

**MINUTES OF THE TUPELO  
PLANNING COMMITTEE MEETING  
February 2, 2009**

A regular meeting of the Tupelo Planning Committee was held February 2, 2009 in the Council Chambers on the second floor of City Hall. Members present were: Chairman Judy Brown, Vice Chairman Michael Gratz, Mr. William Smith, Mr. Russ Wilson, Mr. Rud Robison and Mrs. Mabel Murphree. Planning and Community Development staff members present were Mrs. B. J. Teal, Mr. Pat Falkner, Ms. Sherrie Cochran, Mr. John Crawley and Ms. Marilyn Vail. Planning Committee members unable to attend were Mrs. Cindy Sanders, Mr. Richard Johnson and Mr. Mitch Ellett.

**CALL TO ORDER**

Chairman Judy Brown called the meeting to order and requested Mr. Gratz to lead the pledge and Mr. Smith to present the invocation. Chairman Brown introduced the Committee and Staff members. She then explained the procedures for the meeting. The Committee confirmed the agenda for the evening meeting.

**REVIEW/APPROVE PREVIOUS MINUTES**

The Committee approved the minutes from the December meeting without changes. There was not an official meeting in January.

**REPORT ON COUNCIL ACTIONS**

There were no reports given.

**REPORT FROM EXECUTIVE COMMITTEE ON THE PINES AT BARNES CROSSING**

There were no reports presented.

**NEW BUSINESS**

- 1. MJ09-01: Mr. Joe Bell requests a major conditional use to allow the re-establishment of a non-conforming use at 650 West Main Street in a C-2, General Commercial Zone.**

The Chairman asked Mr. Falkner to present the application and his findings to the Committee. Mr. Falkner explained that the house in question is located in a commercial zone but the use has not successfully developed as commercial. The property owner has not been able to maintain a commercial tenant. The property does not have adequate access and

parking for a commercial business. Since the building was designed to be a residence, the owner wants to rent it as a residence.

Mr. Falkner said the property will not affect the public health or safety because of the small scale of the requested use and lack of any danger. He added that re-establishing a residential use will enhance the successful operation of the surrounding area by providing a residential unit close enough to walk to a number of businesses and places of employment. There will not be any changes to the property and a single family residential use typically does not have negative impact on adjoining property. Mr. Falkner continued that the 2025 Comprehensive Plan encourages a mixed-use commercial that will bring residences back into the neighborhood fabric. This is an example of the main tenet of the new plan that encourages residences in close proximity to employment and places of business.

Mr. Falkner recommended approval of the application because the application meets the findings of fact as set forth in the Development Code. This property was previously designated C-2, General Commercial due to its closeness to a main artery and the potential for development. Times have changed and those development trends have changed. He felt that allowing residential use of this structure is both economically productive and consistent with future plans for this area.

Ms. Teal added that the structure has been inspected for residential use and passed the inspection with just a few minor changes. The owner, Mr. Joe Bell, had not made any commercial changes to the building, so remodeling will not be required. She added that he only needs to add smoke detectors and change out some of the electrical sockets. This is typical for any residential rental unit in an older home.

Chairman Brown recognized the applicant Mr. Joe Bell, 1535 Countrywood Cove, Tupelo. Mr. Bell started by saying that this home was built right after the tornado. He then described the condition of the structure. Mr. Bell went on to say that one of his last tenants had been a young couple who lived there two years while saving to buy a home. He added that he felt that was the reason for rental housing, to give the tenants time to prepare to purchase their own home. Mr. Bell did not properly understand the zoning on the area because of the mix of commercial and residential. He did not realize that he could not rent it as a residence until a potential tenant tried to get the power turned on in their name.

Mr. Bell said he had rented to a commercial business for a short time but the driveway proved to be difficult for commercial use because of the curbing. He explained the curb is a little higher in the area because of a city drainage inlet. He also added that the florist business that was there complained about the lack of adequate parking. There is sufficient parking for a residence.

