DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, January 13, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Jason Bailey
Dr. Watt Bishop
Michael Harmon
Dr. Gloria Kellum
Rob Neely
Tiffany Smith

Tim Akers, City Planner
Katrina Hourin, Assistant City Planner
Bart Robinson, City Engineer
Joe Moore, Assistant City Engineer
Paul Watkins, Mayo Mallette Law Firm
Alicia Thompson, Secretary

The following Commissioner was absent:

Carter Myers

1. **Call to Order.** The meeting was called to order by Commissioner Neely. After the meeting was called to order, motion was made by Commissioner Bailey and seconded by Commissioner Harmon to nominate Commissioner Neely as temporary chairman for the meeting.

   All present voting aye.

   The motion was approved.

2. **Election of Chairman**. Due to former Chairman Jay Carmean's resignation from the Commission, Commissioner Neely informed the Commission that it needed to elect a new chairman to preside over the meetings for another year.

   Motion was made by Commissioner Bailey and seconded by Commissioner Harmon to nominate and elect Commissioner Myers to serve as Chairman of the Oxford Planning Commission.

   All present voting aye.

   The motion was approved and Commissioner Carter Myers was elected as Chairman of the Oxford Planning Commission.

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3. **Approval of the Agenda.** Commissioner Neely asked if there were any changes to the agenda. There were none.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Bailey and seconded by Commissioner Neely to approve the agenda.

All present voting aye.

The motion was approved.

4. **Approval of the December 13, 2010 Minutes.** Commissioner Neely asked if there were any necessary changes to the minutes. There were none.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Bailey to approve the minutes from the December 13, 2010 meeting.

All present voting aye.

The motion was approved.

5. **Planner and Building Official's Reports.** City Building Official Randy Barber informed the Commission that the month of December had been a really slow time. Mr. Barber stated the total valuation for the month of December was $786,000. He stated that Hampton Inn East, IHOP, Emileigh's Bakery, South Depot Taco Shop, and Soulshine Pizza Factory had all pulled their permits and begun working on their projects. Mr. Barber further stated that residential permits had remained steady.

City Planner Tim Akers informed the Commission that he had no report.

There being no questions or comments from the public or the Commission, motion were made by Commissioner Kellum and seconded by Commissioner Bailey to approve the Planner and Building Official's Reports.

All present voting aye.

The motion was approved.

REGULAR AGENDA

6. **Public Hearing for Case 1571 - Site plan approval for CVS Pharmacy located on 1912 W. Jackson Avenue in a (GB) General Business zoned district.** City Planner Tim Akers informed the Commission that the subject property is located on the corner of Harris Drive and the south side of West Jackson Avenue. The subject property measures a total of 1.31 acres which includes the current site of Rainbow Cleaners and the vacant lot to the east. Mr. Akers stated that the property is regularly shaped and relatively level

DEMENT - MER except for the portion fronting West Jackson Avenue which drops in height significantly towards the interior of the property. He further stated that the applicant was requesting site plan approval to build a 13,255 square foot commercial building. He also stated that access to the site was currently located on Harris Drive; however the applicant was proposing a second curb cut on West Jackson at Heritage Drive and will modify the traffic light at the new intersection.

Mr. Akers cited Section 212.04 # 1 and # 5 of the Land Development Code and stated particular reference shall be given to vehicular and pedestrian safety when considering a site plan. He also stated that the modification of the traffic signal currently on West Jackson Avenue will permit safe vehicular ingress and egress to the site. However, to promote safe pedestrian access to the site, a condition to approval of the site plan was that the applicant shall install an ADA compliant pedestrian crosswalk across West Jackson Avenue between the subject property and Heritage Drive and that pedestrian signals be installed at the new crosswalk.

Mr. Akers stated that the applicant met with the Site Plan Review Committee on November 24, 2010 and had made all the necessary revisions for compliance. Additionally, Mr. Akers stated that the applicant also agreed to the condition regarding the traffic signal on January 13, 2011 prior to the meeting.

Mr. Akers recommended approval of the request for site plan for CVS Pharmacy with the following conditions:

1. That to promote pedestrian access to the site, a condition to approval of the site plan is that the applicant shall install an ADA compliant pedestrian crosswalk across West Jackson Avenue between the subject property and Heritage Drive and that pedestrian signals are to be installed at the new crosswalk.
2. That design plans for the signal modification including phasing are to be submitted and approved by the City of Oxford's Public Works Department prior to the issuance of a building permit.

Doug Swett of Kimley-Horn & Associates came before the Commission representing CVS Pharmacy seeking a request for site plan approval for property located at 1912 West Jackson Avenue, Oxford, Mississippi. Mr. Swett presented the Commission with a site plan, elevations, and landscape plans for the proposed project. Mr. Swett explained the applicant's request and confirmed that he agreed with the conditions set. Questions came from Commissioner Bishop to Mr. Swett regarding parking. Commissioner Bishop asked Mr. Swett why the design was made to install parking spaces in the front of the business rather than in the rear. Mr. Swett replied that parking spaces located in the front of the building was the typical layout design for CVS pharmacies and stated that the layout aided by placing parking spaces closer to the front door from a consumer standpoint and aided in the circulation of delivery trucks around the building. Discussion was

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made regarding the proposed parking. Questions came from Commissioner Neely to Mr. Swett regarding the proposed elevations. Mr. Swett replied that the proposed building elevations had been upgraded to include additional windows that were not typically found on other CVS pharmacies. Commissioner Neely also asked questions about the how the proposed elevation compared to the existing elevation for Rainbow Cleaners. Mr. Swett replied that there was currently a five or six foot drop from the finished floor of Rainbow Cleaners to Jackson Avenue. Mr. Swett further stated that the applicant was proposing to fill the site about three to four feet to have access to Jackson Avenue and install a five to six foot retaining wall with colors and materials to match the proposed building. Discussion was also made regarding the proposed traffic light at the corner of Jackson Avenue. Further discussion was also made regarding storm water detention.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Neely and seconded by Commissioner Bailey to approve the request for site plan approval for property located at 1912 West Jackson Avenue with the following conditions:

1. That to promote pedestrian access to the site, a condition to approval of the site plan is that the applicant shall install an ADA compliant pedestrian crosswalk across West Jackson Avenue between the subject property and Heritage Drive and that pedestrian signals are to be installed at the new crosswalk.
2. That design plans for the signal modification including phasing are to be submitted and approved by the City of Oxford's Public Works Department prior to the issuance of a building permit.

The vote was as follows:

Neely	Aye	Bailey	Aye
Harmon	Aye	Kellum	Aye
Smith	Aye	Bishop	Abstained

The motion was approved.

7. **Amendment to Ordinance Regarding Planned Unit Developments (PUD).** City Planner Tim Akers informed the Commission that he was seeking approval to forward the proposed amended ordinance regarding Planned Unit Developments (PUD) to the Mayor and Board of Aldermen for approval. Mr. Akers informed the Commission that the Planning Department was suggesting that the ordinance be amended as follows:

ORDINANCE AMENDING ARTICLE 3 ADDITIONAL DISTRICT PROVISIONS SECTION 150 PLANNED UNIT DEVELOPMENT (PUD) LAND DEVELOPMENT CODE, CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI

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BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

SECTION 1. That Section 150 Planned Unit Development (PUD) D. Regulations # 3 of the Land Development Code, Code of Ordinances, Oxford, Mississippi, is hereby amended to read as follows:

(3) Development Density: Business uses in any Planned Unit Development shall not constitute over twenty-five (25) percent of the land area of such development. Land area occupied by residents, business, public and other buildings and accessory structures shall not exceed forty-five (45) percent of the total land area of such development. Parking areas for business facilities are considered a commercial use of land. **(DELETE) Be it further provided that business development may not be started until the residential development is at least one-fourth (1/4) complete.**

Mr. Akers stated that the reason for the proposed amendment was to allow the real estate market rather than the ordinance to dictate the timing of residential developments. Further discussion was made regarding the proposed amended ordinance. There being no further questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Kellum to approve the request to forward the proposed amended ordinance regarding Planned Unit Developments (PUD) to the Mayor and Board of Aldermen for approval.

All present voting aye.

The motion was approved.

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

Due to the lack of applications, no February meeting was held.

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PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in special session on Tuesday, March 29, 2011 at 5:00 p.m. in the Commons at Oxford High School with the following members present:

Carter Myers, Chairman
Jason Bailey
Dr. Watt Bishop
Michael Harmon
Dr. Gloria Kellum
Rob Neely
Tiffany Smith

Tim Akers, City Planner
Katrina Hourin, Assistant City Planner
Randy Barber, Building Official
Bart Robinson, City Engineer
Joe Moore, Assistant City Engineer
Alicia Thompson, Secretary

The following staff member recused:

Attorney Paul Watkins, Mayo-Mallette Firm

1. **Call to Order.** The meeting was called to order by Chairman Myers. After the meeting was called to order, the Commission members introduced themselves to those in attendance.

2. **Approval of the Agenda.** Commissioner Neely asked if there were any changes to the agenda. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bailey and seconded by Commissioner Kellum to approve the agenda.

   All present voting aye.

   The motion was approved.

3. **Approval of the minutes of January 10, 2011.** Chairman Myers asked if there were any necessary changes to the minutes. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Harmon to approve the minutes from the January 10, 2011.

   All present voting aye.

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The motion was approved.

4. **Planner and Building Official's Reports.** There were no reports.

5. **Public Hearing for Case 1574 - Site plan approval for Oxford High School located on Sisk Avenue in a (PUD) Planned Unit Development overlay district (Planning Commission).** City Planner Tim Akers informed the Commission that the subject property is a parcel of land located within the Oxford Commons (PUD) Planned Unit Development. Mr. Akers further stated that on October 11, 2010 the Oxford Planning Commission approved a request to amend the PUD to accommodate a proposed site for the construction of a new high school. He also stated that the site for the new school is approximately 75 acres with regional access to the site provided by Highway 7 and local access from Sisk Avenue.

Mr. Akers informed the Commission that the applicant was seeking site plan approval for a proposed public high school. He further informed the Commission that the design of the proposed high school has a projected completion date of 2013 and will provide for a maximum of 1200 students.

Mr. Akers further informed the Commission that in addition to approval of the proposed high school, the applicant was requesting consideration for an area of land adjacent to Della Davidson Elementary School, a construction easement to that property and a park easement to the west of the school site which would be used in phase two of the proposed project.

Mr. Akers stated that the land in the rear of Della Davidson and the construction easement was necessary for the relocation of excess soil that would result from site development. He also stated that an easement was requested for a terraced park or open space proposed for an area within and extending beyond the school site.

Mr. Akers further stated that the applicant was requesting two phases for the proposed development. The first phase included all easements necessary for construction, the main campus and the land designated for the football field. The second phase included the construction of the softball and baseball fields as well as the walking trail that encircles the entire site.

Mr. Akers also informed the Commission that in spite of extensive dirt work required for construction; the applicant had made every effort to retain as many trees on site as possible which resulted in over 1500 inches of mitigation credit. He also stated that a traffic impact study concluded that current levels of service to the high school site were sufficient for the site. However, Mr. Akers stated, the study pointed out that future development in the overall PUD would require some access improvements. He stated that many of those improvements were addressed in the approval of the PUD in January, 2010. He further stated that the City of Oxford would submit a grant on March 30, 2011 to the Mississippi Department of Transportation

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Safe Routes to School program to improve pedestrian and bike access at the Highway 7 South and Sisk Avenue interchange.

