

## PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, April 9, 2012 at 5:00 p.m. in the City Hall courtroom with the following members present:

John Bradley  
Dr. Watt Bishop  
Michael Harmon  
Mark Huelse  
Darryail Whittington

Tim Akers, City Planner  
Randy Barber, Building Official  
Paul Watkins, City Attorney  
Bart Robinson, City Engineer  
Reanna Mayoral, Assistant City Engineer  
Katrina Hourin, Assistant City Planner  
Lynn Conerly, Secretary

The following members were absent:

Carter Myers, Chairman  
Gloria Kellum

- 1. Call to Order.** The meeting was called to order by Commissioner Harmon.
- 2. Approval of the Agenda.** Commissioner Harmon asked if there were any changes to the agenda. Commissioner Harmon welcomed new member, Mark Huelse. There being no changes from the Commission a motion was made by Commissioner Whittington and seconded by Commissioner Bradley.

All present voting aye.

The motion was approved and the agenda was accepted.

- 3. Approval of the March 12, 2012 Minutes.** Commissioner Harmon asked if there were any necessary changes to the minutes.

There being no questions or comments from the public or the Commission a motion was made by Commissioner Whittington and seconded by Commissioner Bishop to approve the minutes from the March 12, 2012 meeting.

All present voting aye.

The minutes were approved.

**Planner and Building Official's Reports.** City Building Official Randy Barber reported there were 11 Residential Building permits issued for March and 2 Commercial Building permits issued. The Commercial permits were for Cannon Motors and Buffalo Wild Wings. There were a total of 142 permits issued for March for a total of 2.5 million.

There being no questions or comments from the public or the Commission a motion was made by Commissioner Huelse and seconded by Commissioner Whittington to approve the minutes from the March 12, 2012 meeting.

All present voting aye.

The minutes were approved.

### **REGULAR AGENDA**

**5. Public Hearing for Case #1626 Request for Final Plat Approval for 'Franklin Farms' a residential subdivision located at CR 466/Fudgetown Road in Lafayette County.** Assistant City Planner, Katrina Hourin informed the Commission the subject property is located on County Road 466 also known as Fudgetown Road and is approximately 29.26 acres with a total of 77 lots proposed. The applicant is requesting final plat approval for 'Phase II' or 18 lots equaling 6.527 acres. They have met with the Site Plan Review Committee on January 25, 2012 and have made all necessary revisions for compliance. Ms Hourin recommended approval.

Ryland Sneed with Precision Engineering is present today requesting the Final Plat for 'Franklin Farms' subdivision. Mr. Sneed reported that Phase II has already approved by the County. Water and sewer will need to come from the City.

Discussion was made regarding the roads in Phase I. Mr. Sneed reported the roads are completed and being maintained. The trees and landscaping were also questioned. Mr. Sneed reported all trees are planned to be maintained; however, a homeowner may choose to cut down a tree on their property. Mr. Sneed also reported the landscaping is the responsibility of each property owner to maintain. The current Landscape Ordinance was questioned and Mr. Sneed informed the Commission the Landscape Ordinance that is in affect now wasn't put in place until after this development was approved.

Commissioner Bishop questioned the land requirements outside the city limits and Mr. Akers informed him the Ordinance has been in place for a while and there are no land regulations outside the City limits. The City only provides water and sewer for county neighborhoods.

There being no questions or comments from the public or the Commission a motion was made by Commissioner Bradley and seconded by Commissioner Huelse to approve the Final Plat for 'Franklin Farms'.

All present voting aye.

The request for the Final Plat was approved.

**6. Public Hearing for Case 1632 – Request for a Two (2) Foot Side (East) Setback Variance for property located at 1405 Pierce Avenue in a (RC) Multi-Unit Residential Zoned district.** Assistant City Planner, Katrina Hourin informed the Commission the subject property is located on the corner of Pierce Avenue and S. 14<sup>th</sup> Street and in the Conservation Overlay District and the South Lamar Historic Preservation District. The lot is above the elevation of the street and is relatively level with a slight drop in the northwestern portion. It is surrounded by like properties of similar scale and architectural style. A special exception was granted in 2010 to the owners to operate a B&B in residence.

