

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, August 13, 2012 at 5:00 p.m. in the City Hall Courtroom with the following members present:

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

Tim Akers, City Planner
Randy Barber, Building Official
Paul Watkins, City Attorney
Reanna Mayoral, Assistant City Engineer
Katrina Hourin, Assistant City Planner
Cynthia White, Meeting Secretary

The following members were absent:

Carter Myers
Dr. 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. There being no further changes from the Commission a motion was made by Commissioner Bradley and seconded by Commissioner Whittington to approve the agenda.

All present voting aye,

The motion was approved and the agenda was accepted.

3. Approval of the July 9, 2012 Minutes. Commissioner Harmon asked if there were any necessary changes to the minutes.

There being no further 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 July 9, 2012 meeting.

All present voting aye,

The minutes were approved.

4. Planning and Building Officials' Reports. City Building Official Randy Barber reported there were 276 building permits issued for the month of July, for a valuation of \$20,875,377.00. Permits issued for June, 2012 were 182 for a valuation of \$2,070,188.00. He also commented that the permits issued for The Retreat were \$13 million for 160 units. Commercial permits and remodeling permits are also up.

City Planner Tim Akers stated that several board members are up for reappointment – Gloria Kellum, Darryail Whittington, Carter Myers, and John Bradley. The mayor has contacted them to see if they want to be reappointed. At the next meeting in September, the mayor will appoint the chairman. Also, the vice chairman will be elected by the commission at the same time.

A motion was made by Commissioner Bradley and seconded by Commissioner Whittington to accept the Planning and Building Officials' Reports.

All voting aye,

The motion was carried.

REGULAR AGENDA

5. Public Hearing for Proposed Amendment to Oxford Land Development Code; Article 7, Section 201: Parking and Loading Regulations regarding parking space area requirements

Bart Robinson addressed the commission regarding the proposed changes as to the size of parking spaces. Currently, in Section 201.09, the code reads “a minimum area of 200 square feet per parking space shall be required in computing the total area to be devoted to parking”. The recommended changes will state that “the minimum allowed is currently 8 1/2 feet x 18 feet. In all other districts the size is 9 feet wide x 18 feet long. In the ordinance amendment, the minimum parking space for compact car spaces cannot exceed 10% of the total number of spaces, which would be 8 feet x 16 feet long. Handicap spaces are provided as required by the Americans with Disabilities Act.” We have not made a differentiation in the past between compact spaces and the minimum allowed so we are now making this change in the code.

Bart requested a recommendation from this commission to the Board of Aldermen approving the proposed amendment to the Oxford Land Development Code, Article 7, Section 201.09. Commissioner Whittington recommended the above changes be made to the Board of Aldermen, with Commissioner Huelse seconding the motion. With no further questions or comments,

All present voting aye.

The motion was approved.

6. Public Hearing for Proposed Amendment to Oxford’s Land Development Code; Article 9, Section 230; Standard Forms for Final Plats regarding final plan certification

Bart commented that this is truly “housekeeping”. Plats require Certificates and this is updating the certificates to current standards of practice. As there are numerous certificates, these were not read at the meeting. With no further questions or comments, Commissioner Bradley made a motion recommending the amendment to the Board of Aldermen for their approval. Commissioner Whittington seconded.

All present voting aye,

The motion was approved.

7. Public Hearing for Case #1650 – Request for site plan approval for “The Hub at Oxford”, a 162 unit rental development located at 2221 Anderson Road in a (RC) Multi-Unit Residential zoned district

The subject property is a 13.88-acre site located at the corner of Anderson and Anchorage Roads. Small single-family residences border the subject property along these two roads. In addition, there are single-family residences and duplexes located to the north on a small, private, dead end road. The existing undeveloped interior portion of the property is steep in some areas and rolls throughout the majority of the site. To the south, across Anderson Road from the subject property is a condominium development and the Goose Creek Estates Subdivision.

The subject property was approved for development in 2008, but never constructed. Consequently, the approved site plan expired after 18 months. In January of this year, a site plan was approved for ‘Ashworth Village’- a 200-unit residential rental development. A Traffic Impact Study was completed in 2008, which concluded that no road improvements were necessary and since that time the City has made improvements to both Anchorage and Anderson Roads.

