

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
August 3, 2009**

There was a regular meeting of the Tupelo Planning Committee held Monday, August 3, 2009 at 6:00 p.m. in the Council Chambers on the second floor of City Hall. Planning Committee members present were: Chairman Michael Gratz, Jr., Mr. Russ Wilson, Mrs. Judy Brown, Mr. Rud Robison, Mr. Bill Smith, Jr., and Mrs. Mabel Murphree. Department of Development Services staff present was: Mr. Pat Falkner, Ms. Marilyn Vail, Ms. Sherrie Cochran, and Mrs. Nikki Burton. Mr. Brannon Kahlstorf was present as legal counsel from Mitchell, McNutt, & Sams on behalf of the City of Tupelo. Committee members Mr. Dick Johnson and Mr. Mitch Ellett were absent from the meeting, as was Director of Development Services Mrs. B.J. Teal.

CALL TO ORDER

Chairman Gratz called the meeting to order. Mr. Smith led the invocation and Mr. Gratz led the Pledge of Allegiance. Mr. Gratz explained the meeting's procedures and confirmed the agenda. Ms. Brown made a motion to remove Item number 5, an appeal from Mr. Bob Starnes, developer of the Pines at Barnes Crossing, LLC, from the agenda. Mr. Smith seconded the motion, which passed unanimously.

REVIEW/APPROVE PREVIOUS MINUTES

Mrs. Murphree made a motion to approve the minutes from the June 2009 meeting. Mr. Smith seconded the motion, which passed unanimously.

REPORT ON COUNCIL ACTIONS

Mr. Falkner stated that there were not any council actions for the previous month since the Planning Committee did not hold a July 2009 meeting.

NEW BUSINESS

1. **MJ09-04: Jerry Enis requests a major conditional use to allow a manufactured storage building to be used as a supply center for the existing used car business located at 1743 North Green Street in a C-2, General Commercial Zoning District.**

Mr. Falkner stated that Mr. Enis has owned a used car lot on North Green Street since 2006. He stated that Mr. Enis plans to use the proposed manufactured storage building to house full-time employees, thus the need for a conditional use. He stated that Mr. Enis has also purchased adjacent properties on North Green Street and has used those properties to further develop his business. He stated that Mr. Enis has full-time mechanics on staff to work on the cars and would like to be able to sell auto parts as well. Mr. Falkner explained that the existing manufactured storage building is currently located

on another property, but Mr. Enis would like to move it to the used car lot on North Green Street. He stated that a building inspector has inspected the building and it meets the current building code. Mr. Falkner stated that Mr. Enis has submitted a site plan, but it needs some clarification. Mr. Falkner stated that the Department of Development Services has allowed Mr. Enis to have a manufactured building through a minor conditional use in 2008, but not one that would be occupied by personnel, and would only be used for storage and was not visible from the street. Mr. Falkner stated that it is his understanding that the proposed storage building will be visible from the street and the city now has newly adopted design standards with the intent of upgrading quality commercial development. He stated that the department is trying to eliminate the metal buildings from the commercial areas where possible and to limit the proliferation of them where applicable, which is why this type of building now requires a new level of design review and scrutiny.

Mr. Jerry Enis, stated that he is the owner of Jerry Enis Used Motors. He stated that he currently employs a technician who keeps customers' cars running. He stated that his customers are on limited budgets and he is trying to save them all the money he can. He stated that his bookkeeper's current office is covered in oil and supplies. He stated that he plans to move the manufactured storage building to the site on North Green Street to enable his bookkeeper to more efficiently take care of the business inventory. He stated that the proposed building was his personal office at his business in Aberdeen, Mississippi. He stated that he spent a considerable amount of money to make the building as insulated as possible, added carpet and interior lighting. He stated that it is fully operational and is a nice building. Mr. Enis stated that the existing building on the property has masonry on a portion of it and he would do the same to the proposed building if necessary in order to make it presentable.

Mr. Gratz asked if there was anyone present to speak either on behalf of or against the application. No one was present and Mr. Gratz closed the public input portion of the meeting and opened the floor to committee discussion. Mrs. Brown asked Mr. Gratz if the committee could ask Mr. Enis a few questions and Mr. Gratz stated yes.

Mrs. Brown addressed Mr. Enis by stating that his written statement of what the building will be used for and what the staff has stated the uses will be and what Mr. Enis has stated during the meeting are all three different. Mrs. Brown stated that she would like to clarify so that the committee and staff both understand what the use of the building will be. Mrs. Brown stated that Mr. Enis had stated that he plans to put his bookkeeper in the storage building and then asked Mr. Enis if that was correct. Mr. Enis stated that currently his bookkeeper is working with lots of parts supplies surrounding her and needs some relief, so he plans to move the supplies out of her existing office. Mrs. Brown asked if Mr. Enis would be leaving the bookkeeper's office in its present location and Mr. Enis stated that his bookkeeper does two or three different jobs, one of which is to prepare the repair orders, which is a part of what he plans to do with the storage building, which is storing supplies and as a customer needs work done on their vehicle, parts will be issued from the area to the technician. Mr. Enis stated that the bookkeeper may do that job, or he or the technician may do it. Mrs. Brown asked if the building would be

used for employees to walk in and out of to get parts or would someone be stationed in the building sitting at a desk for a number of hours. Mr. Enis stated probably both.

Mrs. Murphree asked the present location of the proposed building. Mr. Enis stated that the building currently sits on property on North Gloster Street adjacent to the Dollar General store in the Barnes Crossing area. Mr. Falkner stated that the building is currently located outside the city limits. Mrs. Muphree asked if the building is currently being used and Mr. Enis stated no.

Mr. Wilson asked if the building had been used at the old car lot that was located in the Barnes Crossing area and Mr. Enis stated no. Mr. Enis stated that he had used it on his car lot in Aberdeen, Mississippi and simply been storing it at its present location until he had a use for it.

Mr. Wilson asked Mr. Enis how he planned to situate the proposed building on the lot. Mr. Enis stated that the proposed building would be located on the rear east side of the existing building on the car lot. Mr. Wilson asked Mr. Enis if he planned to attach the proposed building to the existing building and Mr. Enis stated no. Mr. Wilson asked Mr. Enis if people would be going from the existing building to the proposed building. Mr. Enis stated that there are entry doors within close proximity of both buildings and that people will be going in to get their parts. Mr. Wilson asked if there would be a sidewalk or anything between the two buildings. Mr. Enis stated that the surrounding area is concrete, so no sidewalk is necessary.

Mr. Robison stated that he was trying to understand where the building will be situated on the property. He stated that it is his understanding that the proposed building will be located on the east side of the existing building and is about 25 feet long going from west to east. Mr. Robison asked if the proposed building would be in physical contact with the existing building on the property or if there would be a gap between the two. Mr. Enis stated that he planned to leave a little gap between the two buildings. Mr. Robison asked if the gap would be a foot or no more than ten feet. Mr. Enis stated that the proposed building would have to be bolted down and there would be as little space as needed between the two buildings. Mr. Robison asked if the proposed building would be as close to the existing building as possible and Mr. Enis stated yes.

