

## PLANNING COMMISSION

February 11, 2009

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, January 12, 2009, at 5:00 p.m. in the City Hall courtroom with the following members present:

Jay Carmean, Chairman  
Debby Chessin  
Sandy Grisham  
Michael Harmon  
Leon McCullouch  
Rob Neely  
Lew Yoder

Tim Akers, City Planner  
Randy Barber, Building Official  
Katrina Hourin, Assistant City Planner  
Bart Robinson, Assistant City Engineer  
Hunter McGonagill, Assistant City Engineer  
Paul Watkins, Mayo-Mallette Law Firm  
Alicia Thompson, Secretary

1. The meeting was called to order by Commissioner Carmean.
2. **Approval of the Agenda.** The following changes were made to the agenda: That case 1507 for a one foot eight inch building height variance be withdrawn because the revised site plan is within the city's thirty eight foot building height requirement. Motion was made by Commissioner Yoder and seconded by Commissioner Neely to approve the amended agenda.

All present voting aye.

The motion was approved.

3. **Approval of the minutes from the December 08, 2008 meeting.** There being no changes to the minutes, motion was made by Commissioner Yoder and seconded by Commissioner McCullouch to approve the minutes from the December 08, 2008 meeting.

All present voting aye.

The motion was approved.

4. **Planner and Building Official's Reports.** Randy Barber reported for the month of December that building costs were \$1.9 million dollars. Fees collected were

\$14,191.00 and there were 102 permits issued. He also added that the month of December is usually a slow time for the Building Department.

Tim Akers reported to the Commission that the final reading for the ordinance amending site restoration performance bonds would be on January 20, 2009 and that the final reading of the rezoning for the Jimmy Davis property on Anderson Road would be in February, 2009. He also stated that the Oxford University Transit System is looking into possibly adding three new routes and that the Planning Office would consider the proximity of bus routes when considering new developments. Commissioner Yoder questioned Mr. Akers about the ridership on the buses. Mr. Akers replied that the heaviest ridership was in December with an estimated 6,000 riders. Commissioner Yoder asked further questions about the proposed ridership for the buses. Mr. Akers replied that the estimated ridership for year one is 170,000 riders; year two is 189,000 riders; and 200,000 riders for year three of operation.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Carmean and seconded by Commissioner Yoder to approve the Planner's and Building Official's reports.

All present voting aye.

The motion was approved.

## **REGULAR AGENDA**

- 5. Public Hearing on Ordinance Amending Section 126 of the Oxford Land Development Code Relating to Gated Developments.** Tim Akers provided the Commission with a revised draft of the ordinance amending Section 126 of the Land Development Code and informed the Commission that he was seeking permission to forward the amendment to the Mayor and Board of Aldermen for approval. Mr. Akers stated that the ordinance would establish regulations for commercial and residential developments who want to limit access to their properties. He also provided the standards for residential and commercial developments and stated that the standards had been developed by working with the Oxford Fire Department, Solid Waste, and Electric Departments. Commissioner Carmean asked Mr. Akers what the reasons were for drafting the ordinance. Mr. Akers replied that there were no previous regulations or rules governing gated developments. He also stated that police, fire, ambulance, and solid waste services have been restricted to some current developments using gated access because access codes are constantly changed. Commissioner McCullough asked Mr. Akers if those developments would be grandfathered in. Mr. Akers replied that the ordinance would not be retroactive.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Carmean and seconded by Commissioner Yoder to approve the request to forward the ordinance amending

Section 126 of the Land Development Code, of the Code of Ordinances of the City of Oxford, Mississippi, to the Mayor and Board of Aldermen for approval.

All present voting aye.

The motion was approved.

