review Team has reviewed the preliminary site plan which requires the following additional information:

1. Turn radius and length of circle drive
2. Revision of 12" drainage pipe to 15"

Final Recommendation: Staff remains neutral with deference to Planning Committee consideration of both the developer's efforts to adhere to all requests, consideration of opposition by adjacent property owners for density, and the significance of the variance request in a Low Density Residential zoning district. City Council reviews all major site plans. Council approval required prior to construction.

Approval by the Planning Committee for the use of duplexes and variance for density may be appealed within 3 days of the date of decision. City Council may approve, approve with amendment or contingency, deny, or table approval of the Major Site Plan. City Council review scheduled for September 19, 2023 at 6:00 in Council Chambers.