Mrs. Brown stated that the committee has a picture that Mr. Enis drew and it looks as though the proposed building will be attached to the existing building. Mr. Enis stated that it would not be attached. Mrs. Brown asked Mr. Enis to show her on the site plan where the door is on the existing building and where the door will be on the proposed building. She then asked Mr. Enis if he plans to leave a little bit of space between the two buildings and Mr. Enis stated yes. Mr. Enis stated that he did not know how the proposed building could be attached to the existing building.

Mrs. Muphree asked Mr. Falkner if there is something in the current code regarding the number of temporary structures allowed on a commercial lot. Mr. Falkner stated no. Mrs. Murphree stated there is a code for residential.

Mr. Robison stated that if the building were to be placed in the position Mr. Enis alluded to, and is facing North Green Street so the door is visible from the street, then the roof slopes to the east and to the west and if the proposed building is within close proximity of the existing building, it looks like water will drain next to the wall of the existing building. Mr. Enis stated that he thought the roof would slant north to south. Mr. Enis stated that the proposed building would be placed far enough to the rear of the property so as not to block the door of the existing building.

Mrs. Murphree asked if the door of the proposed building is located on the 40-foot side of the building. Mr. Enis stated yes. Mrs. Murphree asked if the 12-foot side had any windows or doors. Mr. Enis stated no. Mrs. Murphree stated that according to Mr. Enis' site plan, the 12-foot side is oriented to the existing building, so Mr. Robison has brought up a good point that the water is going to run off of the building and into the small gap between buildings. Mr. Enis stated that there would be some water there, but it's not a big deal because the existing building is already equipped to handle the water. Mrs. Murphree stated that it could cause an issue with mosquitoes. Mr. Enis stated that there is good drainage on the property. Mr. Enis stated that all the water will be handled.

Mr. Gratz asked the committee had any additional questions for Mr. Enis. Mr. Robison stated that he had another question about the water.

Mr. Robison asked if the water from the existing building is being handled with gutters and downspouts. Mr. Enis stated yes.

Mr. Gratz asked if there were any further questions and then opened the meeting to committee discussion. Mr. Gratz asked the committee if they had any questions for Mr. Falkner.

Mr. Robison asked Mr. Falkner if he could give the committee any insight as to how the project relates to the Comprehensive Plan. Mr. Falkner stated that one of the areas that the staff had already started moving in the direction of the Comprehensive Plan lies out for commercial development was the implementation of higher design standards for building and commercial areas, particularly on the major thoroughfares and the gateway areas of the city.

Mrs. Muphrree stated that although Mr. Enis' property is not a gateway into the city, it is a gateway into two public schools located on North Green Street. She then asked Mr. Falkner if he considered the use of the proposed building an appropriate structure for a very heavily traveled street and into a major neighborhood and into two major school areas. Mr. Falkner stated no.

Mr. Wilson asked Mr. Falkner if vehicles have to be a certain distance off the street. Mr. Falkner stated that they have to be off the public right of way. Mr. Falkner stated that the city monitors car dealerships on that point.

Mrs. Brown asked Mr. Falkner if metal buildings like the proposed building have been allowed in places similar to Mr. Enis' in the past year or two. Mr. Falkner stated no. He stated that going back further, when manufactured buildings were allowed by minor conditional use, they have been allowed, but since the standards have changed in the past few years, approval has not been granted for those type buildings. Mrs. Brown asked if there have been any requests to have metal storage buildings in the past two years. Mr. Falkner stated yes, one on West Main Street that was denied and another in a neighborhood that the committee denied, but the City Council overrode the committee's decision and approved it.

Mrs. Murphree stated that she thought the committee had denied a metal building on South Gloster for Mr. Sheffield.

Mr. Gratz asked Mr. Falkner to speak to the visibility of the proposed building from the street. Mr. Falkner stated that the proposed building would be somewhat setback behind the existing building but would still be visible from the street.

Mr. Gratz asked Mr. Falkner if installing masonry on the proposed building was part of the original application. Mr. Falkner stated that masonry had not been previously discussed and stated that he was not sure masonry could be added to the proposed building successfully. He stated that at one time, the design standards only required 50% masonry, but now that the standards require 100% masonry, he did not know how it could work on a metal building.

Mrs. Murphree stated that there are two signs located on the existing building and asked Mr. Falkner if two signs are allowed on one building. Mr. Falkner stated that the ordinance allows for a certain square footage of sign are and does not prohibit two signs on a building. He stated that the square footage of signage on the building is based on the length of the wall and Mr. Enis' signage seems to be in compliance.

Mr. Gratz asked if there was any further discussion. After being none, he asked if the committee had a motion.

Mrs. Murphree made a motion to deny the application as it is not in alignment with the Comprehensive Plan and the design standards that the city is trying to achieve and also based on the fact that similar applications have been denied in the past few years. Mrs. Brown seconded the motion, which passed unanimously.

Mr. Enis asked that the committee talk to Development Services staff because he had talked with Ms. Vail about the application and had spent a lot of time on the project. He suggested the committee have the staff warn citizens not to waste their time on projects like his.

Mr. Gratz informed Mr. Enis of his right to appeal the committee's decision.

2. **MJ09-03: NMMC Child Care Center requests a Major Conditional Use to allow the placement of a modular building to be used as a speech and physical therapy clinic at 4524 Eason Boulevard in an M-1, Medical Zoning District.**

Mrs. Murphree stated that she would not be voting on the application because she is a member of the NMMC Board.

Mr. Falkner stated that the application submitted by NMMC appears to be similar to Mr. Enis' application because it is a manufactured type building, but there is a major distinction in the code, a provision in Chapter 12 that allows the use of these buildings under special circumstances for medical and educational facilities, thus creating a different category for the application. Mr. Falkner stated that the proposed building has actually been in use on the campus of the NMMC Women's Hospital and is currently in place and visible at that location. Mr. Falkner stated that NMMC wants to re-locate the building to another area in the general location in order to give the hospital some flexibility while they are in the process of change. Mr. Falkner stated that the availability of the building will allow NMMC to continue activities while they make a transition in permanent buildings.