Mr. Akers informed the Commission that the site plan review committee had met with the representatives of Oxford High School on four separate occasions since January 5, 2011 and that the applicant had made all the necessary revisions for compliance. He also stated that the applicant had also met with the Oxford Tree Board and the Mayor's Committee on Disability Issues seeking additional input.

Mr. Akers recommended approval of the request for site plan approval for Oxford High School located on Sisk Avenue in a (PUD) Planned Unit Development overlay district.

Michael Jones of Eley Guild Hardy Architects came before the Commission representing Oxford School District seeking site plan approval for Oxford High School located on Sisk Avenue in a (PUD) Planned Unit Development overlay district. Mr. Jones presented the Commission with a site plan, overall project plan, construction phasing plans, tree mitigation plan, and planting schedule for the proposed project. Mr. Jones stated that a tremendous amount of analysis had been conducted on the proposed site to find the best possible footprint and to ensure that the work to be completed would fit within the programmatic requirements for the school's long term future needs. He also stated that the entire site had been "master planned" and explained that the proposed project would be constructed in phases. He stated that phase one would include all necessary easements for construction, construction of the main campus and the land designated for the football field. He stated that phase two would include the construction of the softball and baseball fields as well as the walking trail that encircles the entire site.

Mr. Jones explained the tree mitigation plan and stated that the applicant had exceeded the tree mitigation in excess of 2000 inches. He also discussed an earth work package that would be forth coming. Further discussion was made regarding the tree mitigation plan. Discussion was also made regarding the proposed construction easement from Della Davidson to the site.

Mr. Jones further explained the work to be completed in phase two and discussed a fire loop that would encircle the site. He stated that the surface for the fire loop would be a hardened reinforced surface.

Additionally, Mr. Jones discussed the location of dumpsters and recycle bins for the site. He also stated that the applicant would be seeking out LEED certification for the site in order to be as sustainable as possible. He stated that the possibility existed that some of the smaller trees to be removed from the site could be reused as mulch for the landscaping and that logs from some of the removed trees could be used in the construction of the school.

Mr. Jones also explained parking for the site and stated that the applicant worked with the Planning Department to minimize parking on the site. He further stated that the three practice fields would serve as overflow parking during football games which would minimize the need for additional parking on the site.

Mr. Jones further explained circulation into the site and stated that two separate traffic loops would be constructed for buses and cars which would reduce the opportunity for conflict between bus and car traffic.

Chairman Myers asked Mr. Jones if the proposed project would allow for future expansion of the school. Mr. Jones replied that the arrangement of the proposed high school would allow for future of expansion of the school in the rear of site allowing the school to accommodate up to 1500 students if necessary. Commissioner Kellum asked Mr. Jones about the square footage for the proposed high school. Mr. Jones replied that the square footage for the proposed high school was approximately 207,000 square feet. Commissioner Kellum then asked Mr. Jones about the square footage of the current high school. Mr. Jones replied that the current high school was approximately 130,000 – 140,000 square feet. Commissioner Kellum also asked Mr. Jones if the proposed school was a two or three story structure. Mr. Jones replied that the site's academic wing was a two story structure. Mr. Jones also stated that the site included a cafeteria, performance and practice gymnasium, a performing and fine arts building, and a courtyard.

Commissioner Bishop asked questions of Mr. Jones regarding parking for the site. Mr. Jones stated that the parking calculations were projected at an estimated 600 vehicles. Mr. Jones also discussed the alternative of an Oxford University Transit bus route at the site. He also stated that the Oxford University Transit bus route would allow the school to receive possible credit for LEED Certification. Further discussion was made regarding parking between Commissioner Bishop and Mr. Jones.

Mr. Jones revealed digital photo schematics of the proposed project and stated that the renderings provided a bird's eye view of the site. Dr. Kim Stasny, Superintendent of the Oxford School District, spoke about the "flavor" of the proposed project and how it would fit into the Oxford community. Dr. Stasny stated that the digital renderings detailed all of the academic areas, library, fine arts building, gymnasium, cafeteria and courtyard. She further stated that the purpose of the renderings was to provide the Commission with an idea on what the proposed project would look like on the site. Further discussion was made regarding the proposed project.

Questions came from Dave Dyke, a member of the audience, regarding parking for the three major sports fields. Mr. Dyke asked Mr. Jones to consider installing more convenient parking to the three major sports fields.

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There being no further questions from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Bailey to approve the request for site plan approval for Oxford High School located on Sisk Avenue in a (PUD) Planned Unit Development overlay district.

All present voting aye.

The motion was approved.

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

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PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, April 11, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
Jason Bailey
Dr. Watt Bishop
Michael Harmon
Dr. Gloria Kellum
Tiffany Smith

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

1. **Call to Order.** The meeting was called to order by Chairman Myers.

2. **Approval of the Agenda.** Chairman Myers asked if there were any changes to the agenda. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bailey and seconded by Commissioner Harmon to approve the agenda.

   All present voting aye.

   The motion was approved.

3. **Approval of the March 29, 2011 Minutes.** Chairman Myers asked if there were any necessary changes to the minutes. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Bailey to approve the minutes from the March 29, 2011 meeting.

   All present voting aye.

   The motion was approved.

4. **Planner and Building Official's Reports.** City Building Official Randy Barber informed the Commission that permits had increased in the month of March. He stated that housing had seen an increase with twelve new

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residential starts in March compared to ten in February. Mr. Barber also stated that 176 permits were issued in the month of March with a total valuation of $4.3 million dollars compared to 105 permits in February with a valuation of $3.5 million dollars. He also stated that Checkers had begun construction and that grading would soon begin at the new Oxford High School site off Sisk Avenue. Commissioner Bishop questioned Mr. Barber as to why the Planning Commission never reviewed plans for Checkers. Mr. Barber informed the Commission that plans for Checkers had been reviewed and approved by the Historic Preservation Commission but that since the building was less than 10,000 square feet it did not require Planning Commission approval.

City Planner Tim Akers informed the Commission that the staff was in the process of reviewing the criteria for city water and sewer services outside the city limits. He also reported that interviews for parking consultants would begin April 13, 2011. Mr. Akers reported that three firms would be interviewed and stated that the firms were located in Atlanta, Cincinnati, and Houston. Commissioner Myers questioned Mr. Akers about the role of the parking consultant. Mr. Akers replied that the role of the parking consultant would be to develop strategies to manage downtown parking. Mr. Akers further reported that the Oxford University Transit Commission would be reviewing the design of the new OUT facility. Mr. Akers informed the Commission that plans for the OUT facility would not be reviewed by the Planning Commission since the building was less than 10,000 square feet. Questions came from Commissioner Bishop to Mr. Akers asking where the OUT facility would be located. Mr. Akers replied that the OUT facility would be located on McElroy Drive next to the City's Animal Shelter. Further discussion was made regarding the location of the OUT facility.

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

There being no questions or comments from the public or the Commission, motion were made by Commissioner Kellum and seconded by Commissioner Bailey to approve the Planner and Building Official's Reports.

All present voting aye.

The motion was approved.

REGULAR AGENDA

5. **Public Hearing for Case 1575 - Site plan approval for property located at 322 Highway 7 South (South Lamar Creek Cottages).** City Planner Tim Akers informed the Commission that the subject property is a portion of a larger 94.5 acre primarily vacant tract of land located outside the city limits on Highway 7 South approximately 500 feet south of South Lamar Boulevard. Mr. Akers also stated that there is presently a dilapidated

DEMENT · MER residential structure on the site and that the applicant was requesting city water and sewer service for 18 one bedroom and 1 two bedroom Mississippi Cottages (Katrina Cottages). He also stated that current city policy limits the density of residential projects seeking city water and sewer to four units an acre, requires that the development meet all city codes and ordinances and that the property owner submit an application for annexation. Mr. Akers further stated that the Mayor and Board of Aldermen make the final decision on the provision of city water and sewer.

Additionally, Mr. Akers stated, the subject property is not zoned and is located along a portion of one of Oxford's primary gateway corridors that will in the near future be widened to four lanes. To buffer the subject property from the highway and to help insure compatibility of future and current uses along the corridor, the staff of the Planning Department recommended that a screening buffer be planted along the eastern property line and the future right-of-way. Mr. Akers also informed the Commission that the project site plan was approved by the Site Plan Review Committee on March 16, 2011.

Mr. Akers recommended approval of the request with the condition that a landscaped screening buffer be planted along the eastern property line and future right-of-way. The proposed buffer is to be a combination of trees and shrubs as needed and planted so as to provide an eighty (80%) percent year round visual screening at maturity and the maturity of planting shall be reached within five years.

Colbert Jones came before the Commission seeking site plan approval for property located at 322 Highway 7 South. Mr. Jones presented the Commission with a site layout, unit layout, property layout, off site utility details, elevations, and photos of the proposed cottages. Mr. Jones informed the Commission that he was requesting city water and sewer service for 18 one bedroom and 1 two bedroom Mississippi Cottages also known as Katrina Cottages. Mr. Jones explained that the cottages would be affordable, energy efficient residential cottages. He also explained that the cottages would be marketed toward single renters who prefer a well built house over an apartment. Mr. Jones also explained the site plan and stated that the proposed courtyard would encourage a sense of community by allowing interaction between the neighbors. Mr. Jones further stated that the proposed project would be pet friendly with natural vegetation buffers and dog trails. He also stated that the proposed cottages were similar to ones currently located in Ocean Springs, Mississippi. Discussion was made regarding the setbacks and Mr. Jones stated that the cottages would be constructed according to the 2003 version of the International Residential Building Code. Mr. Jones addressed the requirements for city water and sewer services and informed the Commission that City Engineer Bart Robinson had provided him with documentation that the proposed development met the capacity for city water and sewer services.

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Questions came from Commissioner Myers to Mr. Jones asking if the units within the proposed development would be rentals or available for purchase. Mr. Jones replied that the units would be marketed as rentals.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Smith to approve the request for site plan approval for city water and sewer service for property located at 322 Highway 7 South, Oxford, Mississippi with the following condition:

1. That a landscaped buffer be planted along the eastern property line and future right-of-way. The proposed buffer is to be a combination of trees and shrubs as needed and planted so as to provide an eighty (80%) percent year round visual screening at maturity. Maturity of planting shall be reached within five years.

All present voting aye.

The motion was approved with condition.

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

PLANNING COMMISSION

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Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, May 9, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
Jason Bailey
Dr. Watt Bishop
John Bradley
Michael Harmon
Tiffany Smith

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

The following Commissioner was absent:

Dr. Gloria Kellum

1. **Call to Order.** The meeting was called to order by Chairman Myers.

2. **Approval of the Agenda.** Chairman Myers asked if there were any changes to the agenda. The following changes were made to the agenda: that Case # 1577 was withdrawn and that Case #1583 was postponed to the next meeting.

   There being no further changes, motion was made by Commissioner Bradley and seconded by Commissioner Harmon to approve the amended agenda.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the April 11, 2011 Minutes.** Chairman Myers asked if there were any necessary changes to the minutes. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Harmon to approve the minutes from the April 11, 2011 meeting.

   All present voting aye.

   The motion was approved.