The applicant is seeking site plan approval for ‘The Hub at Oxford’ a 162-unit residential rental development with two points of ingress and egress on Anchorage Road. The applicant is proposing to implement alternative storm water management techniques that include bio swales, recessed vegetative islands in the parking lots and vertical green walls on select portions of the building facades. The applicant has volunteered to share in the cost of extending transit service to this area of Anderson Road.

The applicant has met with the Site Plan Review Committee on July 18, and July 25, 2012 and has made all necessary adjustments for compliance.

Recommendation: Approve Site Plan for “The Hub at Oxford”, a 162 unit residential rental development.

Julian Allen, general contractor, appeared before the commission stating that they had made all necessary adjustments for compliance. He stated the plans are different from the plans previously submitted for this site as they are not the original applicants.

The intent is to keep green space with this development. There are 582 beds, some units with 3, 4, or 5 bedrooms. The design is first class, with parking spaces a little above code, 1.02 spaces per bed. All exits and entrances are on Anchorage. After the complex is completed, this route will be added to the bus schedule for the yellow line in fall, 2013. A turn lane will be constructed at Anchorage and Anderson, with sidewalks on both sides.

With no further questions or comments, a motion was made by Commissioner Whittington and seconded by Commissioner Bradley to approve the Site Plan for “The Hub at Oxford”.

All present voting aye.

The motion was approved.

8. Public hearing for Case #1651 – Request for site plan approval for “The Mark” Phase III – a 72 unit residential rental development located at Old Taylor Road in a (RC) Multi-Unit Residential zoned district

The subject property is a 35 acre site located on the east side of Old Taylor Road, south of Highway 6, and was annexed into the city in 2007. County property lies to the east of the subject property and to the west. Across from Old Taylor is a (CE) Country Estate zoned district. To the north and south of the property are like zoned (RC) Multi-Unit Residential areas.

Phase II of the subject development was approved by the Oxford Planning Commission in 2002, and currently existing on the property are 336 completed units. For property of this size, in an (RC) Multi-Unit Residential zone, the Land Development Code allows 505 total units. Once completed, the total units in the three phases will be 408. The applicant has agreed to provide a turning lane into the complex and a bicycle path along the length of the property. This project was previously approved in 2008; however, the site plan expired after 3 years. The applicant is, once again, seeking site plan approval for the third phase of this development.

The applicant met with the site plan review committee on July 18, 2012 and has made all necessary adjustments for compliance.

Recommendation: Approve the request for site plan approval for “The Mark” – Phase III, a 72 unit residential rental development.

Sidney Allen appeared before the commission, reaffirming the introduction of the site plan request by Asst. City Planner, Katrina Hourin. Mr. Allen added that all sewers had been previously put in and joined to city water. He also indicated on the drawings where the turn lane will be going into Phase III of the project, at the side entrance. Traffic should not be

heavily impacted as most of the apartments are occupied by part time residents, with approximately 144 more vehicles being added to the traffic flow on that road.

With no further questions or discussion, a motion was made by Commissioner Bradley, and seconded by Commissioner Huelse to approve the request for site plan approval for “The Mark”, Phase III.

All present voting aye,

The motion was carried.

9. Public Hearing for Case #1652 – Request for site plan approval for “Your Extra Closet” commercial building located at 108 Allison Cove in a (GB) General Business zoned district

The subject property is a 1.7 acre site located on an irregularly shaped lot in the cul-de-sac of Allison Cove, north of West Jackson Avenue. Currently existing on the site are four – 4,000 sq. ft. storage buildings and a number of smaller temporary storage units. The applicant is requesting site plan approval to disassemble three of the existing buildings and construct one large climate controlled storage facility of approximately 25,000 square feet in size. The fourth building will remain as is, and the temporary units will be removed to clean up the site. The disassembled parts from the old units will be reused in the construction of the large unit.

The applicant has met with the site plan review committee on August 1, 2012 and has made all necessary revisions for compliance.

Recommendation: Staff recommends approval of the site plan for “Your Extra Closet” on Allison Cove.

Floyd Hubbell appeared before the commission as owner. He has three other locations for storage facilities, and this will be his fourth. There is poor lighting and there have been several break-ins at this location. With his recommended changes, he feels this will improve the neighborhood and will provide more services to the community. He plans to rebuild the retaining wall, landscape the property, and build a drainage ditch. Putting in security and fencing should increase the security of the property.

With no further questions or comments, Commissioner Bradley made a motion to approve the site plan for “Your Extra Closet” on Allison Cove, with Commissioner Whittington seconding the motion.

All present voting aye,

The motion was carried.