Side setbacks within the Neighborhood Conservation Overlay District are required to be a minimum of ten (10) feet. Currently, the house is thirteen (13) feet from the property line. The applicant is seeking a two (2) foot variance to construct a bathroom addition on the east side of the property.

In addition, Section 154.6 of the Land Development Code requires that...*”paved off-street parking shall be provided with (1) space required for each bedroom to be located in a side of real yard on the premises.* “In June of 2010, the Special Exception request was approved based upon a submitted plan reflecting three (3) parking spaces as required for a Bed and Breakfast. To date, these parking spaces have not been installed, fundamentally rendering the site’s status as non-compliant.

A variance request may be granted when special conditions exist that are peculiar to the land or structures that do not apply to other lands or structures in the same District under the terms of this Ordinance.

A variance request may be granted when special conditions exist that are peculiar to the land, or structures that do not apply to other buildings in the same district under the terms of this ordinance and that the special conditions and circumstances do not result from the actions of the applicant.

**Recommendation:** Unless the applicant can demonstrate a hardship not self created, the staff’s recommendation is to deny the request for a two (2) foot side yard (east) setback variance based on the following findings:

1. There are no special conditions or circumstances that exists which is peculiar to the building involved and which is not applicable to other buildings in the same district;
2. the literal interpretation of the provision of this Ordinance does not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would confer on the applicant special privileges that is denied by this ordinance to buildings in the same district.

Lou Zeleskey is in attendance today requesting a Two (2) Foot Side (East) Yard Setback Variance.

Mr. Zeleskey informed the Commission he owns a Bed & Breakfast that he would like to add three (3) parking spaces to the rear of the building. Mr. Zeleskey originally hired a

developer that went bankrupt. A new contractor has been hired to complete the dirt work and parking spaces that were never constructed. Mr. Zeleskey was questioned if there is room behind the building and he informed the Commission there is not. Mr. Zeleskey was asked if he has considered purchasing the neighboring property and he replied he has not, but might if necessary.

Discussion was made regarding the setback requirements. Mr. Akers informed the Commission the front setback requirements are determined according to the location of adjacent structures. Mr. Akers reminded Mr. Zeleskey that if his request is denied that he can come back in six (6) months.

There being no questions or comments from the public or the Commission a motion was made by Commissioner Bradley and seconded by Commissioner Whittington to deny the Request for Two (2) Foot Side (East) Yard Setback Variance based on the following findings:

1. There are no special conditions or circumstances that exists which is peculiar to the building involved and which is not applicable to other buildings in the same district;
2. the literal interpretation of the provision of this Ordinance does not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would confer on the applicant special privileges that is denied by this ordinance to buildings in the same district.

All present voting aye.

The request for the Two (2) Foot Side (East) Yard Setback Variance was denied.

**7. Public Hearing for case #1633 –Request for Site Plan Approval for ‘The Retreat’, a Residential Rental Development for property located at 2405 Anderson Road in a (RC) Multi-Unit Residential zoned district.** Assistant City Planner, Katrina Hourin informed the Commission the subject property is a 25.45-acre site located on the north side of Anderson Road. The subject property is an unusually shaped parcel, of rolling topography, sloping gently in some areas and more severely in others. Two easements currently exist on site; a sewer easement runs perpendicular from Anderson Road on the west side and extends across a narrow corridor leaving the property to the east. There is also an electric easement in the southern portion of the property. Both a gas and water line run along the outside of the eastern property line.

