

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
March 1, 2010**

The Tupelo Planning Committee held its regular meeting on Monday, March 1, 2010 at 6:00 p.m. in the Council Chambers at City Hall. Planning Committee members present were Chairman Michael Gratz, Jr., Mr. Russ Wilson, Mr. Scott Davis, Mr. Robert Myers, Mrs. Gloria Gasaway, Mrs. Patti Thompson, Mr. Rud Robison, Mr. Mitch Ellett, and Mr. Orlando Pannell. Development Services staff present were BJ Teal, Director, Pat Falkner, City Planner, Marilyn Vail, Zoning Administrator, Renee Autumn Ray, Senior Planner, and Brannon Kahlstorf, City Attorney.

CALL TO ORDER

Chairman Gratz called the meeting to order. Mrs. Thompson gave the invocation and Mr. Gratz led the Pledge of Allegiance. After an introduction of the committee and staff, Mr. Gratz explained the meeting's procedure and confirmed the agenda.

REVIEW/APPROVE PREVIOUS MINUTES

Mr. Ellett made a motion to approve the minutes from the January 2010 meeting. Mr. Wilson seconded the motion, which passed unanimously.

REPORT ON COUNCIL ACTIONS

Mr. Falkner stated the application to rezone property on Lawndale Drive from an R-1M, Medium Lot Residential Zoning District to a C-2, General Commercial Zoning District was approved by the City Council.

NEW BUSINESS

1. **MJ10-01: Scott and Sherrie Reese request a major conditional use to allow a home business at 505 Elvis Presley Drive in an R-1M, Medium Lot Residential Zoning District.**

Mr. Scott Reese stated that he and his wife would like to open a home business at their residence located at 505 Elvis Presley Drive. He stated that his wife would be the sole proprietor and would perform facials and other skin treatments for clients in the north end of their home. Mr. Reese stated that his home is the property that backs up to Veterans Park. He stated that there are really no neighbors on either side or in the rear of the property. He stated that he had already spoken with the Presley Heights Neighborhood Association, which he is very active in. He stated that he had already spoken with his neighbor across the street, Mrs. Byrd and his Councilman, Jonny Davis.

Mr. Reese explained that he and his wife, Sherrie, own the retail business Beauty Motif which is located in the Fairpark District. He stated that it is a retail and skin care boutique. He stated that there would be no retail sold from their home, only facial and skin care treatment, one client at a time. Mr. Reese stated that he anticipates a slow start in the beginning, approximating two to three people per week.

Mr. Ellett asked Mr. Reese if his wife does any facials at Beauty Motif. Mr. Reese stated no, the store is strictly retail.

Mrs. Thompson asked Mr. Reese what operating hours of the home business will be. Mr. Reese stated that it would be by appointment only. Mrs. Thompson asked if there would be a problem with parking. Mr. Reese stated no, the clients would be scheduled one at a time.

Mr. Wilson asked Mr. Reese if there was enough room in the driveway for a customer to turn around. Mr. Reese stated yes.

Mrs. Gasaway asked Mr. Reese what his plans would be if the business started to grow. Mr. Reese stated that the business is totally controlled. He stated that he and his wife require clients to be on their skin care in order to schedule appointments for facials and other treatment.

Mr. Wilson asked Mr. Falkner if a time limit could be placed on the application. Mr. Falkner stated yes, since the application is a conditional use.

Mr. Davis asked if a conditional use would affect the number of clients. Mr. Wilson explained that the Planning Committee has the right to place certain conditions on a conditional use application.

Mr. Pannell asked Mr. Reese if he plans to schedule any appointments after 5:00 p.m. Mr. Reese stated no.

At this time the Committee had no further questions for Mr. Reese. Mr. Gratz asked if there was anyone present to speak either for or against the application. No one was present.

Mr. Gratz then opened the meeting to discussion among the committee.

Mr. Gratz asked Mr. Falkner if he could explain to the new committee members and the public what steps were necessary of the Planning Committee to approve a major conditional use.

Mr. Falkner explained that, according to the Tupelo Development Code there are seven findings that the committee needs to make. At this time, Mr. Falkner stated each of the seven findings as stated in the code and found that the application met all findings.

Mr. Wilson made a motion to approve the conditional use for two years and then have the Planning Committee review it again. Mr. Pannell seconded the motion, which passed unanimously.