Mr. Bruce Ridgeway, NMMC, stated that the modular building is only a temporary relief for a service the hospital provides. Mr. Ridgeway stated that the Child Care Center is available only to children of NMMC employees and currently enrolls approximately 300 children. Mr. Ridgeway stated that of the 300 children, at any given time, 15 to 18 children can be actively receiving some form of therapy, whether it be speech therapy or occupational therapy, or any other type of therapy. He stated that currently parents pick their children up from the Child Care Center, take them to the necessary rehab facility, then returning the children to the Child Care Center. He stated that over the past few years, NMMC had decided to experiment a little bit by assigning physical therapists, speech therapists and occupational therapists to the Child Care Center and they actually operate a small clinic there for the children. Mr. Ridgeway stated that it is a lot easier for the therapists to walk down the hall, observe the child in a playing mode and gain some insight on what issues the child has at that point, and then take the child into the therapy room and proceed with whatever is necessary. Mr. Ridgeway stated it is much more convenient for the parents and is the result of the parents asking NMMC if they had a solution. Mr. Ridgeway stated that there are currently three modular buildings located on the campus. He stated that two have been leased and will be removed within the next two months. He stated that the building that they wish to relocate is about 400 square feet, and is a typical modular building. Mr. Ridgeway stated that as they looked at the opportunity to put up a more permanent, or at least not quite as temporary service location, they found a site due west of the Child Care Center's existing gymnasium that would be completely out of public view and in a ravine that is covered with concrete and has an appropriate drainage ditch. Mr. Ridgeway stated that he has talked with North Mississippi Pediatric Clinic, who is the land owner immediately to the west, and they have no problem with NMMC placing the structure in the proposed site. Mr. Ridgeway stated that NMMC is viewing the modular building and the service as a test case. He

stated that if over a period of a couple of years the proposed clinic proves to be successful, then a more permanent solution will be pursued.

Mr. Gratz asked the committee if they had any questions for Mr. Ridgeway.

Mrs. Brown asked where the modular building would be placed in relation to the existing drainage ditch and culvert located on the site. She stated that according to the site plan, it appears that the building will sit on top of the drainage ditch, which appears to run in three different directions. Mr. Ridgeway stated that the length of the modular building is 40 feet. He stated that the distance from the culvert to the fence is about 55 to 60 feet. Mr. Ridgeway stated that they propose to place the building about 15 to 20 feet from the culvert. Mr. Ridgeway stated that the building will be shifted to the west which will mean it will sit halfway on the concrete and halfway on the lawn. Mr. Ridgeway stated that it will be located away from the existing gymnasium and away from the culvert. Mr. Falkner stated that the City Engineer, John Crawley, concurred that there will not be a problem with the drainage.

Mr. Robison asked Mr. Falkner if Chapter 12 of the Tupelo Development Code allows this type of structure. Mr. Falkner stated yes. Mr. Robison asked Mr. Falkner to elaborate. Mr. Falkner stated that Section 12.3.2 of the Tupelo Development Code allows factory fabricated transportable buildings to be used as expansion space for existing churches, health care facilities, government offices, etc.

Mr. Robison asked Mr. Ridgeway the time frame for the project. Mr. Ridgeway stated that NMMC should know within the next two to three years if they would like to pursue a permanent clinic on the Child Care site.

Mr. Gratz asked the current location of the proposed modular building. Mr. Ridgeway stated that it is currently on the campus of the Women's Hospital. Mr. Gratz asked if it is near the service entrance. Mr. Ridgeway stated no, the modular building is currently adjacent to another modular building in an alcove located at the front of the Women's Hospital, but they will both be removed within the next couple of months. Mr. Gratz asked if the building will be less visible in the proposed location. Mr. Ridgeway stated yes.

Mrs. Brown addressed the existing temporary stairs now in use for the proposed modular building. She pointed out that the stairs did not look very attractive or very safe, especially when dealing with small children. She stated that an adult may be able to handle the open stairwells, but they do not look very sturdy. Mrs. Brown asked Mr. Ridgeway if NMMC plans to move the stairs along with the structure or if they are planning to do something a little more child friendly. Mr. Ridgeway stated that new stairs will be built to make a much more permanent and useful staircase. Mrs. Brown stated that if she were going to vote for the approval of the building, she would like to see the replacement of the existing stairs as a condition.

Mr. Robison asked if there would be any physical connection between the modular building and the Child Care Center, such as a canopy. Mr. Ridgeway stated there is none planned at this time.

Mr. Wilson asked the life expectancy of a modular building. Mr. Ridgeway stated that NMMC has owned the unit for about ten years. Mr. Ridgeway stated that it was used as the Eupora Emergency Department for about three years and has been in its current location for about three years. Mr. Ridgeway stated that the modular building is probably good for about one more move before becoming dysfunctional. Mr. Wilson stated that with the building being in a non-visible location and it nearing the end of its life expectancy, he did not see a need in placing a time limit on an approval of the conditional use. Mr. Wilson stated that the difference between Mr. Enis' proposed building and NMMC's modular building is that Mr. Enis had planned to make his building a permanent structure, whereas the modular building would only be a temporary clinic for the Child Care Center.

Mr. Gratz asked if there was anyone present to speak either in favor or against the application. As there were none, he closed the public input portion of the meeting and opened the discussion to the committee.

Mrs. Brown stated that she did not really have a problem with the application. She stated that she thought the request is a good service for an employer to offer its employees and their children, a needed health issue, thus meeting one of the major criteria for granting something like this. Mrs. Brown further stated she might like to see, as a member of the Planning Committee, conditions placed on an approval: one being an upgrade of the existing stairs, and the other being a time limit set with a more permanent solution planned instead of just having the temporary building because it is very unattractive.

Mr. Robison asked what would happen if a time limit were set and if the unit were not moved or done away with at the end of the given time frame. He asked if the applicant would re-apply for the unit to be used for a longer period of time. Mr. Falkner stated yes, Planning Committee approval would be required. Mr. Robison asked if it would be appropriate to consider a time frame. Mr. Falkner stated yes.

Mr. Gratz asked if the Department of Development Services would calendar and check on the status of the building in two years. Mr. Falkner stated yes.

Mr. Wilson stated that he did not have a problem with a time frame. He stated that according to Mr. Ridgeway, NMMC would know in approximately two years if the project could move forward and become permanent. He stated that he felt a four or five year limit would be more appropriate. He stated that if the committee approved the request for only two years, then all they are doing is reserving the right at some point in the future to see if anything has changed that might make it no longer appropriate. He stated that a little longer time limit seems reasonable. Mr. Robison agreed.

Mrs. Brown stated that if the building is almost at its end, a two year limit is enough that the Planning Committee could re-visit the application based on if the building passed city inspections. She stated that if the building is still functional in two years time, the Planning Committee could grant another conditional use and place a further time limit on the building. She then stated that she is not in favor in making the application a long term issue without reviewing it again.

Mr. Gratz asked the committee if they were ready to make a motion.

Mr. Wilson stated that limiting the building to only two years is too restrictive.

Mrs. Brown asked what if the committee is willing to compromise because the issue requires a two-thirds majority vote.

