

**City of Oxford Planning Commission  
November 14, 2016**

**SUMMARY MEETING MINUTES**

**Planning Commission:**

Darryail Whittington (Chairman)  
Duncan Gray  
Mark Huelse  
Hayden Alexander  
Michael Harmon  
John Bradley  
Judy Riddell

**Staff:**

Judy Daniel  
Ben Requet  
Gray Parker  
Lori Markle

**Advisory Member:**

Reanna Mayoral

**Legal Counsel:**

Paul Watkins

**I. Meeting called to order at 5:00pm**

**II. Approval of the Agenda**

Commissioner Bradley 1<sup>st</sup>. Commissioner Huelse 2<sup>nd</sup>.

**III. Approval of the minutes from September 12, 2016**

Commissioner Gray 1<sup>st</sup>. Commissioner Bradley 2<sup>nd</sup>.

**IV. Staff Report**

Planning Director Judy Daniel said the City's newest park, Woodlawn-Davis Nature Center, is open and the kickoff event was a delight. Commissioner Huelse and Commissioner Gray said they read their Planning Commission packets digitally, and do not need a hardcopy. Commissioner Bradley made an inquiry about the Auto Zone green screen and their continuous violation. Ms. Daniel said AutoZone is moving slowly, but plans are in and they are moving forward.

**V. Case #2126 – Jim Cassidy Construction, LLC. has filed a request for a two-foot, six-inch (2'6") front yard setback variance, for property located at 325 Fazio Drive.**

**Planners Comments:** The subject property is an irregularly shaped residential lot that measures approximately +/- 0.76 acres. It is located in 'The Grove at Grand Oaks, Phase IV'. In this section of the Grand Oaks Planned Unit Development (PUD), front building setbacks are thirty-five feet (35').

The applicant is seeking a two foot, six-inch (2'6") front yard setback variance to build a set of front entry steps from the front porch to the front drive. The house is currently touching the setbacks on three sides of the property. Any shift in building footprint to accommodate the steps would put the house over another setback; and adjusting the house design would require redrawing the plans. A small variance for the steps is the least intrusive option for accommodating a home of this size on a lot of this unusual shape.

**Recommendation:** Due to the unique shape and conditions of the lot, staff recommends approval of the two foot, six-inch (2'6") front yard variance with the following condition:

1. Variance request is for the attached site plan.

***Summary of Discussion:***

- Commissioner Bradley 1<sup>st</sup>.
- Commissioner Harmon 2<sup>nd</sup>.
- ***Motion approved unanimously by all present.***

**VI. Case #2127 – Susan Phillips has filed a request for a ten-foot, eight-inch (10'8") front yard setback variance for property located at 317 Williams Street.**

**Planners Comments:** The subject property is a small rectangular shaped residential lot along the north side of Williams Street. Many of these lots are small and topographically challenging; in turn producing even smaller home sites. This property is subject to the additional regulations in the Neighborhood Conservation Overlay District.

The applicant is requesting a front yard setback variance of ten feet, eight inches (10'8") to allow for an eight foot (8') wide and four feet (4') in depth front porch and an eight foot (8') wide staircase of wooden steps to the existing sidewalk along Williams Street.

The topography of this street is rolling with fairly steep slopes throughout. The terrain of this lot slopes substantially downhill to the east. This west to east slope is a unique feature compared to other lots on the street. Due to the grade change, the ordinance would only allow for construction of an exceptionally steep set of steps from the front door to the driveway. The proposal for steps, a landing, and additional steps is better suited and safer for this site.

**Recommendation:** Staff recommends approval of the ten foot, eight-inch (10'8") front yard setback variance request with the following condition and findings:

1. Due to the topography of this lot 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 deprives 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 not confer on the applicant special privileges that is denied by this ordinance to buildings in the same district.

