

PLANNING COMMISSION

September 13, 2004

Be it remembered that the Oxford Planning Commission did meet on September 13, 2004, in the City Hall courtroom with the following members present:

- Jon Fisher, Chairman
- Debby Chessin
- Hugh Goforth
- Cathy Marshall-Smith
- Janis Holley
- Paula Shanks
- Charlie Noble

- Colbert Jones, Director of Planning & Development
- Bart Robinson, Assistant City Engineer
- Chris Carter, Building Inspector
- Dee Ursic, Secretary

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After the meeting was called to order the following business was transacted:

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The agenda was approved with the amendment to make case #1132 the first public hearing item and the removal of case # 1127. Motion was made by Commissioner Fisher, seconded by Commissioner Shanks. All members present voting Aye.

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The minutes of the August 9, 2004 meeting were approved with the correction that a nay vote for Commissioner Chessin be added to the motion for approval for a 13ft height variance from 35ft to 48ft for case # 1117, and that a nay vote for Commissioner Shanks by added to the motion for approval of a special exception for case #1118. Motion was made to approve the minutes with the stated corrections by Commissioner Fisher, seconded by Commissioner Shanks. All members present voting Aye.

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PLANNER'S REPORT

Colbert Jones stated that for 2003, the City had a building peak and felt that this year actual permits had calmed and he felt this trend would continue with the leveling off of permit requests. Mr. Jones informed the commission that the Zoning Ordinance states that the purpose of the Comprehensive Plan and the Zoning Ordinance is to control and regulate growth and to

ensure quality growth. We want to make sure that we do have quality development and control that development where it is best needed.

The final phase of the public hearing regarding the Land Development Code and Zoning Maps is scheduled for September 20th at 5:00 p.m. If a vote is taken at this meeting then the material will be forwarded to the Board of Aldermen at their next meeting. This concludes my report. Motion was made to approve the Planner's Report by Commissioner Fisher, seconded by Commissioner Goforth. All members present voting Aye.

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BUILDING INSPECTOR'S REPORT

Chris Carter reported to the Commission that for the month of August, 2004 a total of 3,648,278.99 in construction permits were issued. Building permit fees totaled \$18,090.00, electrical fees were \$3,286.00 and plumbing fees totaled \$10,110.00, for a total of \$31,486.00 collected in fees through the Planning and Development Department for the month. Motion was made to approve the Building Inspector's Report by Commissioner Fisher, seconded by Commissioner Goforth. All members present voting Aye.

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CONSENT AGENDA

There came for discussion public hearing for case # 1125 – Richard Williams application for a variance located at 206 Chandler Avenue. Mr. Williams was requesting a 2ft side yard variance from 10ft to 8ft. Motion was made to approve the variance by Commissioner Shanks, seconded by Commissioner Noble. All members present voting Aye.

Motion was APPROVED.

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REGULAR AGENDA

(Board of Adjustment)

There came for discussion public hearing for case #1132 – Bobby Moak application for a special exception located at 1424 S. Lamar Blvd. Ryland Sneed, Engineer, stated his client was requesting a special exception in order to construct 6 two-story individual condominium units in a RB zone on approximately 1.21 acres. Mr. Sneed expressed that this would be a better alternative more suiting to the neighborhood rather than duplexes. The front two units would set at the existing front setback of the current home and the perimeter trees would be retained. All of the proposed units would be constructed within the existing boundaries of the property.

Jim Pryor, 804 S. Lamar Blvd. He and approximately 181 opposing petitioners are in objection to the granting of the special exception. These signatures represent 130 individual properties. They oppose the special exception because they feel it will adversely affect the

stability, integrity, and character of the established historical neighborhood. They feel that the construction of 5 to 6 units is the equivalent of adding another street to South Lamar Blvd. The new proposed Comprehensive Plan is in the process of being heard for adoption by the City of Oxford and it's objectives are to lessen congestion on city streets, prevent over crowding of land and buildings, avoid undue concentration of population and lastly to protect the integrity and character of established neighborhoods. After much discussion, motion was made to deny the special exception by Commissioner Shanks, seconded by Commissioner Marshall-Smith.