Mr. Gratz stated that since the request is a major conditional use, it only requires a simple majority vote. He stated that the issue is pertinent and asked Mr. Ridgeway to address the committee and state the longevity of the life expectancy of the modular building.

Mr. Ridgeway stated that certainly within three years, NMMC would know the future of on-site therapy services for the Child Care Center. He stated that he does not expect to have to come back to the Planning Committee for anything beyond three years use of the modular building. He stated that the building would be moved onto the Child Care Center campus within the month.

Mrs. Brown stated that she could compromise and agree to a three year time limit for the proposed conditional use.

Mr. Wilson made a motion to approve the request with the condition that it be for a three year duration before coming back to the Planning Committee for approval, if requested, and also that the entrance steps be upgraded from their present condition in a manner that is agreeable to the Department of Development Services. Mrs. Brown seconded the motion, which passed unanimously, with Mrs. Murphree abstaining from the vote.

3. MJSUB09-02: GW Properties requests a six-lot subdivision on approximately 12.32 acres on the southwest corner of Coley Road and McCullough Boulevard in a C-2, General Commercial Zoning District.

Mr. Falkner stated that the property was rezoned in 2005 from C-3, Heavy Commercial to C-2, General Commercial at Mr. Clyde Whitaker's request and by Planning Committee and City Council approval. Mr. Falkner stated that at that time, Mr. Whitaker had a conceptual layout of what the possibilities would be for subdividing it for use. Mr. Falkner stated that in the interim, since that time, a couple of lots that have street frontage on McCullough Boulevard were subdivided out as minor one-lot subdivisions, but the interior has not been presented for major subdivision approval pending some marketing

and finalization of exactly what would be the best way to develop the property and get an anchor in there. Mr. Falkner stated that the property owners had chosen to go ahead and build the streets in the subdivision in order to facilitate the marketing of the property. He stated that the street plans had been submitted to the city for review with the idea that at some point they would like to have it dedicated as a public street. Mr. Falkner stated that the street plans have been through all necessary departmental review and has passed all engineering inspections and already qualifies for dedication as a public street. Mr. Falkner stated that with a commercial subdivision, sometimes flexibility is necessary with lots. Mr. Falkner used the property around the Mall at Barnes Crossing as an example for property line flexibility. He stated that some of the southern lots of the proposed subdivision may need some lot line flexibility at the applicant's request, but the rest of the subdivision's lot lines are permanent. Mr. Falkner stated that the lots of the proposed subdivision meet the minimum lot standards and the subdivision package is complete.

Mr. Clyde Whitaker, of GW Developers, stated that he did not want to divide the property into lots until he had a better idea of how the property would develop. He stated that approximately 15 years earlier he had decided a grocery store was needed in the western part of the city. Mr. Whitaker stated that he needs to have the property subdivided so that he can begin the financing and obtain building permits. He stated that once a proposed grocery store is constructed, he will be able to tell how he would like to develop the remaining portion of the site. He stated that the proposed grocery store will contain approximately four and a half acres and will be a 26,000 square foot grocery. He stated that it will not be as large as a super grocery store, but will be large enough to accommodate the community. Mr. Whitaker stated that he believes a grocery store in the western part of town will be a very viable business. He then stated that the name of the street going through the subdivision has been changed from McCullough Center to Dimple Gates Drive.

Mrs. Murphree asked Mr. Whitaker if he had a grocery store tenant for the site. Mr. Whitaker stated yes, unless he runs into a major problem, he has someone who would like to have a grocery store up and running by about March of 2010. Mr. Whitaker stated that the plans have already been drawn and submitted for bids. Mrs. Murphree asked Mr. Whitaker if he could reference the size of the proposed grocery store to an existing grocery store in Tupelo. Mr. Whitaker stated that Kroger grocery store has approximately 60,000 square feet, while Todd's grocery store has about 16,000. He stated that Kroger has a lot of non-grocery store items that the proposed grocery store will not have, yet it will be a full service grocery.

Mr. Wilson asked Mr. Falkner if the subdivision plan meets all city requirements. Mr. Falkner stated yes. Mr. Wilson asked Mr. Falkner if there were any concerns with the proposed subdivision. Mr. Falkner stated that when the rezoning was approved in 2005, the visibility from the street coming into Coley Road was questioned, but the engineers are now satisfied that there is adequate sight distance.

Mr. Gratz asked the committee if they had more questions for Mr. Whitaker.

Mrs. Murphree asked Mr. Whitaker if the retail stores and restaurant drawn on the submitted plan are existing buildings. Mr. Whitaker stated no. Mr. Whitaker stated that there are several tenants interested in the site, such as a doctor's office, and others interested in a strip center. Mr. Whitaker stated that the buildings drawn on the plans are proposed buildings and the only existing buildings are a bank and another restaurant. Mr. Whitaker stated that proposed buildings will be similar to the existing buildings on the site.

Mr. Robison stated that the application appears to be in keeping with the Comprehensive Plan.

Mr. Falkner stated that this area was identified as an activity center in the Comprehensive Plan. Mr. Falkner stated that the addition of a grocery store in the area would create the synergy that would make the activity center work.

Mr. Gratz asked if there was anyone present to speak either in favor of or against the application. No one was present and the public input portion of the meeting was closed and the floor was opened to committee discussion.

Mr. Robison stated that he is encouraged by the proposed development, especially with it being in keeping with the Comprehensive Plan.

Mrs. Murphree stated that the Committee should set their standards for more good developers that will see a project through with what is intended.

Mr. Wilson made a motion to approve the subdivision. Mrs. Murphree seconded the motion, which passed unanimously.

Mr. Gratz stated that Mr. Whitaker had submitted a very good application and had a very good presentation.

4. **VAR09-06: Tupelo Church of God requests a variance to allow the erection of pole lights that are 50 – 55 feet in height rather than the allowed 25 feet at a softball field located behind Tupelo Church of God at 1813 Briar Ridge Road in an R-1M, Medium Lot Residential Zoning District.**

Mr. Falkner stated that the regulation in question is part of the site plan requirements for projects that are submitted for review. He stated that commercial projects, church projects or non-profit projects are subject to a review process that must meet several criteria of the Tupelo Development Code, but the majority of them are addressed in Chapter 13. Mr. Falkner stated that exterior lighting is under a requirement that is intended to keep the city from having too much excess light spilling out onto properties other than those within a development or those properties the lights are intended to illuminate. Mr. Falkner stated that there is a two-part standard in Chapter 13 for lights; one is on the height of the pole and the other is on the type of lighting and the actual light

effects. Mr. Falkner stated that the height standard limits the poles to 25 feet in height and is intended to be a focused-type light that keeps light to one area rather than broadcasting light up and out. Mr. Falkner stated that the standard is measured in terms of foot candles of illumination at the property line. He stated that to determine that, the applicant was asked to submit a study that is done by the supplier of the light fixtures that actually maps the intensity of light that could be expected from the type of light fixture used and the height requested. Mr. Falkner stated that the committee has a display of both the numerical results of the study and a plotted aerial map which shows the higher levels of illumination than what the code allows. Mr. Falkner stated that the idea is to keep bright lights from shining into residences during times of rest, etc., and the light should be confined to the property it is intended for. He stated that between the height of the lights and the brightness that would be needed for a ball field, it appears to have some spillover effects. Mr. Falkner stated that the application is unusual because the city does not have many similar cases, even though there are several City of Tupelo ball fields, most are not surrounded by residential property on at least two sides like the proposed location. Mr. Falkner stated that there is also a difference of elevation. He stated that the church on Briar Ridge is at a higher elevation than the ball fields.