Public hearing for Case #1653 – Request for a special exception to allow (RC) Multi-Unit Residential in a (GB) General Business for property located at 1509 Pierce Avenue

Case #1654 is on the same property seeking site plan approval. The subject property, measuring approximately 1.5 acres is located on the north side of Pierce Avenue. The property is largely undeveloped and lies to the south of both Orion Health Club and Pizza Hut, businesses fronting University Avenue. Fillmore Avenue terminates at the subject property's western boundary line. In spite of the zoning map, single family dwellings exist on three sides of the subject property. Ingress and egress is proposed through Pierce Avenue and also on Fillmore Avenue.

The applicant is proposing to construct 12 single rental units and is requesting a Special Exception. Section 137.03(1) of the Land Development Code permits single family in a (GB) General Business zoned district only by special exception.

Recommendation: Approve the request for Special Exception for a (RC) Multi-Unit Residential in a (GB) General Business zoned district based on the following finding:

Granting of the special exception will not adversely affect the public interest.

The applicant met with the Site Plan Review Committee on July 11th and 25th, 2012 and has made all necessary adjustments for compliance.

Recommendation: Approve Site Plan for "1848 South", a 12 unit residential rental development.

Jeff Williams of Williams Engineering appeared before the commission representing PLC Partners. A special exception is needed to allow (RC) multi-unit residential in a (GB) General Business zoned district, which is a Board of Adjustment ruling. Addressing the special exception request first, Mr. Williams explained that the plan is to build 3 and 4 bedroom units, consisting of 44 bedrooms. The pedestrian access to University Avenue and the Square would be through the parking lots of Orion Fitness and Pizza Hut, with tenants having car access on Fillmore and on Pierce. The developer has spoken to the owner of Orion Fitness, and the feeling is that it is desirable to have foot traffic through the business lots. This property was previously used as overflow parking for the fitness club.

Commissioner Harmon asked for any questions or comments. Joan Hall, a resident who lives 4 blocks southeast of this property, addressed the commission. Her feeling is that the request does adversely affect the public. For over 30 years she has lived in this area. Almost every day she walks or drives down 16th street. She gave 3 reasons why she felt the proposal should be rejected:

1. The area falls within the South Lamar preservation district, and she wants the planning commission to know that demand for off campus housing threatens these neighborhoods.
2. The face and character of the neighborhood will be changed by a 12 unit residential rental development being built on 1.5 acres. The landscaping on this proposed plan cannot compensate for any trees that would be cut down. The

surrounding properties have yards which will be adversely affected by have a rental property on the street.

3. This part of Pierce Avenue is unusually narrow and turns at a 90 degree angle, with low visibility at the edge of the property. One of the ingress/egress roads will open onto this street, with awkward access to south 16th street. Turning left from Pierce and then on to University Avenue is already difficult. With 44 beds, the traffic noise will have a negative affect on the neighborhood. Pedestrians and drivers will be at risk on this stretch of Pierce Avenue.

She asked the commission to please think about this request before approving it.

Jeff Williams replied that he disagrees with a few comments from Mrs. Hall. He is asking for a special exception, not a zoning change. He has spoken with every one of the immediate property owners except for Pizza Hut and the bank, and the overall feeling was that this would be the best case scenario for the property. Overstreet Properties concern was drainage, but they were assured this would be taken care of.

Commissioner Harmon asked if there were any further questions or comments. The question arose as to parking spaces that would be provided. Adequate parking would be provided but there remained a concern as to the space available for maneuverability.

Commissioner Bradley referred to Municipal code 216.05 b 1) as to the hardship that would be caused with approving this exception, and made a motion that this exception be denied. Jeff Williams interrupted and asked if he put up something that did not require a special exception, would that make a difference. He feels a residential project is much better than another business project.

Again, Commissioner Bradley made the motion to deny, with Commissioner Bishop seconding the motion.

All voting nay,

The motion was denied.

Public hearing for Case #1655 – Request for a 7’7” building height variance for property located at 400 N. Lamar in a (DB) Downtown Business zoned district

Case #1656 is part of the request on this same property.

The subject property is a 2.3 acre site located on the northeast corner of North Lamar and Jefferson Avenue. The lot is regularly shaped, gradually increasing in elevation from the west to the east portion of the property. Currently existing on the subject property are several structures altered and renovated at different times over years. In addition, there are four curb cuts, two on N. Lamar and two on Jefferson Avenue allowing egress and ingress with parking scattered throughout the site. The Downtown Inn and to a smaller degree its northern neighbors, the Edgar and the Baker office buildings, provide the visual divide between the business district and the residential areas lying to the north.