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4. **Planner and Building Official's Reports.** City Building Official Randy Barber informed the Commission that permit totals for the month of April had decreased since March. He stated that 95 permits had been issued in the month of April with a valuation of $1.1 million dollars. Mr. Barber also reported that he expected to see an increase in the month of May. Mr. Barber further reported that grading was set to begin at the new Oxford High School site on Sisk Avenue and that IHOP was soon to open on West Jackson Avenue.

City Planner Tim Akers informed the Commission that the City had recently hired Tim Haahs & Associates as its new parking consultant. Mr. Akers reported that the firm would begin working in phases with Phase 1 set to begin in four to eight weeks. He reported that in Phase 1 the consultant's responsibilities would include developing a strategy for limited paid parking on the Square and setting up the organizational structure of committee. He also stated that Phase I would include workshops with stakeholders such as downtown businesses, churches and the Oxford Planning Commission to share ideas with the consultant.

Mr. Akers reported that Phase II would begin in the Fall, 2011 when the University of Mississippi was back in full session. He stated that the consultant would collect data on daytime and nighttime activity of parking. Mr. Akers further reported that the consultant would develop a long term strategy to include infrastructure improvements and explore the idea of a parking garage. Mr. Akers reported that he would be attending an International Parking Conference in Pittsburg, PA at the end of May. He stated that his goal was to explore new ideas and technology for parking. Finally, Mr. Akers welcomed new Planning Commissioner John Bradley to the Commission.

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

All present voting aye.

The motion was approved.

REGULAR AGENDA

5. **Public Hearing for Case 1576 – Retaining Wall Height Variance Request for property located at 3902 Eagle Cove in a (PUD) Planned Unit Development zoned district (Grand Oaks Subdivision).** Assistant City Planner Katrina Hourin informed the Commission that the subject property is an undeveloped lot in the Grand Oaks PUD. She stated that it measures roughly 1.9 acres and is an irregularly shaped flag lot consisting of two fronts, two sides, and one rear. A natural drainage way occurs in the Northwest portion of the lot and most of the vegetation lies in this area as

well. She also stated that the property slopes severely over the total length of the lot with a topographic difference of approximately forty-five (45) feet, however the steepest areas occur on the outer portions of the lot. Mrs. Hourin informed the Commission that the steep areas create a hardship when attempting to provide a permanent driveway to the buildable area and that the irregular shape of the lot in combination with the steep topography resulted in a hardship that was not self-created or common to others in the district.

Additionally, Mrs. Hourin cited Section 126.15 of the Land Development Code regarding General District Regulations and stated that retaining walls in residential districts are permitted with the following restrictions:

1. Retaining walls shall not exceed six (6) feet in height except when located in the front building setback then the height shall not exceed four (4) feet.
2. Distance between retaining walls shall be a maximum of 4:1 and the ground between the walls shall be planted with ground cover.
3. In addition, an evergreen buffer shall be planted in front of any retaining wall over six (6) feet so as to provide a seventy five (75) percent year round visual screening at maturity.
4. The evergreen buffer shall consist of shrubs a minimum of four (4) feet in height at planting.

Mrs. Hourin also stated that to provide access to the proposed residence, preserve the existing drainage way and vegetation, the applicant was seeking approval for two retaining walls of varying heights. She also stated that a maximum of a two (2) foot height variance was being requested to construct a six (6) foot retaining wall along the northeast front setback and a maximum four (4) foot variance was being requested to construct a ten (10) foot retaining wall along the southeast side setback.

Mrs. Hourin further explained to the Commission that by nature a lot containing two fronts deprives the applicant of a larger area of buildable space enjoyed by homeowners who own interior lots. She also explained the criteria for granting a variance request and recommended approval of the request for a two (2) foot retaining wall height variance in the front setback and a four (4) foot retaining wall height variance in the side setback with the following findings and condition:

1. That the severe topography creates a hardship when attempting to provide a permanent driveway to the buildable area.
2. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties owners within the neighborhood;
3. 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.

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Landscape Architect Bob Mercier came before the Commission representing Dr. Marc and Janine Mercier requesting a two (2) foot retaining wall height variance in the front setback and a four (4) foot retaining wall height variance in the side setback of property located at 3902 Eagle Cove. Mr. Mercier presented the Commission with schematic of the master plan and explained the applicants' request. Chairman Myers questioned Mr. Mercier about the landscaping plans to cover the proposed retaining walls. Mr. Mercier replied that the applicants' intended to reforest the area with the new planting of evergreens, trees, and vines. Discussion was made regarding the applicants' request and Chairman Myers suggested that an additional condition be added which stated that an evergreen buffer be installed per the retaining wall ordinance.

Public comments came from Mike Bridge, who owns property immediately southwest of the property, in support of the project. Mr. Bridge stated that the proposed project would protect adjoining property owners and added that he was a strong supporter of the project.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Myers and seconded by Commissioner Bradley to approve the request for a two (2) foot retaining wall height variance in the front setback and a four (4) foot retaining wall height variance in the side setback of property located at 3902 Eagle Cove based on the following findings and condition:

1. That the severe topography creates a hardship when attempting to provide a permanent driveway to the buildable area.
2. The literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties owners within the neighborhood;
3. 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.
4. That an evergreen buffer be installed per the retaining wall ordinance.

All present voting aye.

The motion was approved with condition.

6. **Public Hearing for Case 1577 – Variance Request to the landscape ordinance for the Mid-Town Shopping Center located at 703-723 N. Lamar Blvd. in a (SC) Shopping Center zoned district (WITHDRAWN).**

7. **Public Hearing for Case 1578 – Special Exception to allow zero lot line dwellings on property located at 1209 S. 16th Street in a (RB) Two-Unit Residential zoned district.** City Planner Tim Akers informed the Commission that Cases 1578, 1579, and 1580 were related. Mr. Akers explained that the subject property is a .68 acre site located on the north east corner of South 16th Street and Garfield Avenue and stated that the area's

character had gradually changed from detached single family homes to attached residences. Mr. Akers further explained that the applicant had obtained approval for condominiums in November, 2010, but due to a difficult financial environment, the applicant elected to develop a five (5) zero lot line development with a common area and common access.

Mr. Akers stated that the common area would be assessed to each lot owner and each owner would share equally in the maintenance and repair of the common area and common access area. Additionally, Mr. Akers stated that the staff of the Planning Department recommended that a condition be placed on approval of the preliminary and final plat to require that improvements in the common area be completed before the second Certificate of Occupancy is issued for the subdivision. Mr. Akers also stated that the applicant had met all the requirements and that the preliminary plat was approved by the Site Plan Review Committee on April 27, 2011.

Mr. Akers recommendations for the subject property follow:

Case 1578 – Special Exception: The staff of the Planning Department found that granting of the Special Exception for a zero lot line development would not adversely affect the public interest and recommended that the Board of Adjustment approve the request.

Case 1579 – Preliminary Plat: Approval with the condition that improvements in the common area be completed before the second Certificate of Occupancy is issued for the subdivision.

Case 1580 – Final Plat: Approval with condition that improvements in the common area be completed before the second Certificate of Occupancy is issued for the subdivision.

George Haymans came before the Commission representing Agrivest, LLC seeking approval for Special Exception, Preliminary Plat, and Final Plat for property located at 1209 South 16th Street, Oxford, Mississippi. Mr. Haymans presented the Commission with a plat of survey and explained the applicant's request. Mr. Haymans explained to the Commission that his client was proposing to divide the subject property into zero lot line residences. He stated that the design, location, and infrastructure would not be modified. Mr. Haymans further explained that the change to zero lot lines would benefit sales of the residences.

Questions came from Commissioner Smith asking if the Oxford Historic Preservation Commission had approved the design of the structures. Mr. Haymans replied that the Oxford Historic Preservation Commission had approved the design of the structures.

Questions came from Commissioner Bailey regarding ownership of the common areas. Mr. Haymans explained that there would be prorata common

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interest between each lot owner. Discussion was then made regarding ownership of the common areas.

Questions came from Commissioner Bradley to Mr. Haymans asking how the ownership would be divided if a lot owner chose not to participate. Mr. Haymans replied that common interest would then be divided between the remaining lot owners. Commissioner Bradley questioned Mr. Haymans about Agrivest, LLC. Mr. Haymans replied that Agrivest was a limited liability company composed of several different owners. Commissioner Bradley then asked Mr. Haymans to provide the names of the owners of Agrivest, LLC. Mr. Haymans replied that the he could not disclose that the names of those individuals because it was private information. Mr. Haymans stated that he was the manager and agent for Agrivest, LLC. Lengthy debate was then made between Mr. Haymans and Commissioner Bradley about the ownership of Agrivest, LLC.

Public comments came from adjacent property owners John and Laura Stokes who were opposed with the project. Mr. Stokes explained that his reasons for the opposition were the high density and additional number of lots and bedrooms.

Commissioner Smith asked Mr. Haymans to explain the effects of changing the lots from condominiums to zero lot lines. Mr. Haymans replied that it was difficult to obtain financing for condominiums versus zero lot lines. Commissioner Smith then asked if there was a structural difference between a condominium and a zero lot line. Mr. Haymans replied that there was no structural difference between a condominium and a zero lot line. He also reiterated that the footprint was not changing; therefore the only change would be changing the name of the development from condominiums to a zero lot line development.

Further lengthy discussion was made regarding the applicants request and Attorney Paul Watkins cited Section 124.02 of the Land Development Code before providing an explanation of a special exception, preliminary plat, and final plat approval.

Further opposition came from adjacent property owner Laura Stokes and debate was made between her and Mr. Haymans regarding the list prices of the units.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Bailey to approve the request for Special Exception (Case 1578) for property located at 1209 South 16th Street, Oxford, Mississippi based on the following finding:

1. That granting of the Special Exception for a zero lot line development would not adversely affect the public interest.

The vote was as follows:

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Myers	Aye	Bailey	Aye
Bishop	Aye	Bradley	Abstained
Harmon	Aye	Smith	Aye

The motion was approved.

8. **Public Hearing for Case 1579 – Preliminary Plat approval for property located at 1209 South 16th Street, in a (RB) Two-Unit Residential zoned district.** There being no questions or comments from the public or the Commission, motion was made by Commissioner Myers and seconded by Commissioner Bailey to approve the request for preliminary plat approval (Case 1579) for property located at 1209 South 16th Street, Oxford, Mississippi with the following condition:

    1. That improvements in the common area be completed before the second Certificate of Occupancy is issued for the subdivision.

The vote was as follows:

Myers	Aye	Bailey	Aye
Bishop	Aye	Bradley	Abstained
Harmon	Aye	Smith	Aye

The motion was approved with condition.

9. **Public Hearing for Case 1580 – Final Plat approval for property located at 1209 South 16th Street, in a (RB) Two-Unit Residential zoned district.** There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Bailey to approve the request for final plat approval (Case 1580) for property located at 1209 South 16th Street, Oxford, Mississippi with the following condition:

    1. That improvements in the common area be completed before the second Certificate of Occupancy is issued for the subdivision.

The vote was as follows:

Myers	Aye	Bailey	Aye
Bishop	Aye	Bradley	Abstained
Harmon	Aye	Smith	Aye

The motion was approved with condition.

