

PLANNING COMMISSION

July 23, 2007

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, July 9, 2007 in the City Hall courtroom with the following members present:

Jay Carmean, Chairman
Rob Neely
Leon McCullouch
Tim Cantrell
Sandy Grisham

Tim Akers, City Planner
Randy Barber, Building Official
Paul Watkins, Mayo-Mallette Law Firm
Alicia Buford, Secretary

1. The meeting was called to order by Commissioner Carmean.
2. Motion was made to make changes to the agenda. Request was made to move agenda item 9 to item 11A. Agenda item 10 should reflect case 1413 and 1413A and item 16 was postponed. Motion was made by Commissioner McCullouch to accept the agenda and seconded by Commissioner Grisham. All present voting aye.

The motion was approved.

3. Approval of minutes for June 11, 2007 meeting. Motion was made by Commissioner McCullouch and seconded by Commissioner Cantrell to accept the minutes. All present voting aye.

The motion was approved

BUILDING OFFICIAL'S REPORT

4. Mr. Randy Barber reported for the month of June that building costs were \$3,132,000 dollars in building costs and \$51,030.50 in building permit fees. There were 21 new residences, 3 residential remodels, 1 new commercial construction, and 6 commercial remodels. He also reported that the building department is \$12,000,000 behind last year's total, but there will be three new major projects coming up that should meet or exceed last years' total.

PLANNER'S REPORT

Mr. Tim Akers reported that the Planning and Development office has begun working on its budget and plans to go to the budget committee on July 16. The Ordinance Review Committee will meet Thursday, July 12 at 8:30 to continue to work on the amendments to the landscape ordinance, and he hopes to submit amendments at August Planning Commission meeting. There will be a public hearing on July 10 at 5:30 p.m. at the Oxford Conference Center regarding the proposed Historic Overlay Districts. Mr. Akers also reported that he will publish a public service announcement in the July 11 edition of the Oxford Eagle announcing openings on the Historic Preservation Commission and the Courthouse District Preservation Commission. Motion was made by Commissioner Carmean and seconded by Commissioner McCullough to accept the building and planner's reports. All present voting aye.

Motion was approved.

CONSENT AGENDA

5. Public Hearing for Case 1417 – Notting Hill Subdivision.

Request: Rear yard variance for property located at lot 64 Notting Hill Subdivision. Tim Akers reported that Marty Daniels was requesting a 6 ½ foot variance to construct an attached patio and that he recommended approval. After no further questions or comments came from the public or the Commission, motion was made by Commissioner Cantrell and seconded by Commissioner Neely to approve the rear yard variance. All present voting aye.

Motion was approved.

6. Public Hearing for Case 1418 – 27 County Road 322.

Request – Special Exception to permit a single family dwelling on property zoned GB (General Business) at 27 County Road 322. Tim Akers reported that Todd Paine was requesting special exception to permit a single family dwelling on property zoned GB (General Business). He stated that to the east of the property is a commercial business zoned GB (General Business) and to the west is an apartment complex zoned RC. The applicant is attempting to buy the property and the mortgage company had questions about the property being zoned GB (General Business). The planning office offered the applicant to apply for special exception which would allow a single family residential unit in a GB (General Business) district. Mr. Akers recommended approval and stated that the special exception would only allow a single family residential unit in a GB (General Business) district and would not change the zoning. After no questions or further comments from the Commission or the public, motion was made by Commissioner Carmean and seconded by Commissioner McCullough to approve

special exception request to allow a single family dwelling in a GB (General Business) district. All present voting aye.

Motion was approved.

REGULAR AGENDA

7. Public Hearing for Case 1410 – Magnolia Grove Subdivision. Request: Preliminary and Final Plat Approval. Mr. Akers reported that the property is located on Anchorage Road and stated that the request has previously come before the Commission. He also stated that there have been improvements made to this plat with amenities such as alleys and a swimming pool. Mr. Akers reported that the applicant has agreed to straighten the road and the city has agreed to pave that portion of the road. The applicant has also agreed to construct bike lanes on both sides and sidewalks. There will also be a maintenance agreement to maintain all the common open space lots of the subdivision. Mr. Akers reported that there are two requests before the Commission: 1410 – Special Exception and 1410A – Final Plat Approval for zero lot line development. He recommended approval with the condition that the subdivision's protective covenants be filed with the Chancery Clerk and then a filed stamped version with the planning office prior to final plat approval by the Board of Aldermen. Jeff Williams with Daniels/Williams presented handouts to the Commission and explained improvements to the plat. Comments came from the public regarding straightening of the road and extension of the road. Jeff Williams explained how the road would be straightened. After discussion, motion was made by Commissioner Carmean and seconded by Commissioner Cantrell to approve the request for Special Exception. All present voting aye.

The motion carried.

Motion was made by Commissioner Carmean and seconded by Commissioner Grisham for Final Plat Approval with the following condition: that the subdivision's protective covenants are filed with the Chancery Clerk and then a filed stamped version with the planning office prior to final plat approval by the Board of Aldermen. All present voting aye.

The motion carried.

8. Public Hearing for Case 1411 – Great Falls Subdivision. Request: Site Plan for City Water and Sewer. Mr. Akers reported to the Commission that the property for Great Falls is a 17 acre tract of land on Anchorage Road two miles north of the city limits. The proposed development will consist of 70 one and two bedroom rental units accessible by a private street. The applicant explained to the Commission what the units would look like. The applicant also plans to

quitclaim deed a portion of the development to Lafayette County for road straightening purposes. Mr. Akers recommended approval to the Commission with no conditions. After further discussion, motion was made by Commissioner Grisham and seconded by Commissioner Cantrell to approve site plan request for city water and sewer at Great Falls Subdivision. All present voting aye.