The applicant is proposing to demolish the entire site in favor of a new single structure which will front North Lamar and Jefferson Avenue, concentrating the building mass nearer to the downtown area. The building placement in the proposed design reduces the footprint from 32,012 square feet to 20,522 square feet, allowing the majority of parking to be removed from sight. In addition, this design configuration increases the green space from 7,634 square feet to 36,392 square feet, in turn reducing the impact of storm water on the city's sewer system. In (DB) Downtown Business zoned districts, there are no setbacks requirements thus permitting the applicant to build to the property line; however, there is a 5% landscape requirement.

The applicant is seeking a seven foot (7'-7") seven inch building height variance to concentrate the hotel in the southwestern area of the site. 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.

Recommendation: Staff recommends denial for the request for a seven foot (7'-7") seven inch building height variance based on the following finding:

1. There are no special conditions or circumstances that exist which are peculiar to the building involved and which are 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 are denied by this ordinance to buildings in the same district.

The variance request was discussed first. Commissioner Bradley asked Attorney Watkins how difficult it would be to change the ordinance regarding height restrictions in the Downtown Preservation District. It is a lengthy process, which would delay this project for a long period of time. It would take 3 readings at the Board of Aldermen meetings, be presented to the Planning Commission as a recommendation, and then it would be 30 days before it would go into effect. We could not consider a site plan which did not comply with the current ordinances. Changing the height would also change the height for all the other buildings in the area. The Courthouse Square Preservation Commission would also have to give its input, so this would not be an easy or quick process.

Several buildings in the area were granted a height variance, such as Vieux Carre', which was issued a 10 foot height variance. It is not the intent to create a hardship for the developer, which is why height variances are granted. Attorney Watkins stated that there is no state statute concerning this variance.

The staff was commended as to their recommendation of denying the approval of this height variance as the request does not conform to the statute.

Roger Pryor and Luke Chamblee appeared to present their case for allowing the approval. Mr. Pryor stated that if the height variance is denied, this would create a hardship on them. In 3 respects:

1. They have secured the commission's approval to minimize urban sprawl. They are substantially reducing the footprint by going up an extra floor.
2. They support the goal of green space. This project substantially adds to the green space. The drawings indicate an addition of 25% more green space. If the building would have to be lowered, the green space would be reduced dramatically.
3. They support good planning goals of the city by pushing back the driveway further from 14th Street and Jefferson.

There will be 120 parking spaces for the 120 rooms.

Both Robert Khayat and Jay Hughes spoke to the commission as neighbors to the proposed project. As having taught law for 25 years, Chancellor Khayat has read a lot of material about land-use planning. He expressed that there must always be escape clauses as to land-use, and a balance between public good, well-being and prosperity of the town. He thanked the staff for being true to the letter of the ordinance. He also commended the Chamblee Company for designing a quality hotel for Oxford and asked that the 7'7" height variance be recommended as reasonable to the Board of Aldermen for their approval. Finally, he feels this will become a premier destination hotel in the state of Mississippi.

Jay Hughes expressed his concern about the concern of hardship for the developer. Hardship is not defined. Is this a neighborhood hardship? Would there be a hardship for the downtown by having the contractor build with more concrete and lessen the green space? As an attorney, he feels this does meet the requirements for a special exception.

Commissioner Harmon asked if there were any other comments or questions.

Watt Bishop made a motion to recommend the 7'7" height variance to the Board of Aldermen. Commissioner Huelse seconded. All voted aye, with Commissioner Bradley abstaining.

Case #1656, request for site plan approval for "The Downtown Inn", the applicant is proposing to demolish the entire site in favor of a new 120 room, single structure hotel.

Recommendation: Approval of the site Plan for "The Downtown Inn" – a 120 unit hotel at 400 N. Lamar, with the following conditions:

1. Approval of the 7'7" building height variance;
2. Height variance is limited to the approved site plan as presented to the commission.

Commissioner Huelse made a motion to approve the request for site plan approval with the condition that the 7'7" height variance be limited to the approved site plan as presented to the commission, with Commissioner Whittington seconding the motion.

All voting aye, with Commissioner Bradley again abstaining,

The motion carried.

The meeting was adjourned by Commissioner Harmon.