- 6. Public Hearing for Case 1502 – Jerry and Jean Jordan. Request – Thirty Foot (30’) Front (South) Yard Setback Variance for property located at 1087 August Drive.** Katrina Hourin informed the Commission that the subject property is a single-family residence on an irregularly shaped lot located in the Grand Oaks, PUD on the northeast corner of Augusta Drive and Gardenia Cove. Gardenia Cove is a relatively short street terminating in a cul-de-sac with three lots in total fronting the street. One of the three lots is located to the rear of the subject property. The homes and lots in this phase of Grand Oaks vary in shape and size from half-acre to just over an acre. There is a (50) fifty foot front yard setback to the south and west of the subject property as recorded in 2005. She also stated that the applicants are requesting a thirty foot front (south) yard setback variance to enlarge the principal structure by approximately 2,400 square feet with a footprint of approximately 64’x 22’. By nature, a corner lot deprives the applicant of a larger area of buildable space enjoyed by owners of interior lots. She further stated that the board of the Grand Oaks Homeowners Association reviewed and approved the applicants request at a meeting on December 12, 2008. Mrs. Hourin explained the criteria for granting of a variance and recommended approval of the request based on the following findings and condition:

1. That due to the nature of corner lots, the literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by other properties owners within the neighborhood;
2. That the variance requested is a minimum and granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest; and
3. That the variance applies only to the property and improvements indicated on the attached site plan approved by the Grand Oaks Homeowners’ Association.

Jerry Jordan came before the Commission seeking a thirty foot front (south) yard setback variance to enlarge his current home with a proposed addition. Mr. Jordan presented the Commission with a site plan, photos, elevations, and drawings and explained his request. Discussion was made regarding the applicants’ request.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Yoder and seconded by Commissioner Grisham to approve the request for a thirty foot front (south) yard setback variance for a residential addition located at 1087 Augusta Drive in the Grand Oaks Subdivision based on the following findings and condition:

1. That due to the nature of corner lots, the literal interpretation of the Ordinance would deprive the applicants of rights commonly enjoyed by other properties owners within the neighborhood;
2. That the variance requested is a minimum and granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest; and
3. That the variance applies only to the property and improvements indicated on the attached site plan approved by the Grand Oaks Homeowners' Association.

All present voting aye.

The motion was approved with condition.

- 7. Public Hearing for Case 1503 – Ricky Britt. Request: Preliminary Plat approval for property located on Highway 6 West (South Side).** Tim Akers asked the Commission to consider Cases 1503 and 1504 at the same time since the requests were for the same subdivision. He informed the Commission that the subject property is vacant acreage zoned (GB) General Business and (RC) Multi Unit Residential and is located on the south side of Highway 6 West in an area recently annexed by the City of Oxford. He stated that Lots 1, 2, and 4 are zoned (GB) General Business, Lot 3 is zoned (GB) General Business and (RC) Multi Unit Residential, and Lot 5 is zoned (RC) Multi Unit Residential. The land use character in the vicinity of the subject property is high density residential, general business and single family residential. Mr. Akers further stated that access to the five lots in the proposed subdivision will be provided by an existing unimproved road and when improved, will have sidewalks and bike lanes on each side. The Site Plan Review Committee reviewed and approved the preliminary plat on December 17, 2008. Mr. Akers also stated that the applicant was requesting preliminary plat and final plat approval for a five lot mixed use subdivision and recommended approval of the requests.

Paul Koshenina with Precision Engineering, came before the Commission representing Ricky Britt, and presented the Commission with a plat of survey, site plan, and landscaping plans. After Mr. Koshenina explained the applicant's request, discussion was made by the Commission regarding the request.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Yoder and seconded by Commissioner McCullough to approve the request for preliminary plat approval for property located on the south side of Highway 6 West.

All present voting aye.

The motion was approved.

- 8. Public Hearing for Case 1504 – Ricky Britt. Request – Final Plat Approval for property located on Highway 6 West (South Side).** There being no

questions or comments from the public or the Commission, motion was made by Commissioner Yoder and seconded by Commissioner Harmon to approve the request for final plat approval for property located on the south side of Highway 6 West.

All present voting aye.

The motion was approved.

- 9. Public Hearing for Case 1505 – Delavine II. Request: Site Plan approval for property located on Highway 6 West (South Side).** Tim Akers informed the Commission that the request for Case 1505 was associated with Case 1506. He also informed the Commission that the subject property (Lot 4 Ricky Britt Subdivision) is vacant acreage zoned (GB) General Business which is approximately .94 acres in size. He also stated that the applicant is requesting site plan approval for an approximately 11,000 square foot mixed use building. The proposed uses are office on the first floor and residential on the second floor. The Site Plan Review Committee reviewed and approved the site plan on December 17, 2008. Mr. Akers recommended approval of the request.