***Summary of Discussion:***

- Commissioner Gray 1<sup>st</sup>.
- Commissioner Huelse 2<sup>nd</sup>.
- ***Motion approved unanimously by all present.***

**VII. Public Hearing for Case #2128 – Tim and Donna Ritchie have filed a request for a five-foot (5') rear yard setback variance for property located at 102 Hot Spur Lane.**

**Planners Comments:** The subject dwelling is located in the Hamlet development, accessible from Harlan Drive off South Lamar (just south of Hwy 6). It contains one single-family home built in 2006. The variance is requested as part of a solution to a property line encroachment as the rear of the home is built beyond the current property line of the Hamlet.

The Hamlet was originally to have another phase just to the west of this home, but that phase was never built, due to bankruptcy soon after the home was completed. During the bankruptcy process the bank controlling the property sold this home to the current owners (on an “as is” basis) and sold the property that was to be the subsequent phase of development to Baptist Hospital. It may or may not have been recognized at the time that a portion of the rear of this home (an outdoor roofed patio) extended over the new property line. Either way, the owners only recently learned from the Condominium HOA of the encroachment issue. To correct this unexpected situation, the owners have been able to make arrangements with Baptist Hospital to purchase additional land to accommodate the home within the boundary of the Hamlet. According to the applicants, the land will become the property of the Hamlet HOA once purchased.

The Hamlet has condominium ownership without individual lot lines and was approved with 10 foot side yard setback lines at this location. The proposal of the homeowners is to purchase 707 square feet of land from Baptist Hospital, sufficient to accommodate a 5 foot side yard setback. The stated reason for requesting the variance is a hardship in the cost of the land. They state that to acquire the amount of land necessary to not need a variance (1414 sf) would cost them twice as much; but they did not provide the cost per square foot negotiated.

While the cost of land is not a common hardship request, this is an uncommon situation. The hardship was not caused by the homeowners, as the home seems to have been built (with the patio extension) before the bankruptcy that caused the land sale to the hospital. Granting yard setback variances is not unusual, and staff believes that this request would not cause any perceivable harm, and would resolve an unfortunate encroachment problem that is lingering residue from the Recession of the mid 2000's.

**Recommendation:** Staff recommends approval of the requested variance with the following condition and findings:

1. It meets the requirements of Sec. 216.07 for approval of a variance.
2. The variance is for the plan as submitted.

***Summary of Discussion:***

Commissioner Huelse asked if house 67 is part of this application. He said it looks like the corner is clipped on the plan. Planning Director Judy Daniel said this is not an official survey and that it does not look like all that is there.

- **Commissioner Gray 1<sup>st</sup>.**
- **Commissioner Riddell 2<sup>nd</sup>.**
- ***Motion approved unanimously by all present***

**VIII. Public Hearing for Case #2129 – Johnny Morgan has filed a request for a nine-foot (9') building height variance from Section 140.04(7) Height Regulation for property located at 908 North Lamar Boulevard.**

**Planners Comments:** The subject property contains three lots, each zoned (NB) Neighborhood Business and measures approximately +/- 1.35 acres located at the southeast corner of the North Lamar Boulevard and Pleasant Drive intersection. The subject property is currently occupied by three buildings, mini storage to the north, a small office building in the center and a neighborhood retail center to the south. The applicant is proposing to construct two new mixed-use buildings, each three stories with nonresidential uses on the first floor and residential use on the second and third floor. A site plan has been submitted for the project and is currently under review by the Site Plan Review Committee for two 3 story mixed-use buildings containing approximately 5,680 sf of commercial on the first floor and approximately 5,680 sf of residential on the second and third floors. Each building will contain a total of eight (8) residential units, six (6) two-bedroom units and two (2) three-bedroom units.

The applicant is requesting a nine-foot (9) building height variance from Section 140.04(7) Height Regulations of the Land Development Code. In the (NB) Neighborhood Business zoning district, height is limited to no taller than thirty-five (35'). After consulting Randy Barber, the City of Oxford Building Official, it was determined that the functional portion of the proposed buildings are in compliance with the height regulation in the Land Development Code, however, each building contains three gables with a height of forty-two feet, six-inches (42'6") that serve as a vaulted ceiling over the dining room area. Also, on the corner of each building, is a tower with a proposed height of forty-four feet (44'). These architectural elements of the building provide the building with a better overall aesthetic from the street and encompass a minor portion of the overall building. Therefore, staff recommends approval of the requested building height variance.