The Chairman asked the Committee if they had any questions for Mr. Bell. Mr. Wilson asked how big the house is and how many bedrooms. Mr. Bell answered around 2,150 square feet. He added there are five bedrooms or four bedrooms and a study and two full bathrooms. Mr. Wilson mentioned to the Committee that since this request is during a time of a transitional code that a five-year review might be in order.

Mr. Smith asked if this house was protected under the Historic District. Mr. Falkner replied it is not.

Chairman Brown asked for clarification from Mr. Falkner if the conditional use approval follows the property or expires if the property is sold. Mr. Falkner said it can go to the successor of interest.

With no further questions for Mr. Falkner or Mr. Bell, Chairman Brown closed the public part of the meeting and asked the Committee for their comments. Mr. Gratz made a motion to approve the request for the re-establishment of a residential non-conforming use at 650 West Main with the condition that the approval be reviewed for renewal in five years. Ms. Murphree seconded the motion. Chairman Brown asked for a show of hands and the vote was unanimous in favor of the motion.

Chairman Brown explained to Mr. Bell that he would be able to proceed with his plans after a three-day appeal waiting period. She asked him to contact the Planning Department for the next step in the process.

**2. VAR09-01: Jeff Irwin requests a variance to allow more than the allowed parking on North Gloster Street, behind IHOP Restaurant in a C-2, General Commercial Zone and within the BCO, Barnes Crossing Overlay District.**

Mr. Falkner gave his staff analysis of the application. He stated that the purposes and intent of the maximum parking restriction is to promote walkability, to reduce a negative impact of a heat island on the environment, and to reduce storm water drainage management. Based on the aforementioned criteria, Mr. Falkner suggested that the Committee require more landscaping to mitigate the heat island effect and also increase the pervious surface of the lot to reduce storm water run off. Mr. Falkner further stated that the Committee should discuss whether or not the required parking standards are appropriate for this type of business. He stated that the applicant is categorized as retail, which requires one parking space per every 200 square feet of building. He stated that Verizon is in the cell phone business, so their product is very small, thus they do not need a lot of building space. Their product is in high demand, thus a larger parking lot is justified to accommodate the high density of customers and a large staff. He then suggested the possibility of reviewing and amending the required parking standards. Mr. Falkner recommended approval of the variance with revisions to the site plan.

Mr. Jeff Irvin, 1338 Harding Place, Charlotte, North Carolina, stated that he is the developer of the proposed Verizon Wireless. He stated that they had started with a 4,700 square foot building with 57 parking spaces. He stated that the overall site is 1.1 acres and when the original site plan was drawn, the parking area was 70% pervious and 30% impervious. He stated that after meeting with the Planning Staff, he discovered the site plan was not

acceptable. Mr. Irvin stated that a second revised site plan had no parking along the front of the building and the width of each parking island had been doubled, which totaled 35 parking spaces with 63% impervious and 37% pervious. He stated that the revised plan still was not acceptable, so they made a third revision by placing a nine foot green buffer along the front of the parking area, taking out an entire drive aisle, and then adding three parking spaces in the rear, leaving 44 parking spaces total and increasing the pervious area to 43% and decreasing the impervious area to 53%. He further stated that more landscaping was added at the recommendation of Sherrie Cochran, Environmental Coordinator for the City of Tupelo.

Sherrie Cochran, Environmental Coordinator for the City of Tupelo, stated that she had met with Mr. Irvin and suggested increasing the landscaping to give more shade and increasing the green space to include more trees and shrubbery to give a little more humidity. She also stated that more landscaping was necessary to beautify North Gloster Street. She stated that sites that have more greenery and landscaping have a 10% increase in customer traffic. Ms. Cochran stated that all of her requirements had been met with the exception of the narrow traffic islands in the middle. However, she stated, the species of tree could be changed so that it could survive.

Mr. John Crawly, Engineer for the City of Tupelo, stated that from an engineering standpoint, his analysis could only be based on the outcome. He stated that a storm water retention facility was on the original site plan that was submitted for his review. He stated that calculations were given to him and were approved. He further stated that as far as pervious versus impervious, the site is so small that a detention pond is not going to change either way based on the percentage changing just a few points. Mr. Crawley gave his approval of the site plan based on the approval of the Environmental Coordinator and the rest of the Planning Staff.