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10. Public Hearing for Case 1581 – Site Plan Approval for property located at 207 S. 17th Street in a (RC) Multi-Unit Residential zoned district. *(Prior to the hearing, Commissioner Bailey recused himself.)* Assistant City Planner Katrina Hourin informed the Commission that the subject property is located within the Neighborhood Conservation District on the east side of South 17th Street, between Jackson and University Avenues. Measuring approximately 2.9 acres, the subject property is undeveloped with the exception of an unoccupied house located in the southwest part of the property on South 17th Street. Mrs. Hourin also stated that the property's topography rolls throughout with a peak in the northwest corner of 330 feet and its lowest point in the southeast corner at 265 feet.

Mrs. Hourin explained to the Commission that the applicant was proposing a 26 unit condominium complex similar in style and proportion to Abbey Lane located across South 17th Street to the west. Mrs. Hourin further stated that the applicant met with the Site Plan Review Committee on March 30, April 27, and finally on May 4, 2011 and made all necessary revisions for compliance.

Mrs. Hourin recommended approval of the request for site plan approval for 'Tanglewood', a 26 unit condominium complex with the following conditions:

1. That a stamped copy of the protective covenants for 'Tanglewood', a condominium complex, as recorded by the Lafayette County Chancery Clerk's Office be submitted to the City of Oxford's Planning Department prior to permitting.
2. That the site plan filed with the Lafayette County Chancery Clerk's Office contain language regarding condominium complex's as defined by the City of Oxford's Land Development Code and that the homeowners' association maintain all streets and common areas indicated on the recorded plan.
3. That successive phasing will not be cleared until prior phase is 75% complete.

Jeff Williams of Williams Engineering Consultants came before the Commission representing Dunn Fornea Properties, LLC seeking site plan approval for 'Tanglewood', a 26 unit condominium complex located on South 17th Street, Oxford, Mississippi. Mr. Williams explained the applicant's request and presented the Commission with a site layout, tree survey and landscape plan, and elevations.

Questions came from Commissioner Bradley to Mr. Williams regarding the height of the proposed units facing South 17th Street. Mr. Williams explained the height of the proposed units facing South 17th Street. Lengthy debate was then made between Commissioner Bailey and Mr. Williams regarding the height of the proposed units facing South 17th Street.

Chairman Myers questioned the applicant about the list price of the units. At this point in the meeting, contractor and developer Andy Fornea came before the Commission and explained the price range for the units. He stated that the sales price for the proposed units would average about $160.00 per square foot and that the units would be approximately 1600 to 1800 square feet.

Commissioner Bradley questioned the applicant about the ownership of the proposed complex. Mr. Fornea replied that Dunn Fornea Properties, LLC was the developer for the proposed complex. Discussion was made regarding the phasing of the proposed complex and Mr. Fornea informed the Commission that he was proposing to construct the complex one phase at a time. Further discussion was made regarding the proposed project.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Smith and seconded by Commissioner Harmon to approve the request for site plan approval for 'Tanglewood', a 26 unit condominium complex with the following conditions:

1. That a stamped copy of the protective covenants for 'Tanglewood', a condominium complex, as recorded by the Lafayette County Chancery Clerk's Office be submitted to the City of Oxford's Planning Department prior to permitting.
2. That the site plan filed with the Lafayette County Chancery Clerk's Office contain language regarding condominium complex's as defined by the City of Oxford's Land Development Code and that the homeowners' association maintain all streets and common areas indicated on the recorded plan.
3. That successive phasing will not be cleared until prior phase is 75% complete.

All present voting aye.

The motion was approved with conditions.

11. **Public Hearing for Case 1582 – Plat Amendment for 'Magnolia Grove' a 70-lot subdivision located on Anchorage Road in a (RB) Two-Unit Residential zoned district.** *(Prior to the hearing, City Attorney Paul Watkins and Commissioner Jason Bailey recused.)* Assistant City Planner Katrina Hourin informed the Commission that the subject property is approximately 15 acres in size and located on the west side of Anchorage Road. She stated that 'Magnolia Grove' is an existing 70-lot subdivision with two interior streets and two cul-de-sacs. She also stated that access to the larger portion of the subdivision is by way of Anchorage Road and additional development occurs on both sides of Anderson Road for about 1100 linear feet. Additionally, Mrs. Hourin stated that the area was annexed into the city in 2007 with improvements to the infrastructure occurring soon after which included curbs, gutters, bike lanes, and sidewalks. She also informed the Commission that the road was not constructed as originally

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platted which has consequently impacted the layout of many of the lots and stated that the applicant had submitted an amended plat to accurately record the modifications. Mrs. Hourin recommended that the Commission approve the request for plat amendment to 'Magnolia Grove' subdivision so that the applicant may proceed to the Mayor and Board of Aldermen for approval.

Jeff Williams of Williams Engineering Consultants came before the Commission representing Magnolia Grove Developers seeking approval for plat amendment for property located on Anchorage Road, Oxford, Mississippi. Mr. Williams presented the Commission with an amended plat and explained the applicant's request. Discussion was made regarding the applicant's request.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Smith and seconded by Commissioner Bradley to approve the request for plat amendment for property located on Anchorage Road, Oxford, Mississippi (Magnolia Grove Subdivision).

All present voting aye.

The motion was approved.

12. **Public Hearing for Case 1583 – Proposed ordinance amending the requirement for city services request in the county (POSTPONED).**

13. **Public Hearing for Case 1584 – Resolution to Adopt a Complete Streets Policy.** City Planner Tim Akers informed the Commission that he was seeking approval to forward a resolution to adopt a complete streets policy to the Mayor and Board of Aldermen for approval. Mr. Akers explained the policy and stated that it would it aid in establishing guidelines to connect all city streets. Mr. Akers stated that the resolution had been reviewed and approved by the Oxford University Transit Commission, University of Mississippi, and the Disability Committee. He also stated that members of the Oxford Tree Board had reviewed the resolution and asked that efforts be made to retain trees located within the city's right-of-way. He further stated that the Oxford Tree Board requested that if trees were removed from the city's right-of-way that they be replaced.

Debate and discussion was made between Mr. Akers and Commissioner Bishop regarding medians such as the one located in front of Oxford Middle School. Commissioner Bishop commented that in his opinion not enough creative energy had gone into making Oxford's streets more pedestrian friendly. Mr. Akers rebutted and stated that the resolution was a step in the right direction for Oxford. Further discussion and debate was made regarding the resolution.

There being no further questions or comments from the public or the Commission, motion was made by Chairman Myers and seconded Commissioner Bradley to approve the request to forward a resolution to

adopt a complete streets policy to the Mayor and Board of Aldermen for approval.

All present voting aye.

The motion was approved.

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

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HISTORIC PRESERVATION COMMISSION

Be it remembered that the Oxford Historic Preservation Commission did meet in regular session on Tuesday, June 14, 2011 at 5:30 p.m. in the second floor courtroom of City Hall with the following members present:

Jeff Asti, Chairman
Jack McKenzie, Vice Chairman
Campbell Best
Julie Spears
Molissia Swaney
Babs Ton
Shawn Telford
Sonia Weinburg Thompson

Katrina Hourin, Assistant City Planner
Alicia Thompson, Secretary

1. The meeting was called to order by Chairman Jeff Asti.

After the meeting was called to order, the following business was transacted:

2. **Approval of the Agenda.** Chairman Asti asked if there were any changes to the agenda. There being no changes, motion was made by Commissioner McKenzie and seconded by Commissioner Best to approve the agenda.

All present voting aye.

The motion was approved.

3. **Approval of the Minutes from the May 10, 2011 Meeting.** Chairman Asti asked if there were any modifications to the minutes from the May 10, 2011 meeting. There being no changes, motion was made by Commissioner Best and seconded by Commissioner Thompson to approve the minutes from the May 10, 2011 meeting.

All present voting aye.

The motion was approved.

4. **Public Hearing for Case #116 – 1405 Madison Avenue.** Chairman Asti presented the Commission with an update regarding the condition of property located at 1405 Madison Avenue, Oxford, Mississippi. He informed the Commission that the property owner, Charles Calhoun, had been notified to attend the hearing but that the staff of the Planning Department had received an email notification from Mr. Calhoun that he would not be in attendance. Chairman Asti further informed the Commission that Mr. Calhoun had been notified to attend three previous hearings but each time he notified the staff of the Planning Department

via email on the date of the hearings that he would not be in attendance. Chairman Asti further stated that in his opinion the property owner has had ample opportunity to come before the Commission regarding the condition of his property. Chairman Asti stated that he had drafted a timeline of events and asked that the following information be made part of the record regarding 1405 Madison Avenue:

> The file maintained by the City of Oxford, Mississippi – Case 116 of the Historic Preservation Commission is incorporated by reference into these findings:
>
> The file reflects that this matter began with a letter dated June 9, 2010 – just a little more than one year ago. A letter was directed to the homeowners of 1405 Madison to the homeowners of 1405 Madison Ave informing them of the Historic Preservation Meeting of July 13, 2010 and the Initiation of Demolition by Neglect Proceedings under the policy and procedures for Demolition by Neglect adopted by the City of Oxford, Mississippi pursuant to Section 54-301 of the Code of Ordinances of the City of Oxford, Mississippi.
>
> The return receipt of June 18, 2010 indicates no one accepted the notice of June 14, 2010 and the postal service was unable to forward the letter.
>
> On July 9, 2010 a second letter was directed to the homeowners at 1007 Windy Oaks, Oxford, Mississippi and was received by Deaine Calhoune.
>
> No action was taken at the July 13, 2010 meeting but appearing the next day in the Oxford Eagle was an article where it reflects that the property owners were attempting to employ the good offices of the local newspaper and the article quoted the Owner of the property complaining that the requirements of the preservation ordinances were "stringent". By email to Melanie Addington dated July 15, 2010 I responded to the article by stating that the ordinance is part of comprehensive zoning ordinances of permitted uses of property and certain prohibitions, in this case from allowing the property to deteriorate. With property ownership in a Preservation District comes responsibilities, and in the case of the property at 1405 Madison, it is a significant resource in the City of Oxford that should not be allowed to deteriorate. That said, the property owner is allowed to do as they please with the interior of the building so long as the foundations, floor supports, walls, vertical supports, roof and other enumerated supporting components are not allowed to sag, split, and buckle due to deterioration or to otherwise allow deterioration to occur that effects the resource. The same is true in relation to keeping structures water tight. This is all common sense maintenance that comes with personal responsibility of home ownership. There is nothing "stringent" about what the ordinance requires home owners to do.

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Section 54-19. Statement of Purpose.

(a) The city hereby recognizes that the city is known for unique qualities that have proven increasingly attractive to residents, business interests, and tourists.

(b) As a matter of public policy, the city aims to preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural, and archaeological merit. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting the city.

(c) More specifically, this historic preservation chapter is designed to achieve the following goals:

(1) Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, social, economic, political, archaeological, and architectural identity;

(2) Insure the harmonious, orderly, and efficient growth and development of the city;

(3) Strengthen the civic pride and cultural stability through neighborhood conservation;

(4) Stabilize the economy through the continued use, preservation, and revitalization of its resources;

(5) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

(6) Promote the use of resources for the education, pleasure, and welfare of the people;

(7) Provide a review process for the preservation and appropriate development of the city's resources.