Rev. Jack Ezell, Pastor of Tupelo Church of God, stated that he has been the pastor of the church for the past 45 years. He stated that the church bought the property a long time ago and when the sanctuary was built there was a member that wanted to have a softball team. Rev. Ezell stated that since they have created the softball field, people other than church members are requesting use of it, but they are handicapped because there are no lights. He stated that there are also church members, old and young alike, are interested in forming church ball teams. Rev. Ezell stated that they are not there to do damage, but to help the neighborhood. He stated that there are two people that have been living behind the church for many years and they evidently received letters from the Department of Development Services. Rev. Ezell stated that the resident's names were Kelly and they had both called him and asked him to let the committee know they are in favor of the ball fields and expressed an interest in watching softball games held there. Rev. Ezell stated that the church wanted to have the softball fields lit for those who want to play but do not have a place to play, and also to encourage the young people in the church and surrounding neighborhood to play. Rev. Ezell stated that the ball field is complete with fencing, and only needs lights. He stated that there would be no all-night activities on the field and the church only wants it to be a place for the neighborhood and the church. Rev. Ezell stated that at the latest ball games would probably be over no later than 10:30 p.m.

Mr. Gratz asked the Committee if they had any questions for Rev. Ezell.

Mr. Wilson asked Rev. Ezell if the people who had called him and said they could not be at the meeting were elderly or handicap in some way that would prohibit them from attending the meeting. Rev. Ezell stated that he did not know, but had received calls from both residents on Thursday evening in favor of the application. Mr. Wilson stated that if either of the residents were to move or sell the property later on, prospective buyers looking at the houses during the day would have no idea there are softball field

lights that might be considered a problem, thus creating an undesirable effect and causing blight in the neighborhood. Mr. Wilson asked how many residences are adjacent to the church property. Rev. Ezell stated that the two Kelly residences are located adjacent to the ball field and one other resident.

Mrs. Brown asked Rev. Ezell how many years the ball field has been located on the property. Rev. Ezell stated the field has been in existence for at least ten years, maybe longer.

Mrs. Murphree asked Rev. Ezell how many softball games are played on the field during the course of a season. Rev. Ezell stated that he did not know because the church has not really used it, yet. He stated there have been approximately 10 – 12 games played on the field in the past few years. Mrs. Murphree asked if the church is part of a league where other churches visit the ball field for games. Rev. Ezell stated that yes, the church plans to have a league and there will probably be times when other church teams come in a play. He stated that they would probably want to host weekend tournaments, but there would be a time limit for night games. Mrs. Murphree asked Rev. Ezell how he planned to police the field to prohibit kids from loitering when no games are being played or when there are no church activities. Rev. Ezell stated that they have dealt mainly with other churches, but occasionally a children's ball team will request the field for practice. He further stated that there would always be someone from the church at any softball games, whether it be church league or otherwise. Mrs. Murphree asked Rev. Ezell how he planned to monitor activities if people simply decided to show up and use the fields without asking. Rev. Ezell stated that there would be locked gates around the fields, but not around the parking lot.

Mr. Gratz asked if there were any other questions from the committee.

Mrs. Brown asked Rev. Ezell the number of days the lights might be on and the time of year they might be on. Rev. Ezell stated that most games would be played in the late evenings and early dark.

Mr. Wilson asked Rev. Ezell how he plans to control the lights. Rev. Ezell stated that the church would have a member to control the lights and the lights will be locked.

Mr. Gratz asked if there was anyone present to speak in favor of or against the application.

Mr. Vance Kimball, 30051-A Edwards Road, Nettleton, Mississippi, and member of Tupelo Church of God, stated that the reason the proposed lights needed such height was to avoid blinding the players. He stated that the application is about more than just softball. Mr. Kimball stated that for the past several years he has been a part of a prison ministry where church members go and play against prisoners. He stated at the end of every game, church members meet the prisoners at the mound where the word of God is shared and lives are changed. Mr. Kimball stated that it is the church's wish that God will bless the softball ministry and carry it further than just softball. He further stated

that the softball league would be a way to keep the youth off of the streets. Mr. Kimball stated that softball is a useful tool to get people into church and to give opportunity to witness. He stated that the church hopes to have a Fall League this year, if the lights are approved. Mr. Kimball further stated that no tournament games would be held on Sundays, and most games would be held on Friday nights, Saturdays, and Saturday nights. Mr. Kimball stated that the church has already invested over \$25,000 in the field, but is unable to use it successfully because there are no lights.

Mr. Gratz asked the Committee if they had any questions for Mr. Kimball.

Mrs. Murphree asked if the fields would be used mostly during the week or on weekends during the fall season. Mr. Kimball stated that during the summer months, the church league practices on Tuesday evenings from 6:00 to 7:30 p.m. He stated that the lights will need the light mostly on Friday and Saturday nights. Mrs. Murphree asked about other church activities where the lights may be needed, such as a fall festival. Mr. Kimball stated that those types of activities are usually held during daylight hours.

Mr. Gratz asked Mr. Kimball to speak briefly about the security of the lights as far as people being able to turn them on. Mr. Kimball stated that the lever to turn the lights on and off would be located in a box on a pole and would remain locked, as would the gates.

Mr. Gratz asked if there were any more questions for Mr. Kimball.

Mrs. Brown stated that she was not sure she understood the church's intention for the field. She stated that she thought Rev. Ezell had stated that the field could be used by other people, such as Park & Rec teams, possibly, when they could not get fields within the City of Tupelo Parks & Rec System. Mr. Kimball stated that he did not think that would be a possibility. Mrs. Brown asked Mr. Kimball if he thought the fields would have nightly use during the season. Mr. Kimball stated that the church has no intention of making the softball field public. Mrs. Brown asked Mr. Kimball if church members who have young teams would be allowed to use the field for practice. Mr. Kimball stated yes, church members could come and use the field. Mrs. Brown then stated that there is a possibility that the field might get nightly use. Mr. Kimball stated no, because church members would not abuse the field and it would be Rev. Ezell's decision as to who would be given keys to the lights and the fields.