Mrs. Teal stated that if the Planning Committee chose to approve the variance, she would like for the approval to be contingent upon Ms. Cochran having the opportunity to evaluate all the numbers and species before a building permit is issued. She then asked Mr. Crawley to address maintenance of the proposed detention pond. Mrs. Teal then asked if the property would be irrigated, to which Mr. Irvin replied yes.

There was no one present from the public to speak in favor of or in objection to the variance request.

Chairwoman Brown opened the meeting to questions from the Committee. The Committee commented on the landscaping, stating that they would require a review and approval by Ms. Cochran, and also on the possibility of amending the codes parking requirements. Mrs. Teal stated that the Planning Staff would work with Mr. Irvin on phasing the development.

There were no more questions and the public portion of the meeting was closed.

Mrs. Murphree made a motion to approve the variance for 44 parking spaces contingent upon Ms. Cochran's final approval of the landscaping and the Planning Staff's oversight of the

maintenance of the detention facility. Mr. Smith seconded the motion, which passed unanimously.

**3. TA09-01: Consideration of text amendment to Chapter 9 of the Tupelo Development Code to reinstate provisions allowing non-residential uses in a PUD, Planned Unit Development.**

Mrs. Brown asked the Planning Staff to explain why the proposed amendment is necessary for the development of the city.

Mr. Falkner stated that there are two reasons why the amendment has been brought before the Planning Committee. He stated that first, there has been a PUD application that has been set aside because it includes commercial and the code has been changed to allow no commercial component in a Planned Unit Development. He stated that that particular project is no longer on the drawing board, but there is another project with more credibility to it that would also require the same consideration. Mr. Falkner then stated that he thought the text amendment is necessary because the code had been changed based on a misunderstanding of what a Planned Unit Development is, but the new Comprehensive Plan will emphasize more mixture of uses, which was in the original Development Code. He stated that the original text of the PUD requirement section of the Development Code would be used instead of the amended text. He further stated that the original text allows mobile homes, but the new amendment should state that they are not allowed.

Mrs. Murphree suggested that the text be amended to show the specific types of businesses that would be allowed in a PUD, such as service industry businesses, but not residential businesses. Mr. Falkner stated that a developer that applies for a PUD will not want to bring in a commercial use that will not contribute to the success of the development as a whole.

Mrs. Teal stated that in some PUD ordinance, it is literally stated what is considered to be a low-impact use and it could be appropriate to use that type of language in the new text.

Mr. Gratz asked if the text amendment is just a temporary fix since a new Development Code will be written when the city begins the new Comprehensive Plan.

Mrs. Teal suggested that any commercial uses in a PUD be allowed by conditional use only.

Mr. Wilson made a motion to approve the amendment to state that a Planned Unit Development may contain any or all of the following uses: a) residential dwellings of any type allowed by the Development Code, and b) any low-impact use not otherwise prohibited in the city, but not including uses permitted in the I-1 and I-2 Districts, as conditional uses. Mr. Smith seconded the motion, which passed unanimously.

## **OTHER BUSINESS**

### **1. Report on Historic Preservation Commission**

Mr. Smith stated that the list of new members have been submitted to the Mayor's office for approval.

### **2. Miscellaneous Discussion**

At this time in the meeting Mrs. Teal commented on the upcoming La Quinta project that has been in review in the Planning Department, stating that after a tree survey done by Ms. Cochran, the city received nearly \$30,000.00 from the developer to accommodate for cutting down trees on the site.

Also, after comments by Marilyn Vail, Zoning Administrator for the City of Tupelo, the Planning Committee and staff discussed the language of the Development Code regarding mobile homes within the city. The Committee determined that the entire Development Code should be redrafted.

Mr. Falkner stated that there will be a Design Seminar by JBHM Architects on Thursday, February 19<sup>th</sup> at 5:00 p.m.

## **ADJOURN**

There was no further business and the meeting was adjourned.