Paul Koshenina with Precision Engineering came before the Commission, representing David Hollinger, and presented the Commission with a site plan and elevations and explained the applicant's request. Commissioner Carmean asked Mr. Koshenina if any electronic gates were part of the project. Mr. Koshenina replied that there weren't any gates included in the project.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Yoder and seconded by Commissioner McCullough to approve the request for site plan approval (Case 1505) for property located on the south side of Highway 6 West.

All present voting aye.

The motion was approved.

- 10. Public Hearing for Case 1506 – Delavine II. Request - Special Exception to Permit Residential Use in a (GB) General Business District for property located on Highway 6 West (South Side).** Tim Akers informed the Commission that the subject property (Lot 4 Ricky Britt Subdivision) is vacant acreage zoned (GB) General Business which is approximately .94 acres in size. He also stated that the applicant is requesting special exception to permit eight (8) residential units on the second floor of a proposed office building. Mr. Akers recommended approval of the request with the following conditions:

1. The units shall be located only on the second floor and limited to eight (8);  
and
2. The special exception shall expire after 18 months if a building permit has not been issued.

The applicant came before the Commission and explained his request. Commissioner Yoder asked the applicant if he understood that the residential units would be limited to eight. The applicant replied that he understood that the residential units would be limited to eight.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Carmean and seconded by Commissioner McCullough to approve the request for special exception to permit residential use in a (GB) General Business District for property located on Highway 6 West (South Side) with the following conditions:

1. The units shall be located only on the second floor and limited to eight (8); and
2. The special exception shall expire after 18 months if a building permit has not been issued.

All present voting aye.

The motion was approved with conditions.

**11. Public Hearing for Case 1507 – Veterans Plaza Hotels, LLC. Request – One Foot Eight Inch (1’8”) Building Height Variance. (WITHDRAWN – Applicant revised their building height to comply with city codes).**

**12. Public Hearing for Case 1508– Veterans Plaza Hotels, LLC. Request – Site Plan Approval for property located on Highway 6 West (South Side).** Tim Akers informed the Commission that the subject property (Lot 2 Ricky Britt Subdivision) is vacant acreage zoned (GB) General Business and is approximately 2.7 acres in size. He also stated that the proposed site plan was reviewed and approved by the Site Plan Review Committee on December 17, 2008 with the condition that the applicant seek and obtain approval of a height variance. Mr. Akers further stated that the applicant is requesting site plan approval for a four (4) story 84 room hotel and recommended approval based on the following conditions:

1. That the proposed structure is within the allowable height limits.
2. That a landscape buffer, approved by the Planning Office shall be planted along the west property line so as to provide an 80% year round visual screening.

Paul Koshenina with Precision Engineering came before the Commission, representing the applicant seeking site plan approval for property located on Highway 6 West (South Side). He presented a site plan and landscaping plans and explained the applicant’s request. Commissioner Chessin asked the applicant about the width of the landscape buffer. Katrina Hourin, Assistant City Planner, replied that the buffer could potentially be as wide as the available space or 15 ft. Commissioner Chessin asked if the planning office could recommend an average

or approximate width for the landscape buffer and stated that she would like to see a 25 – 30 foot buffer. Discussion was made regarding the landscape buffer. Commissioner Chessin also asked the applicant if any discussion had been made with the adjacent property owner regarding the landscape buffer. Further discussion was made regarding the landscape buffer. Commissioner McCullough questioned Mr. Akers asking how case 1507 was related to Case 1508. Mr. Akers replied that the original structure presented as Case 1507 was seven feet (7') too tall and the applicant requested a seven foot (7') height variance which generated opposition from the adjoining property owner. He further stated that the applicant then came back with a site plan that was within the city's height limitations therefore a variance was not needed.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Chessin and seconded by Commissioner Harmon to approve the request for site plan approval for property located on Highway 6 West (South Side) with the following conditions:

1. That the proposed structure is within the allowable height limits;
2. That a landscape buffer, approved by the Planning Office shall be planted along the west property line so as to provide an 80% year round visual screening; and
3. That the applicant will employ a landscape architect so as to create a natural looking buffer.

All present voting aye.

The motion was approved with conditions.

There being no further business to come before the Commission, the meeting was adjourned by Commissioner Carmean.