(Code 1968, §14 ½-21; Ord. No. 2000-5 § 1,3-7-2000)

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This case was rescheduled for August 10, 2010 and the day of the Preservation Commission meeting the homeowner informed the City via email that he would be unable to attend; that he had met with various contractors to get proposals for remedial repairs but that because of his current financial position that he was considering selling his property.

At the August 10 meeting this commission directed Randy Barber, pursuant to Section III, Initial Review of the Policy and Procedure to conduct a visual inspection of the property.

By letter dated September 10, 2010 Mr. Barber reported back finding that deterioration was evident in the roof, front porch, and floor joists. This letter was served on the homeowner on October 7, 2010.

Independently and by coincidence Ms. Thompson of the Commission was shown the property by a real estate broker based on her desire to possibly

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purchase the property. She reported her visual observations of decay and deterioration to the flooring and other elements of the home.

More than 30 days passed from the time Mr. Barber's letter was served on the homeowner and a hearing was conducted under Section IV where a preliminary determination was made after formal discussion of the report of Mr. Barber. At the January meeting of Preservation Commission the homeowner appeared and requested additional time to comply with remediation and in the interim would be replacing the roof and would be filing a COA with respect to the repair or replacement of the porch.

No action has been taken by the homeowner as promised and we are here under Section V of the Policies and Procedures for an official determination.

The notice letter for a final determination was sent on May 4, 2011 and received by the homeowner on May 10, 2011 and that it is more than 30 days from today's date as required by the Policies and Procedures.

The homeowner has, instead, sent yet another "day-of-the-hearing" email asking for an additional 30 days. He has provided no other evidence of remediation no has he followed through on any plan to repair the deterioration which he has acknowledged exists as outlined in Mr. Barber's letter of September 10, 2010.

Chairman Asti then stated that based upon the foregoing he would entertain a motion under Section V (a) of the Policies and Procedures for Demolition by Neglect that the property is suffering from demolition by neglect and asked if there was such a motion.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Ton and seconded by Commissioner Spears finding that property located at 1405 Madison Avenue is suffering from demolition by neglect.

All present voting aye.

The motion was approved.

Chairman Asti then stated that based upon Section V (b) of the Policies and Procedures for Demolition by Neglect that the Commission held the option to direct the City Building Official to file misdemeanor charges against the homeowner for allowing the property to deteriorate and asked if there was such a motion.

There being no questions from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner Swaney to direct the City of Oxford's Building Official to file misdemeanor against the homeowner for allowing the property to deteriorate.

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All present voting aye.

The motion was approved.

5. **Public Hearing for Case # 138 – 331 Van Buren Avenue.** *(Prior to the hearing, Commissioner Spear recused herself because she was representing the applicants).* Julie Spears of Julie Spears Architecture came before the Commission representing Beau and Marjorie Whittington seeking a Certificate of Appropriateness for property located at 331 Van Buren Avenue, Oxford, Mississippi. Ms. Spears informed the Commission that the applicants were proposing to make the following changes to previously approved plans: changing the pattern of the previously approved screened porch from three sections of screen to five sections of screen so as to be more consistent with the shutter sections on the side of the porch; removing the existing plastic, poorly sized shutters from the window on the front of the house; and building a manually operated wooden picket gate across the drive instead of the previously approved automatic metal gate. Ms. Spears presented the Commission with a site plan and schematics of the previously approved elevations and the proposed elevations. Discussion was made between Ms. Spears and the Commission regarding the proposed modifications.

There being no questions or comments from the public or the Commission, motion was made by Commissioner McKenzie and seconded by Commissioner Best to approve the request for a Certificate of Appropriateness for property located at 331 Van Buren Avenue, Oxford, Mississippi.

All present voting aye.

The motion was approved.

6. **Public Hearing for Case 139 – 912 University Avenue.** Ed Meisenheimer came before the Commission seeking a Certificate of Appropriateness to modify a previously approved rear yard fence on property located at 912 University Avenue, Oxford, Mississippi. Mr. Meisenheimer informed the Commission that a modification to the fence had already been done and apologized to the Commission for completing the work without the Commission's approval. Mr. Meisenheimer further stated that modification to the fence included adding caps that matched the existing fence on the owner's property. Mr. Meisenheimer then presented the Commission with photos of the following:

    1. The existing fence on the property when it was purchased in 2003;
    2. The previously approved fence with cap added;
    3. A different angle of the previously approved fence with cap added; and
    4. The previously approved fence adjoining the Bell/McCoullough property.

Public comments came from Benjamin Justus who spoke on behalf of Medora Wilson, the property owner at 821 Filmore Avenue. Mr. Justus stated that Ms. Wilson owned the property directly behind fence in question and owned the original fence that separated the

properties. Mr. Justus further stated that the Meisenheimers originally went to remove and rebuild a fence without consulting Ms. Wilson or the Historic Preservation Commission. Mr. Justus added that Ms. Wilson let them know she did not want the fence removed and that she would repair it, or they could remove her fence on the condition that she and Historic Preservation Commission approved of the new design. Mr. Justus further added that after numerous documented conversations, a design that satisfied all neighbors and concerned parties was approved and ready to be presented the Commission. Additionally, Mr. Justus stated that the Commission approved the attached design as presented by David Bell and that only with this process in place did Ms. Wilson feel comfortable allowing her original fence to be removed.

However, Mr. Justus stated, the fence approved by the Commission and the actual fence constructed were not the same. He further stated that during construction of the new fence, it became apparent that the Meisenheimers were no longer following the plans for the approved fence. Mr. Justus further stated that the height, design, and of the fence all differ from the approved design. Mr. Justus also stated that the Meisenheimers were contacted multiple times to discuss concerns about the changes to the fence plans, however those attempts were met with complete disregard.

Mr. Justus commented that it was his wish that the Commission not approve a new Certificate of Appropriateness for the proposed modifications and that the Commission please hold the Meisenheimers to the standards that the Historic Preservation Commission represent requiring the Meisenheimers to comply with the original design that the Commission approved. Mr. Justus added that the request could easily be achieved by removing the lattice work and cutting the posts to the appropriate height.

At this point in the meeting, Mr. Justus presented the Commission with photos of a view of the fence in question from his property and stated that he was opposed to the color of the fence. Mr. Justus stated that the color of the fence was a natural wood color and that the property owners had installed white lattice with caps to the top of his fence which did not match. Chairman Asti informed the parties that the Commission did not have jurisdiction over color, but offered that a possible solution might be painting the lower portion of the fence on Ms. Wilson's side to match the top portion of the fence. Mr. Justus rebutted and stated that Ms. Wilson originally asked that the applicant not paint her side of the fence. Further lengthy discussion was made regarding painting the fence and Mr. Justus stated that painting the fence would not satisfy his client, Ms. Wilson. Mr. Justus added that he and Ms. Wilson would rather that the applicant be required to return the fence to its original design.

Commissioner Swaney asked Mr. Justus what other property owners bordered the Meisenheimer's property. Mr. Justus stated that Gary and Carolyn Carter's property also bordered the Meisenheimer's property. Mr. Meisenheimer then presented the Commission with letters of recommendation from his neighbors. Further lengthy discussion was made regarding the request and Commissioner Best suggested that the Commission table a decision on the request and give the parties thirty days to reach an amicable solution.

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There being no further questions or comments from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner McKenzie to table a decision on the hearing for thirty days giving the parties time to reach an amicable solution.

The vote was as follows:

Asti	Aye	Swaney	Nay
Best	Aye	McKenzie	Aye
Spears	Aye	Telford	Aye
Ton	Aye	Thompson	Aye

The motion was approved.

7. **Public Hearing for Case #140 – 802 Old Taylor Road.** Joel Little and Hassell Wilkinson of Little and Wilkinson Construction, LLC came before the Commission representing Dr. and Mrs. Hayden Perkins seeking a Certificate of Appropriateness for property located at 802 Old Taylor Road, Oxford, Mississippi. Mr. Little informed the Commission that the applicants were desirous of making exterior renovations to the property and stated that the proposed renovation would include some window replacement, new double doors, and the construction of an elevator and storage areas as well as the addition of a study within the original footprint. Mr. Little explained the applicants' request and presented the Commission with depicted as:

1. **Front elevation of house which showed the existing roof to be replaced;**
2. **West side of the east portion of the house showing the shutters, window, & stucco;**
3. **Front elevation of the west side of the house;**
4. **West side of the west portion of the house where the elevator and storage room are proposed to be added as well as the study added within the footprint of a part of the porch;**
5. **Part of the existing back porch that is proposed to be infilled with a new study;**
6. **The double door unit that will be copied and added to the new study;**
7. **Model for the new rear of the east side windows;**
8. **Breezeway windows;**
9. **East side of the rear of the east wing where new windows are proposed to replace existing windows.**

Additionally, Mr. Wilkinson presented the Commission with renderings of the floor plans, elevations, kitchen electrical plans, as well as a photo of the types of windows to be used in the project. Discussion was made regarding the proposed project and Commissioner Spears expressed concerns over the proposed changes to the rear elevation. Commissioner Spears offered some suggestions to improve the rear elevation and discussion was made regarding the suggestions. Mr. Little stated that he could not discuss the design of the project since it was designed by Architect Frank Tindall. Further discussion was made regarding redesigning the rear elevation and Commissioner Best asked if the Commission could

approve part of the application without the rear elevation. Discussion was made regarding approving part of the application without the rear elevation and Mr. Little stated that he was open to being granted an approval on part of the application so that he could commence work as soon as possible. Chairman Asti informed the applicants that the rear elevation would become known as "Part A" and the remaining portion of the application would become known as "Part B".

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Best and seconded by Commissioner McKenzie to approve "Part B" of an application for a Certificate of Appropriateness for property located at 802 Old Taylor Road, Oxford, Mississippi.

All present voting aye.

The motion was approved.

The motion was approved and the applicant was directed to return with a redesign for "Part A" of the application.

8. **Public Hearing for Case #141 – 613 South 11th Street.** Glenda Alderson came before the Commission representing Lendy Alderson seeking a Certificate of Appropriateness for property located at 613 South 11th Street, Oxford, Mississippi. Mrs. Alderson informed the Commission that Lendy Alderson was desirous of constructing a 6' X 20' enclosed back porch with a balcony off the second story master suite. Mrs. Alderson presented the Commission with renderings of the east elevation and north elevation, photos of the rear view (east elevation) of the existing property, photos of the proposed wrought iron balcony railing and proposed French doors 45"W by 89"H), and a site layout depicting the proposed addition. The Commission reviewed the photos of the rear view (east elevation) and Chairman Asti asked Mrs. Alderson if the proposed French door would impact the existing electrical feed for the house. Discussion was made regarding the electrical feed on the home's east elevation. Chairman Asti commented that although he understood the applicant's request for a screened porch; he did not understand the need for the balcony and French door. Further discussion was made regarding the request and Commissioner Ton commented that the drawings did not appear to be to scale. Further discussion was made and Commissioner McKenzie suggested that the Commission table a decision on the hearing and allow the applicant to return with scaled drawings at the next month's meeting. Commissioner McKenzie also suggested that Assistant City Planner Katrina Hourin check with Oxford Electric Department regarding the impact that the existing electrical feed would have on the proposed French door.

There being no further questions, motion was made by Commissioner McKenzie and seconded by Commissioner Ton to table a decision on the hearing and allow the applicant to return with scaled drawings at the next month's meeting.