Mr. Robison asked if the church intended to rent the ball field out to the general public. Rev. Ezell stated no, as did Mr. Kimball.

Mr. Wilson asked Mr. Kimball what type of investment is required for the proposed lights. Mr. Kimball stated approximately \$20,000.00

Mr. Gratz asked if there were any more questions for Mr. Kimball. He then asked if there was anyone present to speak either for or against the application. Seeing none, he closed the public input portion of the meeting and opened it to the committee for discussion.

Mr. Gratz asked Mr. Falkner how the Department of Development Services could ensure that the lights, if approved, would be focused on a very limited area and not exceed the maximum foot candles as prescribed. Mr. Falkner stated that the staff would make sure the lights met Planning Committee requirements through commercial site plan inspection process. He stated that commercial plans would be reviewed and approved first, then site visits would require approval.

Mr. Wilson asked how many poles are required in the proposed plan. Mrs. Brown stated there are six poles on the submitted application.

Mrs. Brown stated that she realized the zoning for the area is R-1M and a church is a permitted use, but then asked Mr. Falkner to cite where in the Development Code a baseball field is a permitted use in an R-1M zoning district. Mr. Falkner stated that normally, on a church property, the staff looks at things such as ball fields as an extension of the church program. He stated that the ball field is not, in principle, any different from a church having a gymnasium with basketball goals. Mr. Falkner stated that he did not think about looking at the field as if it were a separate issue from the church, but at that time consulted the Development Code to see what category recreation falls into. Mrs. Brown stated that she only asked the question because the application is a precedent setting issue. Mr. Falkner stated that recreational facilities are a permitted use, but lights create a question of hours of use, which has to do more with the time than the impact of the lights. Mrs. Brown then stated that by looking at the aerial view, there is a lot of undeveloped land that is directly next to the church and field. She asked if the Department of Development Services has any thought about how the lights would affect the future development of the vacant land and the property values of the surrounding area. Mr. Falkner stated that normally, if considering property for residential use, a public park contributes value to the property. He stated that he did not know if the same affect could be attributed in this case since it is not a public park, but strictly a private ball field. Mr. Falkner stated that there is not a lot that would tend to suggest that the ball field would have a positive effect.

Mr. Gratz asked Mr. Falkner if the property owners located behind the outfield had received notification of the hearing. Mr. Falkner stated that notices were sent, but the staff did not receive any calls from adjacent property owners.

Mr. Wilson stated that if the adjacent property were rental property, the property owner would have received the notice and not the tenant.

Mr. Gratz asked the committee if there was any further discussion.

Mr. Robison asked Mr. Falkner if the applicant could install lights up to 25 feet in height. Mr. Falkner stated yes. Mr. Robison asked if the whole issue is to allow the applicant to install lights of 50 – 55 feet in height. Mr. Falkner stated yes, except that the same fixture at 55 feet will allow more light off the property than it would at 25 feet. Mr. Robison asked if the reason for asking for the variance is to allow proper lighting to play softball. Mr. Falkner stated yes.

Mr. Gratz stated that he is concerned with the proximity of the field to Briar Ridge Road, and by his calculations it is about 300 – 400 feet. Mr. Gratz asked Mr. Falkner his estimation of a light pole with 12 lights shining into the traffic, or would the lights even reach the street since the field is in a depression. Mr. Falkner stated that yes, the field is in a depression and most of the light is facing the opposite direction of Briar Ridge Road.

Mrs. Murphree asked Mr. Falkner how tall the existing lights are at the ball fields located on Joyner Avenue. Mr. Falkner stated that he did not know and that the Joyner lights have been in place for some time and to his knowledge, were not submitted to the Department of Development Services for review. Mrs. Murphree stated that they are located close to the street.

Mr. Gratz stated that the ball field closest to Joyner Avenue is not currently being use and that most games are now played at the newly developed consolidated ball fields at Ballard Park.

Mr. Robison stated that Rev. Ezell had commented that the neighbors had had no disagreement with the plans for the church to provide lighting for the ball field. Mr. Robison asked what recourse the adjacent neighbors would have if the lights are bothersome once approved. Mr. Falkner stated he really did not know if there could be a recourse once the lights are approved and in place.

Mrs. Murphree stated that a condition cannot be placed on a variance. Mr. Falkner agreed and stated that it is not specifically provided for in the Development Code as with a conditional use, but it might be possible in a situation like this where the issue is not just a physical facility, but also the hours of use. Mr. Falkner stated that he did not know of anything in the code that would prohibit a condition on a variance.

Mrs. Murphree asked for legal advice from the City of Tupelo's legal representative.

Mr. Brannon Kahlstorf, City Attorney, stated that he was not sure if a condition could be placed on a variance, but would look into it and let the committee know.

Mrs. Brown stated that she was having trouble finding where the application meets the standards of review. She then asked if any member of the committee could tell her where they might be able to grant the request under the code and variance request. She stated that the committee could not grant the request just because they would like to or because they think it would be nice for the church. She stated that the committee has to have a good sound reason for granting the variance based on the ordinance and stated that she could find none. Mrs. Brown stated that she could find reason to for the public and the other property owners who may not at this time have a problem with the lights, but for future adjacent property owners who may or may not purchase property because of the lights, thus making the property value decrease, she could find reason to deny the request based on what is in the code.

Mrs. Murphree stated that Mr. Falkner stated that he would consider the request as an extension of the church, much like a gymnasium or a Family Life Center.

Mrs. Brown stated that a variance requires something peculiar about the property and the committee cannot just grant the variance for the convenience of the applicants and must find that it meets one of the four factors in the Development Code and grant it based on that. She further stated that she could not find where the variance request meets one of the four factors, but was willing to listen to the rest of the committee to tell her where it does that.

Mrs. Murphree asked Mr. Falkner if he could determine that the request met one of the four factors. Mr. Falkner stated no.

Mr. Gratz asked Mr. Falkner if there are any other churches in town that have lighted ball fields. Mr. Falkner stated there were none that he is aware of. Mr. Gratz asked what other churches do for softball fields. Mr. Falkner stated that a number of them play on city fields at Ballard Park or Veterans Park, or they may play on fields outside the city limits, such as at Chesterville or Auburn.

Mr. Gratz stated that he sensed some uncertainty among the committee. He stated that the committee has the right to approve, deny, or conduct an additional public hearing. He stated that in his opinion, the committee needed to hear from Mr. Kahlstorf to determine if they could place conditions on the variance.

Mr. Kahlstorf stated that in Section 6.1.4, Action by the Planning Committee, Sub-Section 5, the code does state that the “in granting any variance, the Planning Committee may attach such conditions to the approval as it deems necessary and appropriate to satisfy the standards as set forth in Section 6.1.5 to reduce or minimize any injurious affect of such variance upon other property and neighborhood and to ensure compliance with other terms of this ordinance.” Mr. Kahlstorf stated that the Planning Committee may attach any conditions.