Commissioners voting aye: Paula Shanks, Charlie Noble, Debby Chessin,
Hugh Goforth, Jon Fisher, and Cathy Marshall-Smith

Commissioners voting nay: Janis Holley

Motion was APPROVED to DENY by a 6 to 1 vote.

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(Board of Adjustment/Planning Commission)

There came for discussion public hearing for case # 1113 & 1135 - reconsideration of case #1113 - Kenlan Development application for a special exception located on Hwy 7 and Sisk Avenue and case #1135 - Site Plan approval for Campus Pointe Apartments. Kenneth Farrell spoke to the Commission first on the reconsideration. Mr. Farrell stated his partner, the Avents, and Bostic Development are here tonight to resubmit to the Commission for a special use exception to allow the student community to be developed in an area zoned Shopping Center. Mike Hartnet, Bostic Development, gave a general recap of the development along with the market analysis. He reiterated that his company is the developer, contractor, as well as the manager of their projects. They carry a full active interest in all of their projects. The question was raised as to the demand of this market and could the City handle another multi-family project. A firm was retained to conduct such a study. The study evaluated the potential development of the proposed 300 unit student housing project and being based on past, current and future trends of student enrollment at the University of Mississippi. The market area covered is a three-mile area surrounding the college campus. The University has had a consistent increase of over 5% of enrollment growth per year and with a total enrollment projection of 15,821 for the 2008 school year. The University has the capacity to house approximately 3,700 students on campus, as of this fall, less than 1/3 of the student population. On campus occupancy has operated at or above capacity over the last 3 years and is currently at 102%. This shows a true demand to push students off campus. There are three primary competitors whose developments are similar to the proposed and their occupancy rates are from 99% to 92% occupied. From the given numbers from the market study, they feel there is a need for additional multi-housing, which would be filled by their project. Mr. Farrell brought forth the comparative traffic analysis. The base line of the study starts from 10am to 10pm. If all of the land was developed as commercial, a per hour basis at 11am would be 835 additional cars, with the highest peak being around 6:30 pm at over 1,200 cars. By comparison, with the 21.7 acres being multi-family housing, 11am being 159 cars at the peak time of 6:30 pm having approximately 205 cars. The analysis shows that the proposed multi-family development would generate less traffic than if the 21.7 acres were developed as

commercial. Commissioners Chessin and Noble felt that a danger would be presented to the surrounding neighborhoods by traffic that would be generated by students at late evening hours returning from the Square to the apartments from late night establishments. Commissioner Marshall-Smith did not feel that the 10am was an appropriate time to begin the morning assessment count of cars. Such additional late night traffic would endanger the stability, integrity, and character of the existing Aventura Park Neighborhood. Furthermore, the development would create an extremely large special exception, beyond what is commonly granted by the Board of Adjustments.

Litton Dilly, 209 Bramlett Blvd, addressed the Commission with the concerns of the Aventura Park Neighborhood Association regarding the density of 730 bedrooms available for rent and the congestion the additional cars would create for the safety of pedestrians.

Omar Craig, resident of Zilla Aventura, stated there had been progress all around him and the neighbors since he moved to the neighborhood over 50 years ago and there has been a large increase in traffic since he moved to the area. Mr. Craig felt the property owners were being penalized and not being allowed to develop their property due to the categorizing all students as being "wild" and drunken and causing unsafe traffic flow.

After much discussion, motion was made to approve the special exception by Commissioner Fisher, seconded by Commissioner Holley.

Commissioners voting aye: Jon Fisher, Janis Holley and Debby Chessin

Commissioners voting nay: Cathy Marshall-Smith, Hugh Goforth,
Charlie Noble, and Paula Shanks

Motion was DENIED by a 3 to 4 vote.