All present voting aye.

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The motion was approved.

9. **Public Hearing for Case #142 – 1533 Jefferson Avenue.** Glenda Alderson came before the Commission seeking a Certificate of Appropriateness for property located at 1533 Jefferson Avenue, Oxford, Mississippi. Mrs. Alderson informed the Commission that she was proposing to install a fence from the front corner of her property to the line of shrubbery down North 16th Street to the edge of her existing garage. Mrs. Alderson presented the Commission with a plot plan depicting the proposed fence, photos of the front yard from Jefferson Avenue, and a photo of the proposed wrought iron fence and explained that she was desirous of installing the fence for the safety of her grandchildren. Discussion was made regarding the applicant's request.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Ton and seconded by Commissioner McKenzie to approve the request for a Certificate of Appropriateness for property located at 1533 Jefferson Avenue, Oxford, Mississippi.

All present voting aye.

The motion was approved.

10. **Public Hearing for Case #143 – 1108 South Lamar Boulevard.** John Abernathy of Abernathy Building Company, LLC came before the Commission representing Dr. Don Newcomb seeking a Certificate of Appropriateness for property located at 1108 South Lamar Boulevard, Oxford, Mississippi. Mr. Abernathy informed the Commission that the applicant was proposing to take in the gallery on the southeast corner of the property extending the small lean-to on the north east corner of property and enclose the back porch extending the bedroom on the northwest side of the property. Mr. Abernathy presented the Commission with photos of the existing property; a revised floor plan; elevations of the existing structure; and elevations of the proposed modifications and explained the applicant's request.

Chairman Asti commented that he objected to the proposed enclosure due to the fact that it would alter the appearance of the home's existing wrap around style porch. Mr. Abernathy rebutted and stated that original home was constructed in 1990 in a "creo style architecture". Mr. Abernatahy stated that the applicant was desiring to bring the porch forward so as to incorporate more space and added that the applicant was desiring to take in a portion of the back porch for additional closet space. Further discussion and debate was made between Chairman Asti and Mr. Abernathy regarding the request.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Swaney and seconded by Commissioner McKenzie to approve the request for a Certificate of Appropriateness for property located at 1108 South Lamar Boulevard, Oxford, Mississippi.

The vote was as follows:

DEMENT - MERIDIAN 60-5701

Asti	Nay	Spears	Nay
Best	Aye	McKenzie	Aye
Ton	Aye	Telford	Aye
Swaney	Aye	Thompson	Aye

The motion was approved.

There being no further business to come before the Commission, motion was made by Commissioner McKenzie and seconded by Commissioner Telford to adjourn the meeting.

All present voting aye.

The motion was approved and the meeting was adjourned.

DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, July 11, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
Jason Bailey
Dr. Watt Bishop
Michael Harmon
Gloria Kellum
Darryial Whittington

Tim Akers, City Planner
Randy Barber, Building Official
Lynn Conerly, Secretary

The following Commissioner was absent:

John Bradley

1. **Call to Order.** The meeting was called to order by Chairman Myers. Myers welcomed a new Commissioner, Darryial Whittington and Lynn Conerly, Office Manager to the meeting.

2. **Approval of the Agenda.** Chairman Myers asked if there were any changes to the agenda.

   There being no changes, motion was made by Commissioner Bailey and seconded by Commissioner Kellum to approve the agenda.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the June 13, 2011 Minutes.** Chairman Myers asked if there were any necessary changes to the minutes. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Harmon to approve the minutes from the June 13, 2011 meeting.

   All present voting aye.

   The motion was approved.

Planner and Building Official's Reports. City Building Official Randy Barber informed the Commission that permit totals for the month of June had increased since May. He stated that 129 permits had been issued in the month of June with a valuation of $1.7 million dollars. Mr. Barber further reported that Hampton Inn is on schedule, it should be open by football season. Della Davidson has started work on classroom additions, Rainbow Cleaners have started their site work. I-HOP and Verizon are now open along with JoS A. Banks.

City Planner Tim Akers welcomed Darryail Whittington, retired from DEQ, and Lynn Conerly, Office Manager to the meeting.

Mr. Akers apologized for getting the packets out late this month. He assured the members they will get it mid week before the scheduled meeting from now on.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Bailey and seconded by Commissioner Harmon to approve the building and planning report.

All present voting aye.

The motion was approved.

REGULAR AGENDA

4. **Public Hearing for Case 1587 – Site Plan approval for property located on Mall Drive in a (GB) General Business zoned district.** City Planner Tim Akers informed the Commission that the subject property is located on Mall Drive across from the fire station. There is a storage facility there now that will be torn down and rebuilt as a climate controlled storage unit. To make the building a little "softer", it isn't required, but suggested that the front have a one foot addition to make it look nicer. Also, a portion of the property was in a floodway therefore, a modified site plan moved the building further north. The parking will move from the front to the side. The dumpster will be located in the back of the building.

   Additionally, Mr. Akers suggested the easement from adjacent property for dumpsters, and east of the property line(willow trees) ?????

   Floyd Hubbell, developer, assured the Commission this property will be a fine establishment and will be well maintained. He mentioned he has other properties around town and they are all in good standings. Mr. Hubbell addressed the issue of the "softening" of the front of the building. He is willing to do this as long as it is just this part. He certainly doesn't want to have to put a lot of money into the architectural design of the building.

DEMENT - MERIDIAN 60-5701

Commissioner Kellum inquired about the height of the building. Mr. Hubbell informed her it is 15 feet and to 10 feet. Commissioner Whittington asked for specifics about the height. Mr. Hubbell explained the west of the structure is 15 feet down to 10 feet, which is the rear of the building. Mr. Whittington also addressed the issue of the willow trees collecting garbage. Mr. Hubbell said he isn't sure who has cleaned this area up, but it is clean now and it will continue to stay clean. Commissioner Myers addressed the issue of the service vehicles entrance and Mr. Hubbell said all vehicles will enter through the front. There will be a 20 foot overhang that is 14 feet wide. This will ensure everyone will be dry as they enter the property. Mr. Hubbell also informed the Commission there will be a kiosk out front to make payments and give information. This has been used around the country for about 5 years, but is new to Oxford. Commissioner Bishop addressed the street closing and he was told due to the fire station the street doesn't close anymore.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Kellum recommending floodplains management be considered and visual treatment and written easement agreement for garbage seconded by Commissioner Whittington to approve the site plan for property located on Mall Drive in a (GB) General Business zoned district.

All present voting aye.

The motion was approved.

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

PLANNING COMMISSION

DEMENT - MERIDIAN 60-5701

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, August 8, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

John Bradley
Jason Bailey
Dr. Watt Bishop
Michael Harmon
Gloria Kellum
Darryial Whittington

Tim Akers, City Planner
Randy Barber, Building Official
Bart Robinson, City Engineer
Lynn Conerly, Secretary

The following Commissioner was absent:

Carter Myers, Chairman

1. **Call to Order.** The meeting was called to order by Commissioner Bailey.

2. **Approval of the Agenda.** Commissioner Bailey asked if there were any changes to the agenda.

   There being no changes, motion was made by Commissioner Kellum and seconded by Commissioner Bradley to approve the agenda.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the July 11, 2011 Minutes.** Commissioner Bailey asked if there were any necessary changes to the minutes. There were none.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Harmon to approve the minutes from the July 11, 2011 meeting.

   All present voting aye.

   The motion was approved.

DEMENT - MERIDIAN 60-579

Planner and Building Official's Reports. City Building Official Randy Barber informed the Commission that permit totals for the month of July were 122 with a valuation of $3 million dollars.

Discussion from the Commission about the number of residential permits for 2011 compared to previous years. Mr. Barber will have a report for the September meeting with this information.

City Planner Tim Akers inquired how the Commission liked the packet digital format. Most of the Commissioners got the packet and didn't even try and open the email. Mr. Akers informed the Commission all correspondence will eventually be paperless.

Mr. Akers asked Bart Robinson, City Engineer, to introduced the new Asst. City Engineer, Reyanna Mayoral, to the Commission. Ms. Mayoral comes from MDOT.

Mr. Akers informed the Commission there will be an FTA site visit on August 25th and a MDOT site visit on August 16th .

The Commission discussed the timing of the site visit. Mr. Akers informed the Commission we can't choose when we want them to come, they tell us.
Mr. Akers also informed the Commission the visit is to make sure procedures are being followed. There was also further discussion about the number of rider for OUT this summer. Mr. Akers informed the Commission the numbers are up, despite the students being gone. Commissioner Bishop inquired about the parking on the square studies and where the city was in the process. Mr. Akers informed Commissioner Bishop about the next parking committee meeting and invited him to attend.

Mr. Akers thanked Commissioner Harmon for his help with the Endurance Weekend. Everything went smoothly.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Bailey to approve the building and planning report.

All present voting aye.

The motion was approved.

REGULAR AGENDA

4. **Public Hearing for Case 1590 – Special Exception approval for property located on 299 South 9th Street in a (DB) Downtown Business zoned district.** Assistant City Planner Katrina Hourin informed the Commission the building is approximately 9,760 square feet. Existing on the property is a two-story; brick building with a flat roof built in the 1960's and is the current

DEMENT - MERIDIAN

location of multiple businesses. The boundary line of the Downtown Business District is located on the east side of S. 9th Street. Properties located on the west side of South 9th are predominantly zone (RB) Two-Unit Residential and (RC) Multi-Unit Residential with the exception of (GB) General Business zoned along both side of West Jackson Avenue to the north.

Ms. Hourin stated that George Haymans is requesting a special exception to allow residential in (DB) Downtown Business zoned district. Mr. Haymans is proposing a maximum of four residential units for the structure. One (1) on site-parking space is required for each residential unit within the Downtown District, which is adequately addressed as the site offers a total of fifteen (15) existing spaces.

Ms. Hourin further stated that in recent years, a number of condominium developments have been constructed in (DB) Downtown Business, and requested that the applicant give explanation for his request for additional residential units.

Mr. Haymans met with the Site Plan Review Committee on July 21, 2011 and is in compliance.

Staff recommended that if Mr. Haymans demonstrates a need for additional residential in the (DB) Downtown Business District, staff would recommend approval.

Commissioner Kellum inquired about the need for the Special Exception. Mr. Overstreet presented a letter from Larry Overstreet, which stated that the Ice House and The Ritz have been selling condos very quickly. Mr. Haymans explained the goal is to get young professionals that work around the square to lease.

Mr. Haymans has consulted with the two neighboring churches and Becky Moreton. Ms. Moreton's home is next door to the building. Her bedroom borders the South side of the building and can hear everything going on there and doesn't want anyone rowdy living there. Ms. Moreton doesn't want students living there. Mr. Haymans agreed that he does not want students to live there, however; he cannot discriminate because of age.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Kellum to approve the request. More discussion among the Commision about the age limit restriction. Mr. Haymans assured the Commission he cannot discriminate against age. Commissioner Bradley suggested the motion be amended with a limit of four (4) residential units with no residential unit on the south side of the building. Mr. Haymans said he would not be able to support the amendment. Mr. Haymans assured the Commission this will not be a student used facility and eventually his office will be on the bottom floor of this

DEMENT - MERIDIAN 60-5701

building. There being no second on Commissioner Bailey's motion to amend, the motion died.