2. **VAR10-02: Armmie White requests a variance to allow the sale and consumption of beer at the Chatterbox Café, located at 628 North Spring Street in an C-1, Light Commercial Zoning District.**

Ms. Armmie White, 3258 Brooks Street, stated that she would like to sell beer at the Chatterbox Café. Ms. White stated that previously Ms. Corrine Carter had sold beer at restaurant, but had stopped serving it years ago for personal reasons. Ms. White stated that she has a lot of patrons requesting beer, especially tourists, and she thinks it would increase her business sales. She stated that even though the restaurant is small, it is a vital part of the community and has been in establishment for over 50 years.

Mr. Gratz asked the committee if they had questions for Ms. White.

Mr. Wilson asked Ms. White for details about the restaurant menu. Ms. White stated that she served fried chicken, pork chop, chitterlings, hog maws, mustard greens, okra, fried corn, and fried cornbread on the grill. Mr. Wilson asked how late the restaurant is open. Ms. White stated that she worked from about 8:00 a.m. until about 9:00 p.m., but sometimes earlier if business is slow.

Mrs. Thompson asked Ms. White if she had anticipated a sales increase by selling beer and also who she considers her targeted market. Ms. White stated that she did not really know, but she believed that her sales would be increased.

Mr. Davis asked Ms. White if the restaurant would stay open later if beer sales were allowed. Ms. White stated that if her business increased, then she would stay open later.

Mrs. Thompson asked Ms. White if she would be open on Sundays. Ms. White stated that she would probably open after church and close around 8:00 p.m. Ms. White further stated that if she decided to open on Sunday, she would close another day of the week. She stated that if her sales increase, she would be able to allow her mother to come back and work. She stated that she had been forced to lay her mother off when business became slow.

Mr. Pannell asked Ms. White the maximum capacity of the restaurant. Ms. White estimated the restaurant could hold as many as 50 patrons. Ms. White stated that she had a total of 16 tables inside the restaurant.

Mr. Gratz asked Ms. White if the Fire Marshall had rated the building. Ms. White stated no.

Mrs. Thompson asked Ms. White if she has adequate parking. Ms. White stated that she has two parking spaces on the south side of the Chatterbox Café and the vacant lot located on the north side.

Mrs. Gasaway asked if there was traffic congestion during lunch hour. Ms. White stated no because most lunch patrons call their orders and pick them up.

Mr. Wilson asked Mr. Falkner if the beer ordinances allowed business to sell beer to go. Mr. Falkner stated no. Mr. Wilson clarified that beer sales must be on premise consumption and open. Mr. Wilson clarified that no beer containers can be allowed outside of the restaurant. Mr. Falkner agreed. Mr. Wilson asked if the beer license could be revoked if there were any violations. Mr. Falkner stated that he did not know, but the variance could be construed that way.

Ms. Gasaway asked Ms. White what hours she would sell beer. Ms. White stated that she would follow whatever the law states.

Mr. Davis asked if there were a lot of children living in the area or if it was mostly made up of older citizens. Ms. White stated there is a mixture of all ages living in the neighborhood.

Mr. Wilson asked Ms. White if she had talked with the neighborhood association. Ms. White stated yes, that she had attended the February meeting at the CC Augustus Center and all the neighbors seemed to be in support of the variance.

Mrs. Thompson asked Ms. White if she had heard anything from Spring Hill Missionary Baptist Church. Ms. White stated that she had not heard anything from them and that she is a member of Spring Hill. She stated that she had asked some deacons how they felt about it and they were all in support of it.

Mr. Gratz asked Mr. Falkner if notices were sent out to the surrounding property owners. Mr. Falkner stated yes, but most of the surrounding property is rental property, therefore the actual tenant did not receive notice. Ms. White stated that she had mentioned the proposed variance to the tenants of the rental properties.

Mr. Ellett asked Mr. Falkner if a plat of the property is necessary to the department when a variance is applied for. Mr. Falkner stated no, since in this case there would be no physical change to the building or any new construction.

Mr. Gratz asked if there was anyone present to speak either for or against the application. Seeing none, Mr. Gratz closed the public input portion of the meeting and opened it to discussion among the committee.

Mr. Wilson stated since there was no opposition present at the meeting, he felt inclined to approve the variance.

Mr. Ellett suggested the Fire Marshall inspect the restaurant and set a capacity limit.

Mr. Davis stated that he is concerned about the restaurant being in a residential zoning district. Mr. Wilson stated that the Planning Committee had approved another restaurant in a residential zoning district located in Haven Acres. Mr. Falkner stated that the Haven Acres restaurant did not have a license to sell beer. Mrs. Gasaway stated that the Haven Acres restaurant has ample parking and the houses are not located directly across the street as with the Chatterbox Café.