**Recommendation:** Staff recommends approval of the requested variance with the following condition and findings:

1. Variance is for the plan as submitted.

***Summary of Discussion:***

Corey Alger, architect for the applicant, said the portion of the building seeking a variance is just in the areas seen hatched on the plan. He said they would like to add that the three gables and the tower are what he and the applicant are seeking a variance. Chairman Whittington asked if there was a reasoning for the tower other than aesthetics.

Mr. Alger said the tower is an architectural feature and part of this request is about how architects make buildings these days. He said generally the ground floor is higher than 10' high ceilings. The City's 35' height restriction limits a lot, and creates lower quality spaces. Mr. Alger added that 35' has been a variance numerous time, and he is hoping it will change in the new code.

Commissioner Bradley asked about how close the buildings would be to the street. Mr. Alger said that there is a 50' right-of-way (ROW) from the center of N. Lamar. He said the existing buildings on site are over the property line and that with this proposal, the building is further back than existing porches and past where existing building is. He said all existing paving will be green space. Planning Director Judy Daniel said that this type of mixed-use concept fits in with the City's future code. She said the Planning Department is hoping to see more 2-3 story building in most of the commercial corridors.

- **Commissioner Bradley 1<sup>st</sup>.**
- **Commissioner Alexander 2<sup>nd</sup>.**
- ***Motion approved unanimously by all present.***

**IX. Public Hearing for Case #2130 – Johnny Morgan has filed a request for a variance from Section 204 Off Street Automobile Parking and Storage for property located at 908 North Lamar Boulevard.**

**Planners Comments:** The subject property contains three lots, each zoned (NB) Neighborhood Business and measures approximately +/- 1.35 acres located at the southeast corner of the North Lamar Boulevard and Pleasant Drive intersection. The subject property is currently occupied by three buildings, mini storage to the north, a small office building in the center and a neighborhood retail center to the south. The applicant is proposing to construct two new mixed-use buildings, each three stories with nonresidential uses on the first floor and residential use on the second and third floors. A site plan has been submitted for the project and is currently under review by the Site Plan Review Committee for two 3 story mixed-use buildings containing approximately 5,680 sf of commercial on the first floor and approximately 5,680 sf of residential on the second and third floors. Each building will contain a total of eight (8) residential units, six (6) two-bedroom units and two (2) three-bedroom units.

As proposed, the development is required to provide a total of 80 parking spaces; 40 spaces for the commercial use and 40 spaces for the residential (16 units = 32 spaces + 8 guest parking spaces). The applicant did suggest that on-street angled parking could be added to North Lamar, potentially adding an additional 14 parking spaces, however, at this time the City of Oxford is not looking to add on-street parking to this corridor. While the Planning Department agrees that our current parking standards are excessive and are currently being evaluated in the Land Development Code rewrite, staff is unable to support a 25% reduction (20 spaces) of parking, in particular, without more definitive information of the intended uses of the commercial portion of the building and how that use may impact the residential parking needs or vice-versa.

**Recommendation:** Staff recommends denial of the requested parking variance.

***Summary of Discussion:***

Architect representing the applicant, Corey Alger, said that the City currently has excessive parking requirements. He said this property is different than the average lot, and the applicant has significant right-of-way (ROW) for green space. He mentioned down the street that Handy Andy currently uses the ROW for parking. Mr. Alger said none of the front of their site would have parking. He said they met with City Engineer Bart Robinson to discuss potential for development of parking on the street. Mr. Alger said that they could get more parking on the front, but he said having the building close to the street is part of the design, and he and the applicant do not feel they need more parking. He said Mr. Morgan wants to have an office on the front floor, and the 12,000 additional sq. ft. tenants are unknown. Mr. Alger added that they do not believe they need more asphalt. He said they want to create something different that is adequate to the Comprehensive Plan goals.