Commissioner Bishop seconded the motion to approve the Special Exception with the following finding and conditions:

1. Four (4) unit limit
2. The proposed use will not adversely affect the public interest.
3. Owner will work with surrounding families and churches.

All present voting aye.

The motion was approved.

5. **1591-Front Yard Set Back for property located at 1328 North Lamar Blvd in a (NB) Neighborhood Business Zoned district.** City Planner, Tim Akers informed the Commission the subject property is a vacant sloping .85 acre site on the east side of North Lamar and is zone (NB) Neighborhood Business. Mr. Brown is requesting a 30 foot front yard variance to permit parking in front of the proposed office building where a maximum front set back of 25 feet is permitted.

Urban design policies incorporated in (NB) district promote walkable communities by requiring that structures be between 15 and 25 feet from the right-of way essentially precluding parking in front of the structure. However, the right-of way along the portion of the North Lamar corridor where the subject property is located is 100 feet and even if the building was moved as close to the street as possible the building would still be approximately 40 feet from the back of the sidewalk. The Site Plan Review Committee reviewed and approved the proposed site plan on July 27th. Mr. Akers also pointed out several other businesses in that area zoned (NB) that had parking in front of the building. He also discussed the future possibility of creating liner parks within the right-of-way.

There was discussion from the Commission regarding the possibility of North Lamar becoming 4 lane similar to West Jackson Avenue. Mr. Robinson said this will not happen in the next 30-40 years. Mr. Robinson stated that the 100 foot right-of-way was inherited when North Lamar was Highway 7.

Commissioner Bradley made a motion to approve the 30 foot front yard variance. Commissioner Watt seconded and the motion.

All present voting aye.

The motion was approved.

DEMENT - MERIDIAN 60-5701

6. **Public Hearing for Case #1592-4 inch Side (South) Yard Setback Variance for the property located at 2152 West Jackson Avenue.** Katrina Hourin, Assistant City Planner informed the Commission the subject property, measuring approximately 1.65 acres is located adjacent to the Oakwood Shopping Center and Mall Drive. Construction was recently completed on the 7,500 sq. ft. building that is now occupied by IHOP and Verizon.

Due to a surveying error, the building was inadvertently constructed 4-inches into the side (south) yard setback. A recent survey of the property revealed this flaw and subsequently the applicant is seeking a variance to eliminate the error, correct the survey likewise creating an accurate record.

Commissioner Bradley made a motion to approve the 4 inch Side (South) Yard Setback Variance. Commissioner Whittington Seconded.

All present voting aye.

The motion was approved.

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

DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, September 12, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
John Bradley
Dr. Watt Bishop
Michael Harmon
Gloria Kellum
Darryial Whittington

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

The following Commissioner was absent:
Jason Bailey

1. **Call to Order.** The meeting was called to order by Commissioner Myers.

2. **Approval of the Agenda.** Commissioner Myers asked if there were any changes to the agenda.

   Mr. Akers reported item 12 and 13 are withdrawn and item 14 is postponed until the October meeting. A motion was made by Commissioner Bradley and seconded by Commissioner Harmon to approve the agenda.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the August 8, 2011 Minutes.** Commissioner Myers asked if there were any necessary changes to the minutes. Commissioner Bradley stated on the fourth page of the minutes, it should be Commissioner Bradley instead of Bailey who made a motion to amend.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bishop and seconded by Commissioner Whittington to approve the minutes from the August 8, 2011 meeting.

   All present voting aye.

The motion was approved.

4. **Planner and Building Official's Reports.** City Building Official Randy Barber informed the Commission that permit totals for the month of August were 102 with a valuation of $1 million dollars. This is down from July which was 122 permits with a total of $3 million dollars.

City Planner, Tim Akers provided the Commission with a chart with the OUT monthly ridership information that Commissioner Kellum requested from the last meeting. Discussion was made concerning a way to encourage people to ride the OUT bus. Mr. Akers informed the Commission the best way to get the word out about the bus is word of mouth, making it easier to ride, and provide more places people want to go. Commissioner Myers inquired about expanding the hours for OUT. Mr. Akers informed the Commission there will be a Transit Commission meeting this week and expanding hours are on the agenda.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Whittington and seconded by Commissioner Bishop to approve the building and planning report.

All present voting aye.

The motion was approved.

REGULAR AGENDA

5. **Public Hearing for Case 1593 – Site Plan approval for Oxford Middle School Gymnasium located on 409 Washington Avenue in a (POL) Public Open Land zone district.** Assistant City Planner Katrina Hourin informed the Commission the Oxford School District is requesting approval for the construction of a new gymnasium and classroom space. The Previous gymnasium has been demolished and the new gym will occupy approximately 12,000 sq. ft.

Discussion was made by the Commission that the City should work with the School Board as a whole. It was suggested for the City to have a liaison with the School Board so each will know what is going on.

Discussion from the audience, Mrs. Janice Antonow suggested a revision of comprehensive plan may be in the near future. Mrs. Antonow reinforced this is long past due.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley to approve the request. Commissioner Harmon seconded the motion to approve Site Plan for the Oxford Middle School gymnasium.

DEMENT - MERIDIAN 60-5701

All present voting aye.

The motion was approved.

The next 2 cases will be discussed together, but voted on separately.

6. **1594 –Site Plan Approval for 'Molly Barr Trails' a 72 unit residential development.**

7. **1595-Approval of building orientation variance request for property located at 1021 Molly Barr Road.** Assistant City Planner, Katrina Hourin informed the Commission the applicant is seeking a site plan approval to develop a 5-building, 72-unit apartment complex. The applicant met with the Site Plan Review Committee on August 3, 10, and 17th. All necessary revisions for compliance have been made. It is recommended the Commission approve the request site plan for 'Molly Barr Trails' residential development with the condition of approval of a building orientation variance request.

   Julian Allan appeared before the Commission to answer any questions. There was discussion from the Commission regarding the removal of trees and Mr. Allan informed them they are trying to not remove any trees, but will have to remove a few due to elevation. Another concern is with students living in this residential development and the possibility of the noise factor. Mr. Allan assured the Commission he would keep the students quiet.

   Commissioner Bradley inquired about the office location and expressed concern for a left turn lane when entering from East to West. Mr. Allan informed them the office also include a clubhouse. Bart Robinson, City Engineer, informed the Commission this street does not warrant a turn lane.

   There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley to approve the request. Commissioner Kellum seconded the motion to approve Site Plan for 'Molly Barr Trails'.

   All present voting aye.

   The motion was approved.

   Mrs. Hourin read from section 126.14 of the Land Development Code:

   Building Orientation: On lots with frontage on existing streets, buildings shall be oriented to the existing streets. In the instance where multiple buildings are located on a site, this building orientation applies only to those buildings regulated by the front yard set back requirements.

DEMENT - MERIDIAN 60-5701

The Commission didn't have any questions or comments for discussion so Commissioner Myers asked for a motion to approve.

Commissioner Bradley made a motion to approve the Variance request with restrictions of striking question 2 and 3 all together and change question 4 to say "granting of the variance will not be contrary of the public interest". Commissioner Bishop seconded the motion to approve the Variance request for property located on 1021 Molly Barr Road.

8. **Public Hearing for Case #1596- Rezone from Two-Unit Residential District (RB) to Multi-Unit Residential District (RC) for property located at 2493 Old Taylor Road.** Tim Akers, City Planner informed the Commission the subject property is zoned RB and is approximately 1 acre tract of vacant land located 150 feet west of Shiloh Drive. If the property is rezoned, the applicant plans to incorporate the property (Old Taylor Bend-Phase 2) into an apartment project currently being considered for development immediately to the west.

   If the petitioner adequately demonstrates there has been a change in the land use character of the area since the adoption of the current zoning map and there is a public need for additional acreage zoned Multi-Family Residential in the area, the staff would recommend approval of the application.

   Ryland Sneed appeared before the Commission representing Callicutt Properties. Mr. Sneed explained the need to re-zone so parcel could be part of the development.

   The Commission had no comments or questions so a motion was made by Commissioner Whittington to approve the request. Commissioner Bradley seconded the motion to approve a Re-zone from Two- Unit Residential (RB) to Multi-Unit Residential District (RC) for property located at 2493 Old Taylor Road.

   All present voting aye.

   The motion was approved.

9. **Public Hearing for Case #1597 A & B – Site Plan Approval for property located at 2493 Old Taylor Road.** Mrs. Hourin informed the Commission because case 1596 has passed, the A & B can be dropped and the Approval for a site plan for a 96 unit-residential development is needed.

DEMENT - MERIDIAN 60-5701

Mr. Snead reported this residential development will be for student housing. It will include 2 entrances, an office building with a workout area and a pool. The developer has also agreed to install 2 bus stops.

There was discussion among the commission concerning the landscaping. Mrs. Hourin confirmed they are in compliance.

Also discussion among the commission regarding heavy traffic on Old Taylor Road. Commissioner Bradley suggested the City work with the University to alleviate some of the traffic on Old Taylor Road. Mr. Robinson agreed this should be done, but can't guarantee this will happen. The round a bouts were questioned by Commissioner Bishop. Mr. Robinson informed the Commission the City is still working with MDOT to make this happen. Commissioner Bradley asked if this residential complex will have a left turn lane and Mr. Robinson indicated no, but the Commission could force the developer to put a left lane in. City Attorney, Paul Watkins informed everyone our ordinances would not require a left turn lane.

Mrs. Lora Bradley, from the audience, lives on Philip Road and commented on how terrible the traffic is in rush hour. Mrs. Bradley would also like to see a solution to the heavy traffic on Old Taylor Road.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bishop. Commissioner Whittington seconded the motion to approve a Site Plan for the property located at 2493 Old Taylor Road.

All present voting aye.

The motion was approved.

10. **Public Hearing for Case #1598 – Site Plan Approval for 'North Oxford Place'-7 unit residential development.** Mrs. Hourin informed the Commission the subject property is located on North Lamar just north of Oxmoor. The property is 1.75 acres and is an irregularly shaped property that slopes down from the street level gently and in some places moderately. A request for annexation has been completed by the applicant and is on file in the Planning Department. The applicant has requested city services and in so doing is complying with the required maximum of four units per acre for residential developments. Mrs. Hourin confirmed the developer will be retaining all existing trees.

There was discussion about what type of audience this would house and Rick Cardwell, the developer, informed the Commission it would be students. Also, discussion concerning the water that runs off the back of the property towards

DEMENT MERIDIAN 60-57

Oxmoor. Mr. Cardwell assured the Commission a retention has been set up to alleviate the water problems.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Kellum. Commissioner Harmon seconded the motion to approve the Site Plan for property located at CR 101 North Lamar.

All present voting aye.

The motion was approved.

11. **Public Hearing for Case #1599-Special Exception for property located on Belk Drive.** Mr. Akers informed the Commission the applicant is requesting a Special Exception to put a cellular tower on is located on Belk Drive. Mr. Akers suggested there be a time limit of 12 months to get a building permit. Lou Katzerman, representing Cellular South, is requesting to build a Cellular Tower on property located at 1309 Belk Drive. There are no Cellular Towers in immediate area and a need for a tower is generated by dropped calls, customer complaints and the number of subscribers that are in the tower area. The tower would be 320 feet off the road. There are no additional towers in the area.