Mr. Wilson stated that he would feel more comfortable if the committee had letters from the surrounding property owners stating that they have no problem with the proposed lights.

Mrs. Murphree asked Mr. Wilson if he were suggesting tabling the application.

Mr. Wilson stated yes. He stated that he is trying to give the church an opportunity because he thinks there is something in the application that could be an asset to that area of the community and the neighborhood. He stated that there could be some people that would like to move to the area because of the softball field and it could become a good, wholesome place to go. Mr. Wilson then stated that given the right circumstances, the softball field could really be an asset for the area.

Mrs. Murphree stated that she thought tabling the application was the fairest thing to do since most of the committee seemed to have concerns, yet admired the church for wanting to have an outreach program.

Mr. Gratz stated that Mr. Robison made a very good point by stating that the church is within their right to erect 25-foot lights and the committee should recognize that fact. He stated that Mr. Wilson also brought up a very good point by stating that the committee should consider property owners that are not present for the meeting, even though they may have received notice and forgone their right to attend the meeting, they may not realize the impact of a 50-foot lights.

Mrs. Brown stated that it the committee's interest is not only in making sure the property owners nearby are looked after, but that the whole city is looked after. She stated that once the committee grants the variance, then the next time lights come before the committee from another neighborhood, the code states that "granting the proposed variance will not confer on the applicant any special privilege that this ordinance denies to other land structures or buildings located in the same zoning district." She stated that right now, the committee can honestly say that the softball field does not confer any special privilege, but once the variance is granted, the committee opens the whole city up for lights at this height, not just the church, but for everybody else that might want taller light structures in the city.

Mr. Wilson stated that he thought the committee had always interpreted the code to mean "given the same circumstances." He then stated that the committee would need to make sure that those things were cited in a motion.

Mrs. Brown stated that she was just quoting the words of the code, not the way they are interpreted by individuals of the committee.

Mr. Wilson made a motion to table the variance request until the September meeting in order to give the applicant time to address the issues brought up by the committee.

Mr. Gratz stated that it is probably appropriate to be very specific in the motion so that the applicant knows exactly what the committee is asking of them.

Mr. Wilson stated that there are a lot of different concerns.

Mrs. Murphree stated that the committee normally requires a notarized letter from property owners. She then suggested that adjacent property owners submit notarized letters to the committee stating. She also stated that that the Department of Development Services should do a little due diligence and determine the height of the lights at Joyner, even though they are not being used, but lights are being used on the tennis courts.

Mrs. Brown stated that she did not think the committee could compare what is on city property to what is on private property.

Mrs. Murphree stated that it would give the committee a frame of reference.

Mrs. Brown agreed that it would give a frame of reference about how tall the lights would be, but anything that has tall lights and is to the benefit of all the citizens of the town and tax payer dollars is different from what the committee might allow for a variance on private property in a residential neighborhood.

Mr. Gratz stated that he thought Mrs. Muprhree was just talking about for comparison sake so the committee could get an idea of the height involved.

Mrs. Brown stated that she had stopped and talked with employees of Tupelo Water & Light who were working near the ball field and had asked them how tall the lights are that regular street lights are on and was told they are 40 feet tall.

Mr. Gratz asked what other specifics need to be put in the motion.

Mrs. Wilson then stated that he simply wanted his motion to be to table the application.

Mrs. Brown stated that Mr. Wilson should make a motion to have a second public hearing rather than just tabling the motion.

Mr. Robison seconded the motion, which passed unanimously.

5. **TA09-03: Text Amendments for Chapters 3, 5, and 14 of the Tupelo Development Code which provide for Planning Committee appointments based on new Council structure, and provide for the use of development agreements on planned unit developments, major subdivisions, and major site plans.**

Mr. Falkner stated that the changes to Chapter 3 are fairly simple. He stated that because the City Council's representation has changed by court order, the language of the Development Code that states there must be Planning Committee members that represent each council ward and each at large member is no longer valid. Mr. Falkner stated that language needs to be created that gives the Planning Committee representation a basis that accurately reflects the City Council, either one member for each ward, forming a seven member committee, or possibly maintaining a nine member committee with two members appointed by the Mayor, or there could be some other structure. Mr. Falkner stated that either way, the reference to the at-large council positions should be eliminated from the code.

Mrs. Murphree stated that she thought the committee should be kept as a nine-member committee. She stated that sometimes it is hard to get a quorum and with only seven members, it would be harder. She then stated that a nine-member committee is the best way to go. She agreed that the committee should be representative of the seven wards with two from any other ward.

Mr. Wilson stated that he agreed with Mrs. Murphree, stating that the code should state the committee should consist of at least one member for each ward and have two extra positions to keep the committee at nine members. Mr. Wilson stated that given the history of the committee and as he has heard from staff members, it can be difficult to get a quorum with as little as seven members. Mr. Wilson suggest that the code be changed to state “the Planning Committee shall consist of nine members, at least one from each geographical ward, appointed by the Mayor” and that would delete the reference to “at large” and give some leeway.

Mr. Gratz suggested the after “appointed by the Mayor”, the code should read “at the time of appointment” because Planning Committee members sometimes move their residence from ward to ward and should not be penalized for it.

Mrs. Muphree stated that she would like for the committee to consider adding another caveat to the code that would allow Planning Committee members to only serve two terms before rotating off. She stated that this would give more citizens an opportunity to serve as a volunteer for their city.

Mr. Gratz stated that, from his board experience, Mrs. Murphree’s suggestion makes sense, especially since the Planning Committee is a volunteer group. He stated that if the terms are limited, it helps get the community involved. Mr. Gratz asked Mrs. Murphree her suggestion was to limit committee members to two consecutive terms. Mrs. Murphree stated yes. Mr. Gratz then asked if a committee member could serve two terms, go off the committee for a term, then be reappointed again. Mrs. Murphree stated yes. Mr. Gratz suggest that the committee define the word “term” since he had been told a “term” is three or four years.

Mrs. Brown asked Mr. Gratz if the committee could hear from legal counsel.

Mr. Brannon Kahlstorf, City Attorney, stated that the Development Code actually states that the appointment of Planning Committee members shall be for four years.

Mrs. Muphree asked Mr. Kahlstorf what the Mississippi Annotated Code states about Planning Committee terms, and further stated that she thought the Annotated Code stated a three year term for Planning Committee members.

Mr. Gratz referenced Section 21.8.23 of the Mississippi Annotated Code. Mr. Gratz stated that everybody on the committee may be appointed for four years by the Mayor, but right now the terms are staggered and the new Mayor now has five spots to fill. He stated that there is one position to be filled immediately and four others will expire in October.

Mr. Wilson stated that the Planning Committee had made the recommendation of a four year term because each time when the council changed, there was the potential of the Planning Committee consisting of all new members that had no prior knowledge of city planning.