Commissioner Bradley asked how much would you have to shrink the building footprint to add 60 complying parking spaces. Mr. Alger said it would require them going back to site plan, and taking more office space off the ground floor. Commissioner Gray asked if there would be an amount the Planning Department would support if not 25%. Senior Planner Ben Requet said the Department could work with Mr. Morgan and Mr. Alger to get the net for the overall calculation of the commercial space.

Commissioner Riddell said she thought it would depend on who rents and what happens to the parking if the tenants change. Mr. Alger said you could limit what goes into the building based on parking availability. He said he knew that 1/10<sup>th</sup> of the commercial would be for Mr. Morgan's office.

Commissioner Riddell wanted to grant the owner the ability to deal with the policing of the kinds of commercial that would could support the parking on this site. Commissioner Gray asked if this could become an additional condition. City Attorney Pope Mallette said he was concerned with this because the Commission would be conditionally zoning the case. He said the City is getting out of the business of doing that.

Commissioner Gray asked if the Planning Department would consider a green space variance for the applicant to add a few more parking spaces. Planning Director Judy Daniel said that it was definitely worth considering, but that she does not like to design on the fly.

- **MOTION TO TABLE.**
- Commissioner Gray made a motion to table.
- Commissioner Bradley 2<sup>nd</sup>.

**X. Public Hearing for Case #2131 – W.S. Ashley Holdings has filed a request for Special Exception to allow residential in a (GB) General Business zoning district for property located at 1406 Jackson Avenue West (Located behind Rebel Barn).**

**Planners Comments:** The applicant is seeking a special exception to allow a mixed-use (commercial below, residential above) development in the General Business district. If approved they plan to propose a site plan for a three story building with primarily underground parking.

The property is accessed via an easement (through property owned by the University) off of Jackson Avenue that runs immediately to the east of the “Rebel Barn” restaurant. The area contains a mix of residential and commercial uses; and this location, removed from Jackson Avenue, would be difficult for a fully commercial use. Also, the location so close to the University would make it a close to ideal location for residential use. Further, such mixed use development reflects the goals of the Vision 2037 Comprehensive Plan.

**Recommendation:** Staff recommends approval of the request to allow residential use in the General Business district with the following finding:

1. Granting this special exception will not adversely affect the public interest.

**Summary of Discussion:**

Chairman Whittington mentioned that it is almost impossible to get out from this site going west. Planning Director Judy Daniel recommended that the applicant add non-residential on the ground floor. Engineer representing the applicant, Paul Koshenina, said that they do have some commercial on the ground floor. He said there would be a modest amount of retail on the front, but this would not be a major commercial spot. Commissioner Bradley asked why the condition could not be that the project be all residential. City Attorney Pope Mallette said the applicant is asking for residential in General Business (GB). Applicant Will Ashley said that they would be happy to limit the retail to 3,000 sq. ft. He said they imagined the commercial to be professional office space.

- Commissioner Bradley 1<sup>st</sup> motion to approve with staff recommendations.
- Commissioner Huelse 2<sup>nd</sup>.
- **Motion approved unanimously by all present.**

**XI. Public Hearing for Case #2132 – Frank Wilson Belk III has filed a request for a Site Plan Approval for ‘Oxford Toyota Additions & Renovations’ for property located at 447 Highway 6 West.**

**Planners Comments:** The subject property is located at 447 Highway 6 West and measures approximately +/- 3.14 acres. The site is generally level and consists of two existing building lots. One is the Oxford Toyota dealership, the other is an abandoned church. The Toyota owners purchased the former church lot to the east, and plan to expand the Toyota dealership over the combined two lots. Two ingress/egress lanes connect the site to the eastbound lane of Highway 6 West.