The motion was approved

9. Public Hearing for Case 1413 – 1413A – Windsor Falls Subdivision.

Request: Case 1413 - Two (2) foot front yard variance for lots 304 & 306.
Request: Case 1413A – Final Plat Revision. Mr. Akers reported to the Commission that several modifications have been made to the plats and a special exception was granted in May, 2007 to use the N-B (Neighborhood Business) zoning for single family business with one of the lots being left out. Also there were some surveying errors for lots 304 & 306. Mr. Akers recommended approval of the variance and the final plat revision with the following condition: that the number of lots does not exceed 306. The applicant reported to the Commission that there were some issues that had not been straightened out. Motion was made by Commissioner Carmean and seconded by Commissioner McCullough for Case 1413 to approve two (2) foot front yard variance for lots 304 & 306 due to surveying errors based on the following findings: that special conditions exist on the site which are not the result of the applicant, that this variance request is a minimum and that granting of the variance request would not confer privileges denied others in the same district or be contrary to public interest. All present voting aye.

Motion was approved with condition.

Motion was made by Commissioner Carmean and seconded by Commissioner Cantrell to approve final plat revision for lot 315 that was omitted in the previous plat revision and lots 301 – 306 that were staked out incorrectly with the following condition: that the development of all phases not exceed 306 lots. All present voting aye.

Motion was approved with condition.

10. Public Hearing for Case 1414 – 2020 University Avenue.

Request: Rezone Tracts 1 and 2 from R-B (Two Family Residential) District to G-B (General Business) District. Mr. Akers reported that the property is comprised of two tracts and that the property on University Avenue in front of tracts 1 and 2 is zoned G-B (General Business) and tracts 1 and 2 are zoned R-B (Two Unit Residential). When tracts 1 and 2 were annexed in December, 2006 and the tracts were zoned R-B (Two Family Residential). There was a drafting error that should have reflected the G-B (General Business) zoning of the parcels to the north of the property and not the R-B (Two Family Residential) District of the parcels to the

west. Mr. Akers recommended approval of the rezoning request for tracts 1 and 2 based on the following findings: that a drafting mistake was made for the subject property during the development of the current zoning map. The applicant presented a map of the property and explained the reason for the request. After no further comments or questions from the Commission, motion was made by Commissioner Carmean and seconded by Commissioner Grisham that tracts 1 and 2 be rezoned from R-B (Two Family Residential) District to G-B (General Business) District based on the following finding: that a drafting mistake was made for the subject property during the development of the current zoning map. All present voting aye.

The motion was approved.

11. Public hearing for Case 1412 – 2301 South Lamar Boulevard. Request: Sign Variance for Baptist Memorial Hospital/North Mississippi. Mr. Akers reported to the Commission that Baptist Memorial Hospital/North Mississippi has requested approval to keep their banners up until October, 2007. Peyton Warrington, Assistant Administrator for the hospital stated that a previous administrator for the hospital contacted the City of Oxford's Electric Department and expressed an interest in having banners hung in honor of their fifteen year anniversary for the hospital. The original banners were installed in August, 2004. In late 2006, the hospital was notified that it was the recipient of the 2007 Healthgrades award for Orthopedic and Cardiac Services. The hospital again contacted the Electric Department to replace the existing banners and the banners were installed. Approximately 24 – 48 hours after the banners were installed, the hospital was notified that they were not in compliance with the City ordinance. The hospital is requesting a variance until October, 2007 which is the date the Healthgrades designation expires. Mr. Akers recommended approval with the condition that the banners be removed by November 1, 2007 based on the following findings: that a literal enforcement of the Ordinance creates unusual hardship, special conditions exist on the site which are not the result of the applicant, the variance request is a minimum, and that granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest. Requiring the removal of the banners would create a hardship on the applicant and conditioning approval of the variance to four months would be a minimum variance and would make reasonable use of the property. After no further comments or questions from the Commission, motion was made by Commissioner Carmean and seconded by Commissioner McCullough to approve the request for a sign variance with the condition that the banners be removed by November 1, 2007 based on the following findings: that a literal enforcement of the Ordinance creates unusual hardship, special conditions exist on the site which are not the result of the applicant, the variance request is a minimum, and that granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest. All present voting aye.

The motion was approved with condition.

12. Public Hearing for Case 1415, 1415A, 1415B, & 1415C – Burney Branch Industrial Park. Request: Preliminary Plat Approval, Front Yard Setback, and Special Exception to permit commercial uses on property zoned Industrial. Commissioner Neely recused himself. Mr. Akers reported that the property is nine (9) acres for a proposed commercial subdivision. During site plan review the applicant recognized the importance of maintaining the tree line to protect the integrity of the bank along Burney Branch. Mr. Akers recommended approval of the preliminary plat with the condition that the tree line along Burney Branch be protected by fencing along drip lines of the tree buffer and that the development of each lot require site plan review and approval. The petitioner spoke on behalf of the owner stating that the required setback is 40 feet and that the owner is willing to set the rear setback at 25 feet from the top bank of the ditch which is outside the tree line. This would put the rear setback at 80 feet instead of the required 40 feet. Comments came from Joseph Johnson on behalf of North Mississippi Regional Center indicating serious concerns about the erosion and the amount of water that the project will dump in the tributary. The petitioner indicated that the developer would be more than happy to address some of the issues on stabilizing the area. Mr. Akers recommended to the Commission that a decision is postponed until the next month's meeting. Motion was made by Commissioner McCullouch and seconded by Commission Grisham to table a decision until next month's meeting pending a meeting with City Engineers Bart Robinson and David Bennett. All present voting aye.

The motion was approved

There being no further business to come before the Commission the meeting was adjourned at 6:15 p.m.