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Due to the special exception not being approved by the Board of Adjustment, case # 1135 – Site Plan approval for Campus Pointe was not heard before the Planning Commission.

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Commissioner Holley left at 7:00 p.m.

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(Board of Adjustment)

There came for discussion public hearing reconsideration for case #1117 - Off-The-Square Developers, LLC application for a variance located on Van Buren Avenue. Tom Howorth, Architect, stated there was some misunderstanding at the last meeting of his clients request for a height variance. They are requesting a 9ft height variance from 35ft to 44ft for a multi-use structure. Motion was made to approve the variance by Commissioner Shanks, seconded by Commissioner Marshall-Smith. All members present voting Aye.

Motion was APPROVED.

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(Board of Adjustment)

There came for discussion public hearing for case # 1126 – Rick Addy application for a variance located at 1709 Barron Street. It was brought to the attention of the Board of Adjustment by the Director of Planning & Zoning that a variance for this address was not needed.

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(Board of Adjustment)

There came for discussion public hearing for case # 1128 – Laurie Denton Cox application for a special exception located at 1110 Van Buren Avenue. John Dollarhide, Contractor, addressed the Commission with a request from his client to be allowed to have residential use in the Central Business zone. Mr. Dollarhide stated that the Denton’s owned empty warehouse space located behind the old Denton Furniture building and would like to remodel it into a residential use for family members to use while visiting Oxford. They will supply a parking space for one car. Motion was made to approve the special exception by Commissioner Chessin, seconded by Commissioner Shanks. All members present voting Aye.

Motion was APPROVED.

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(Board of Adjustment)

There came for discussion public hearing for case # 1130 – Mid south Associates, LLC application for a special exception located on the corner of Jeff Davis Drive and Access Road. Jay Hughes, property owner, informed the Commission that he and his partners were before the Commission requesting to construct condominiums in a RB zone. Mr. Hughes described the proposed project as approximately 6.5 acres with 24 single family condominiums, interior tree lined sidewalk, perimeter landscaping buffer will remain along Jeff Davis Drive and Access Road, and a park will be constructed to the rear of the development. Mr. Hughes also stated that a little over 1 acre of the property will remain Professional Office. Motion was made to approve the special exception with the conditions that the approval will run with the ownership of the land, approval for 24 single family units, all setbacks are to be treated as rear yard setbacks with a minimum of 25ft and the perimeter landscaping of existing trees must be retained by Commissioner Noble, seconded by Commissioner Marshall-Smith. All members present voting Aye.

Motion was APPROVED.

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(Board of Adjustment)

There came for discussion public hearing for case # 1133 – Larry McAlexander application for a variance located at 1900 University Avenue. Ryland Sneed, Engineer,

addressed the Commission with the request for a 5ft height variance from 35ft to 40ft. The building will be for office use mainly. The 5ft variance would be to the top of a 4ft parapet wall, so the actual roof height would be 36ft, which would be only 1ft higher than the 35ft. Mr. Sneed stated that most commercial buildings require or need a 9.5ft or 10ft ceiling height, which requires 12ft between floors which would be 36ft minimum for a 3 story building, then when adding 4ft for a parapet wall that makes a total height of 40ft. Motion was made to approve the 5ft height variance with the conditions that the rear of the building facing west should be articulated in form and design, so that the view from University Avenue will not be of a blank wall of a building and the architectural features should include windows, shutters, articulated brick or siding, faux balconies and the same parapet wall features as the front by Commissioner Chessin, seconded by Commissioner Fisher.

Commissioners voting aye: Debby Chessin, Jon Fisher, Paula Shanks,
Cathy Marshall-Smith and Hugh Goforth

Commissioners voting nay: Charlie Noble

Motion was APPROVED by a 5 to 1 vote.

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The meeting was continued to Monday, September 20th at 5 p.m.