The applicant is seeking site plan approval for a 160-Unit, residential rental development. A lot this size allows for a total 366 units in an (RC) Multi-Unit residential zoned district. The applicant has acquired an easement from the property owner to the north to allow for secondary egress/ingress into the development via Anchorage Road. The applicant has committed to contribute \$12,500 on an annual basis to help defray the City’s share of the operating costs related to the OUT Transit System if and/or when the system incorporates ‘The Retreat’ into one of its routes.

A Traffic Impact Study was conducted to determine whether road improvements were necessary due to the anticipated impact of the proposed development. This study also included 'Ashworth Village' in its calculations and concluded that no improvements were needed at this time.

The applicant met with the Site Plan Review Committee on January 25, February 22, and March 21 and has made all necessary revisions for compliance.

**Recommendation:** Approve Site Plan for 'The Retreat' a 160 –unit residential rental development.

Ryland Sneed with Precision Engineering is present today requesting a Site Plan Approval for 'The Retreat'. Mr. Sneed is working with applicants on this project.

Discussion was made regarding the flood zone. Mr. Sneed informed the Commission it isn't in a flood zone. Commissioner Bradley questioned the ditch on the west side of the development and the flooding potential. Mr. Sneed informed the Commission the flood waters will continue towards the Tallahatchie,

Paul Watkins, City Attorney, reminded the Commission this \$12,500 is not required, but the applicant has volunteered to contribute to the transit system operating costs.

Jon Williams with Williams & Associates out of Athens, GA gave a brief overview of the development.

There being no questions or comments from the public or the Commission a motion was made by Commissioner Bradley and seconded by Commissioner Bradley to approve the Site Plan for property located at 2405 Anderson Road.

All present voting aye.

The Site Plan was approved.

**8. Public Hearing for case #1634–Request Special Exception to amend the 'Blackberry Hills'-(PUD) Planned Unit Development-** City Planner, Tim Akers informed the commission that the subject PUD was approved in 2005. This PUD is owned by BMT Partners and Alumni Properties. Alumni Properties is asking to amend a 65 acre portion of the PUD.

Mr. Akers reported this development is less density than permitted. This is a development that will not be phased but will be developed at one time. There will be 70% green space, 1.89% Commercial and 11.9% residential. There are 39 units in place already.

There are two (2) entrances off Molly Barr and one (1) off Christman Drive. Public works will require the developer to make improvements on Christman Drive. The will also be served by transit. The developers have offered a \$10,000 donation to use toward the transit system and improvements on the pedestrian network. This donation was a voluntary action.

Chris Kritzman with Chance Partners was in attendance and gave a brief overview of the development. Mr. Kritzman reported the main access will be off Molly Barr. The development will have a town center, coffee shop, print shop, pizza shop, as well as an urban market. The clubhouse will be 5,000 square feet. Most of the parking will be behind the building. There will be a few parallel parking spaces.

It was reported there will be 738 beds, 582 being new. The developers will pay for the turn lanes on Molly Barr. A Commission member noted that a manhole was protruding and that the site was littered. Mr. Kritzman stated that the manhole will be repaired and all garbage around the property will be cleaned up. There will be multiple staff some to live on the premises and will have a vested interest to help keep the garbage situation under control.

Paul Watkins, City Attorney, asked the Commission not consider the donation when making a motion.

There being no further questions or comments from the public or the Commission a motion was made by Commissioner Bradley to approve the Special Exception with the following conditions:

1. all improvements to Cristman Drive shall be completed as directed by the Director of Public Works and;
2. permits for the project shall be issued within 18 months from the date of final approval or the Special Exception is voided and;
3. commercial uses depicted on the presented conceptual site plan shall be limited to the uses permitted in the (NB) Neighborhood Business District and;
4. turn lanes shall be constructed at all points of access to the project from Molly Barr Road and;

Commissioner Whittington seconded to approve the Special Exception to amend the Blackberry Hills PUD.

All present voting aye.

The Special Exception was approved.

The Meeting was adjourned.