Mrs. Brown stated that when the policy was made, apparently the code was not amended to reflect it, because the code has a statement about when terms are to start and how, if someone leaves before their term has expired, the position is to be filled for the remainder of the term.

Mr. Wilson stated that he thought the Planning Committee had usually left the decision up to the City's Administration.

Mr. Kahlstorf stated that that is probably where the problem arose in having four members terms expire at the same time. He stated that the city has had this problem with other boards and commissions in the city. He stated that the only way to alleviate the problem is to either allow committee members to serve a longer period than their term, or shorten their term.

Mr. Wilson stated that the matter should be addressed and determined by the City Council. Mr. Kahlstorf agreed.

Mrs. Brown stated that the code definitely states the month of the year that a committee member is to start the term and the current committee is so far off of that. She stated that the committee needs to make the policy and the wording of the code fit together. She stated that the proposed amendment does not go quite far enough and the committee is just beginning to see what needs to be done to the section. She stated the committee needed to work on the amendment a little more, rather than just accepting it the way it has been proposed on the current agenda.

Mr. Kahlstorf stated that the code states clearly what should have been done, but it has not been the practice over the past several years with committee members leaving, or resigning, or having to be replaced. Mr. Kahlstorf stated that if a member is appointed to finish out the remainder of another members term, then the said term is over when the original term ends, not four years from when the new member is appointed. He stated that the terms are supposed to be on a calendar year and they are to be staggered.

Mr. Gratz stated that one solution could be that once the committee agrees on a text amendment, a recommendation should be made to the Mayor and the City Council to adjust the current terms of the current board members to reflect a staggered committee membership that would more accurately follow the new proposed code.

Mr. Wilson stated that the reason the staggered terms were put in the code was to make sure that the Planning Committee remained a non-political body and served its purpose as a volunteer committee and did not change politically every four years. Mr. Wilson stated that the Planning Committee is entrusted with a special responsibility to interpret the Development Code as it is written and make sure that it does not become too technical and forget that people are involved and make sure the process is not political at the Planning Committee level.

Mr. Kahlstorf stated another reason for staggered terms is to make sure that the committee does not have all fresh faces with nobody that has been involved in the Planning Committee. He stated that it could be a potential disaster to have nine new members on the committee with no real understanding of how the committee works. Mr. Kahlstorf stated that some research could be done to determine who replaced whom, but was not sure to what extent he would have to go to clear up the problem. He suggested that it would be easier to come up with a proposal such as Mr. Gratz recommended and to start fresh and new with staggered terms from this point forward.

Mr. Wilson asked if the committee would like to elect a sub-committee to work on the proposed amendment regarding terms of service by the Planning Committee.

Mr. Gratz stated a motion could be made.

Mrs. Murphree stated that she liked that the proposed amendment states Planning Committee members must “reside in the corporate boundaries of the City.”

Mrs. Brown stated that she would like for the committee to add to the amendment that the Planning Committee members are voters of the city participating in the voting process, or qualified electors.

Mr. Gratz asked Mr. Falkner if the proposed amendment could state “residence of the City” rather than “reside in the corporate boundaries of the City.” Mrs. Murphree stated that she felt committee members should reside within the incorporated limits of the City. Mr. Gratz asked the difference in terminology of “incorporated limits” and “within the City.”

Mr. Wilson stated that the committee should be careful about what they do and if it applies just to the Planning Committee, because that is the extent of their authority. He stated that the Mayor and the City Council should be involved and it is simply a recommendation from the Planning Committee to them.

Mrs. Murphree agreed.

Mrs. Brown stated that all amendments go to the City Council and the Mayor. Mrs. Brown then stated that she would like Mr. Kahlstorf to make sure that any amendment drafted by the Planning Committee meets the requirements of the state code.

Mrs. Murphree suggested the committee make the amendment a priority for their next work session.

Mr. Falkner stated that there is a current vacancy on the committee.

Mr. Wilson stated that there is a provision in the code that allows alternates. Mr. Kahlstorf agreed. Mr. Wilson stated that there could be someone who would volunteer as an alternate, who has perhaps served in the past.

Mrs. Brown stated that in the past, when there have been problems with attendance, having the alternate available was very helpful.

Mr. Wilson suggested handling the amendment at the next work session and in the mean time, discussing ideas and compiling before meeting again.

Mr. Gratz stated that whatever is done, almost all committee members' terms will need to be adjusted to meet with the new staggered term formulation. He stated that whoever replaces Cindy Sanders, the committee will just recommend adjusting the term at that time. He then asked if there was a motion.

Mr. Falkner stated that the other proposed amendments needed to be discussed thoroughly before seeking a motion. He stated that the committee could discuss all the amendments in depth at their next work session. Mr. Falkner stated that the other proposed amendments relates to the idea of putting some enforceable agreements into the code so that on major projects, there would be a written, well-defined set of expectations for a developer so that when approval is granted, the terms would be secured by some financial instrument if the developer were to default on the project in some way. He stated that in order to do that, the code must be changed in several pages, especially Chapters 5 and 14.

Mr. Gratz asked Mr. Falkner if the amendments were a stop-gap measure prior to the committee obtaining a new code. Mr. Falkner stated yes, if the amendments could be approved by the end of the year, at least the committee could have a good strong hold on major projects until a new code is written and adopted.

Mrs. Wilson made a motion to table the proposed text amendments. Mrs. Murphree seconded the motion, which passed unanimously.

OTHER BUSINESS

Subcommittee Reports

Mrs. Brown read a resolution by the Comprehensive Plan Sub-Committee which recommends the adoption of the 2025 Comprehensive Plan by the City Council as is. (See Attachment)

Mr. Wilson made a motion that the Planning Committee accept the resolution and forward it to the City Council. The motion did not require a second and passed unanimously.

Mrs. Brown stated that it is required in the code that the Department of Development Services provide an annual report and that the Planning Committee make a recommendation whether the Comprehensive Plan needs to be readopted or amended and

then in September the City Council is required to readopt or amend the Comprehensive Plan each year, thus the need for the formal recommendation.

Mr. Gratz asked Mr. Falkner the status of the RFP for the new Development Code.

Mr. Falkner stated that the RFP is now in the hands of the Planning Committee. Mr. Gratz asked if there were any comments.

Mr. Wilson asked if the RFP has been sent to the Development Code Subcommittee only. Mrs. Murphree stated that she had not seen a final draft of the RFP. Mr. Falkner stated that he had sent the draft of the RFP to the sub-committee, but had trouble with Mrs. Murphree's email and would try sending it again.

Mr. Gratz stated that the RFP can be discussed at the next work session.

ADJOURN

Mr. Robison made a motion to adjourn the meeting. Mr. Wilson seconded the motion which passed unanimously.