Mrs. Thompson asked if there was a barbeque restaurant located near the Chatterbox Café. She then asked Mr. Falkner if that business would be applying for a beer license. Mr. Falkner stated no.

Mr. Pannell asked Mr. Falkner the limitations of revisiting the application. Mr. Falkner stated that expiration for the variance would be at the committee's discretion.

Mr. Gratz asked Mr. Falkner if there was anything in the code that would require Chatterbox Café to obtain liability insurance. Mr. Falkner stated no.

Mr. Gratz asked if there was a requirement that a dine-in restaurant receive a Certificate of Occupancy from the Fire Department. Mr. Falkner stated normally the Fire Department does inspect new business, but the Chatterbox Café may not have an inspection since it is such an old business.

Mr. Davis asked if a restaurant has to maintain a certain ratio of food versus alcohol. Mr. Falkner stated that the ordinance states restaurants are to derive at least 50% of their sales from food.

Mr. Robison stated that the Comprehensive Plan encourages mixed use districts. He then asked the difference between allowing the Chatterbox Café to serve beer and allowing business located within the Fairpark District to serve beer when both are located in or near residential or mixed use districts.

Mr. Falkner stated that one difference in the circumstances would be a neighborhood that is being developed as a mixed use district from the beginning versus an existing neighborhood.

Mr. Robison asked if the intention of the Comprehensive Plan was to allow change in the neighborhoods. He then stated that he viewed the variance as a positive door opening to a new opportunity for not just the proposed neighborhood, but for other neighborhoods in the city as the Comprehensive Plan is introduced and utilized.

Mrs. Gasaway asked if there was another restaurant located within the city that is located as closely to a church as the Chatterbox Café is to Spring Hill Missionary Baptist Church.

Mr. Falkner stated that the criteria for beer sales in close proximity to an existing church depend on the zoning and in this case it is not an issue.

Mr. Gratz verified that notices were sent out to surrounding property owners and no one was present to speak either for or against the application at the meeting.

Mr. Ellett made a motion to approve the variance with the condition that is revisited by the committee in 12 months and that the Fire Marshall inspects the restaurant and sets an occupancy limit. Mrs. Thompson seconded the motion which passed 7 – 1 with Mrs. Gasaway voting against.

OTHER BUSINESS

Mr. Gratz asked Mr. Falkner if there was other business besides the election of new officers. Mr. Falkner stated that the City Council had reviewed the Complete Streets policy and had requested the Planning Committee review it and vote on it as well.

Ms. Ray stated that the original draft of the policy included language that said “*if a proposed improvement would exceed 20% of the total cost of the road improvement project, it would not be considered.*” Ms. Ray explained that the draft had been changed to state “5%” instead of “20%” and that the City Council would be voting on the policy at their next meeting.

Mr. Wilson made a motion to recommend the adoption of the resolution to the City Council. Mrs. Gasaway seconded the motion, which passed unanimously.

Mr. Gratz asked if there was further business besides the election of officers. Mr. Falkner stated that several churches have expressed interest in providing a columbarium, which is a storage facility for cremated remains. Mr. Falkner stated that a columbarium does not take up a lot of space and could probably be constructed within an existing church. Mr. Falkner stated that the Development Services staff has been researching ways to include columbarium in the new development code.

Mr. Gratz asked Mr. Falkner the size of a columbarium vault. Mr. Falkner stated that one of the area churches had planned to construct a columbarium in their courtyard and the plans seemed relatively small. Mrs. Teal stated that the staff could provide the committee with drawings and photographs of other columbarium to give an idea of the size.

1. Election of new officers

Mr. Gratz asked the staff for a synopsis on voting requirements.

Mr. Falkner stated that in the past the sitting chairman would be over the elections for the upcoming chairman and the upcoming chairman would be over the election of the other officers.

Mr. Wilson made a motion to nominate Mr. Mitch Ellett as Chairman. Mr. Ellett accepted the nomination. Mr. Davis seconded the motion, which passed unanimously.

Mr. Myers nominated Mr. Wilson as Vice-Chair. Mr. Wilson accepted the nomination. Mrs. Thompson seconded the motion, which passed unanimously.

Mr. Gratz nominated Mrs. Thompson as secretary. Mrs. Thompson accepted the nomination. Mr. Pannell seconded the motion, which passed unanimously.

ADJOURN

There was no further business and the meeting was adjourned.