The current dealership building will be renovated and expanded as a 14,013 sq. ft. service building. The church structure will be demolished, and a new Toyota sales building will be built on that lot. The sales building will be 9,511 sq. ft. The redeveloped property has 234 proposed parking bays, with approximately 30 percent green space and adequate existing tree canopy. Due to the removal of existing trees on site, the applicant is required to mitigate eleven trees. The applicant plans to mitigate these trees on site, planting mostly on the rear of the property.

Stormwater has been approved by Public Works. An agreement to release stormwater runoff from the expanded Oxford Toyota site onto the adjacent Belk Ford (both under joint ownership) site has been submitted.

The Site Plan Committee completed its review of the proposed development on October 14<sup>th</sup> and recommends approval of the site plan with the conditions noted below.

**Recommendation:** Staff recommends approval of the site plan for 'Oxford Toyota Additions & Renovations' with the following conditions:

1. Approval is for the site plan as submitted.
2. An approved permit from MDOT will be received by the property owner prior to beginning work on the State right-of-way.

***Summary of Discussion:***

- Commissioner Gray 1<sup>st</sup> motion with staff conditions.
- Commissioner Huelse 2<sup>nd</sup>.

**XII. Public Hearing for Case #2133 – JW McCurdy has filed a request for Preliminary Plat Approval for 'Briarwood Subdivision Phase I & II' for property located on at 480 CR 101. (Postponed)**

**XIII. Public Hearing for Case #2134 – JW McCurdy has filed a request for Preliminary Plat Approval for 'Oakmont Subdivision Phase 1-5' for property located on at 480 CR 101. (Postponed)**

**XIV. Public Hearing for Case #2135 & #2136 – Douglas Rentals, Inc. has filed a request for a Preliminary & Final Plat Approval for 'Greenpointe Commercial Plus Phase I (Amended)' for property located on at 480 CR 101.**

**Planners Comments:** In 2009, a subdivision plat was approved and filed for Greenpointe Commercial Subdivision Phase I, which consisted of 6 lots along Ricky D. Britt Boulevard. In 2013, a subdivision plat



was approved for Greenpointe Commercial Subdivision Phase II, which consisted of 1 lot along Ricky D. Britt Boulevard to the south of Phase I. Recently, it was discovered that Lot 5 of the Greenpointe Commercial Subdivision Phase I was incorporated into the plat of Greenpointe Commercial Subdivision Phase II, however, Phase II was never recorded with the County. The applicant sought guidance from the Planning Department as to resolve this conflict between the two subdivision plats and was advised to amend the Phase I plat, removing Lot 5.

Therefore, the applicant is requesting Preliminary & Final Plat approval for Greenpointe Commercial Plus Phase I (amended), a five-lot subdivision on approximately +/- 7.652 acres. Lots 1 & 4 are currently developed while lots 2 & 3 remain undeveloped and lot 5 is the site of a City of Oxford Sewer Lift Station.

Additionally, there is no dispute as to the subdivision plat that was approved by the Planning Commission for Greenpointe Commercial Subdivision Phase II. However, there are multiple plats that may have been provided to the Mayor and Board of Alderman in 2013. Since this plat was never recorded and as a good house-keeping measure, staff recommends as a condition of approval, that the Mayor and Board of Alderman reapprove the plat that was approved by the Planning Commission for Greenpointe Commercial Subdivision Phase II.

**Recommendation:** Staff recommends approval of the Preliminary & Final Plat for Greenpointe Commercial Plus Phase I (amended) with the following conditions:

1. Approval is for the plat as submitted.
2. Approval of 'Greenpointe Commercial Plus Phase I (amended)', by the Mayor and Board of Alderman.
3. Re-Approval of 'Greenpointe Commercial Plus Phase II' as approved by the Planning Commission, by the Mayor and Board of Alderman.

***Summary of Discussion:***

- Commissioner Gray 1<sup>st</sup> motion with staff conditions.
- Commissioner Harmon 2<sup>nd</sup>.
- ***Motion approved unanimously by all present.***

**XVII. Meeting Adjourned.**