There was discussion among the Commission regarding the tower. Mr. Overstreet is the landowner. The tower would be taken down if and when technology improves and it is no longer needed. The tower would be located at the back of the property, giving Mr. Overstreet adequate space to build another building at the front of the property. The rate was questioned and was determined that all Cellular services rent from each other, therefore the rate has to be competitive. The proposed center of the tower to the nearest property line is 75 feet.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley. Commissioner Bishop seconded the motion to approve the Site Plan for the property located at 1309 Belk Drive.

All present voting aye.

The motion was approved.

12. **Public hearing for Case #1603-Proposed deletion of Section 124: Special Exception of Land Development Code.** There was discussion among the Commission regarding this deletion. This section (124) has been mislabeled. This section needs to be deleted. It was confirmed section 216.05 #2 duplicated this.

DEMENT - MERIDIAN 60-5701

There being no further questions or comments from the Commission, motion was made by Commissioner Bradley. Commissioner Bishop seconded the motion to approve the deletion of Section 124: Special Exception of Land Development Code.

All present voting aye.

The motion was approved.

13. **Public hearing for Case #1604-Proposed Amendment of Section(s) 117 and 125 of the Land Development Code relating to Dwelling size.** There was discussion among the Commission regarding this amendment. The current cottage located near South 18th and Garfield Avenue is 500 square feet, but the owner has agreed add additions to make it 600 square feet. Each cottage is looked at on a case-by-case situation. The property must be large enough to provide sufficient space for a second structure.

There being no further questions or comments from the Commission, motion was made by Commissioner Bradley. Commissioner Harmon seconded the motion to approve the Amendment of Section(s) 117 and 125 of the Land Development Code Relating to Dwelling size.

All present voting aye.

The motion was approved.

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

DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, October 10, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
John Bradley
Dr. Watt Bishop
Michael Harmon
Jason Bailey
Darryial Whittington

Tim Akers, City Planner
Bart Robinson, City Engineer
Reanna Mayoral, Assistant City Engineer
Katrina Hourin, Assistant City Planner
Lynn Conerly, Secretary

The following Commissioner was absent:
Gloria Kellum

1. **Call to Order.** The meeting was called to order by Commissioner Myers.

2. **Approval of the Agenda.** Commissioner Myers asked if there were any changes to the agenda.

   There being no changes from the Commission or public, motion was made by Commissioner Bradley and seconded by Commissioner Whittington.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the September 12, 2011 Minutes.** Commissioner Myers asked if there were any necessary changes to the minutes. Commissioner Bradley stated a spelling change on the fourth page of the minutes it should be Laura Bradley, not Lora.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bradley and seconded by Commissioner Harmon to approve the minutes from the September 12, 2011 meeting.

   All present voting aye.

   The motion was approved.

DEMENT - MERIDIAN 60-5701

4. **Planner and Building Official's Reports.** City Building Official Randy Barber was absent from the meeting tonight. Tim Akers informed the Commission there is a report from Randy in their packet. Mr. Barber will return next month and give his report for September and October.

City Planner, Tim Akers informed the Commission the parking ordinance will go in front of the Board of Aldermen at their next meeting. Also, there will be a ADA meeting on Monday, October 17th at the Conference Center.

There will be a lunch meeting scheduled soon for the Commission to discuss several issues. Mrs. Hourin will send an email with several proposed dates.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Bailey and seconded by Commissioner Whittington to approve the planning report.

All present voting aye.

The motion was approved.

REGULAR AGENDA

5. **Public Hearing for Case 1602 – Proposed amendment to Section 201.08 (4) of the Land Development Code relating to pervious parking surfaces.** City Planner Tim Akers informed the Commission that several years ago the Land development Code was amended to allow pervious surfaces (including gravel) to be used in single family zoned areas under certain circumstances. The proposed amendment would now allow any single family development and parking beyond the minimum requirement to use pervious surfaces under certain circumstances. Location has to be outside the Old Town Oxford Conservation Overlay District and comply with certain topography and distance requirements. This amendment will create additional opportunities to reduce run-off by having more water retained on site. Also, the amendment addresses storm water management issues identified in the SDAT report and implements one of the report's design precepts in sustainable site design by making sites more permeable.

Discussion was made by the Commission as to what materials may be considered pervious. This amendment include both single family developments and commercial uses.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Whittington to approve the request. Commissioner Bradley seconded the motion to the proposed amendment.

DEMENT AMERIDIAN 60-5791

All present voting aye.

The motion was approved.

6. **Public Hearing for Case 1605 – to the Landscape Ordinance for 703 North Lamar-Midtown Development.** Assistant City Planner Katrina Hourin informed the Commission the Midtown shopping center is 5 acres and contains 58,000 square feet of building area with roughly 229 parking spaces available.

   Section 34-27 of the Landscape Ordinance addressing Vehicular Use Interiors requirements states that all existing parking lots with over 100 spaces comply with this section by December 30, 2012.

   While variances from the regulations of the Zoning Ordinance are generally not encouraged and difficult to achieve, variances from the Landscape Ordinance only require finding of undue hardship

   The current economic environment does create a hardship on the property owners of parking lots that have existed in the city for many years. The subject parking lot was developed circa 1970. While the landscape plan does not comply with the parking lot interior requirements of 1 tree for every 5 spaces, it does meet the intent and spirit of the Landscape Ordinance and fulfills the 40% future canopy guidelines. In addition, the applicant has agreed to increase planting area to almost double the required 100 square feet. Due to the close proximity of the public row to the parking lot, the City has agreed to plant two of the proposed shade trees along North Lamar.

   The tree board, having met with the applicant, made minor changes, approved the plan.

   The applicant, Dave Tatum, was not present.

   There being no further comments from the public or the Commission , motion was made by Commissioner Whittington and seconded by Commissioner Bradley to approve the landscape ordinance for 703 North Lamar.

   All present voting aye.

   The motion was approved.

The next two cases will he presented together, but voted on separately.

7. **Public Hearing for case #1606 -Site plan approval for Keystone II on Anchorage Road.** Assistant City Planner, Katrina Hourin informed the

DEMENT - MERIDIAN 60-5701

Commission the subject property, measuring approximately 8.75 acres is located on west side of Anchorage Road in Lafayette County north of Breckenridge subdivision and across the street from 'Countryview' residential cabins. The topography of the subject property is gently sloping with some severe sloping in the south west portion of the property and at the entrance along Anchorage Road. An electric power line, running parallel along Anchorage Road severs the property along the frontage way. Small pine trees occupy this severed area and are also found throughout the rest of the site.

The applicant is requesting site plan approval to construct 35 residential rental units. County developments requesting municipal services are limited to 4-units/acre.

The applicant has met with the Site Plan Review Committee on September 20 and 27, 2011 and has made all required revisions for compliance.
A petition for annexation has been completed by the applicant and is on file in the Planning Department.

8. Public Hearing for Case #1607- Variance from Building Orientation Requirement (Building #1-5)for property located on Anchorage Road: Assistant City Planner, Katrina Hourin informed the Commission the subject property, measuring approximately 8.75 acres is located on the west side of Anchorage Road in Lafayette County north of Breckenridge subdivision and across the street from Countryview residential cabins. The topographic survey of the subject property reveals mild sloping contours with some more severe sloping in the south west portion of the property and at the entrance creating a berming effect along Anchorage Road. An electric power line, running parallel along Anchorage Road severs the property along the frontage way. Small pine trees occupy this severed area and are also found throughout the rest of the site.

Oxfords Land Development Code, Section 126.14 Building Orientation states: 'On lots with frontage on existing streets, buildings shall be oriented to the existing street. In the instance where multiple buildings are located on a site, this building orientation applies only to those buildings regulated by the front yard setback requirements'. The primary purpose in creating this requirement is to assure that garages or the rears of structures do not front public roadways resulting in a less attractive view at street level. Due to the existing power line, development will occur 128 feet back from the Anchorage Road. The difference in elevation in combination with the distance from the road and the existing vegetation; making the proposed units #1 -5 of 'Keystone II' virtually invisible, negating the need for this requirement.

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

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1. Due to the existing berm and vegetation; conditions and circumstances exist to the land which are not applicable to other lands in the same District.

2. The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance.

3. Granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest.

There was discussion among the Commission regarding this development. Commissioner Bishop discussed the rapid development in the city limits and the city does not have to issue sewer and water. The Ordinance has been modified to include commercial developments. This establishment does not require curb/gutter, however; the developer will include this.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley to approve the Site Plan. Commissioner Bailey seconded the motion to approve **Site Plan for Keystone II.**

All present voting aye.

The motion was approved.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley to approve the variance with the following changes: include #1, delete #2 and change #3 to say Granting of the Variance would not be contrary of the public interest. Commissioner Myers seconded the motion to approve **Variance for Keystone II.**

All present voting aye.

The motion was approved.

9. Public Hearing for Case #1608- Special Exception for off site parking on 1309 North Lamar- Katrina Hourin, Assistant City Planner informed the Commission The subject property is a vacant commercially zoned lot located on North Lamar measuring approximately 1.13 acres. The front portion of the subject property is relatively flat however the rear portion of the lot drops significantly over a short distance creating an extremely steep slope. This severe change in topography in the rear portion of the property reduces the buildable area significantly creating a hardship.

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The applicant is planning to construct a tavern and small private storage building on the subject property. The tavern will include a kitchen, a covered service entry, an enclosed patio and a second floor office. As per Section 204 of the Oxford Land Development Code minimum parking requirements for lounges or taverns is: *one (1) parking space for each fifty (50) square feet of gross floor area* which equates to 43 parking spaces.

The proposed taverns design provides (29) twenty-nine parking spaces, leaving a 14 space disparity. The applicant is requesting a special exception for off-site parking and has obtained permission from the business; Windshield Magician, to the south.

Section 204 of the Oxford Land Development Code states "Where space is not available on the lot, space shall be provided within three hundred (300) feet of such uses upon approval of the Oxford Planning Commission.

John Maddox appeared before the Commission asking for the Special Exception.

There was discussion among the Commission regarding the parking spaces. Fourteen additional spaces will go at Windshield Magician and in return for these parking spaces, The Tavern can use them for overflow parking. The Tavern is complying with the ordinance. Mrs. Hourin commented with in 5 years they will need to get a Special Exception and at that time they could ask for variance for the regular lot to be the main parking.

Commissioner Bishop inquired if the spaces could be permeable. Mr. Maddox said yes, but it would be very expensive. Commissioner Bradley questioned the easement dated October 6, 2011 and is good for 5 years. After 5 years what will happen? Mr. Maddox suggested they will make adjustments.

Mrs. Hourin added an additional condition that the building permit should be obtained within 6 months from the date of approval. The Commission had no comments or questions so a motion was made by Commissioner Whittington to approve the request. Commissioner Bishop seconded the motion to approve a Special Exception for 1309 North Lamar.

Commissioner Bradley voted Nay, but all others present voting aye.

The motion was approved.

The next two cases will be presented together, but voted on separately.

10. Public Hearing for Case #1609-Special Exception for residential condominiums in a (RB) Two-Unit Residential District. The subject property is a large rectangular residential lot located near the corner of South 16th Street on

Garfield Street measuring 1.36 acres. Currently existing on the subject property is one single family residence which fronts Garfield. The remaining property in the rear is vacant and undeveloped.
The applicant is requesting a special exception to construct (6) condominium units behind the existing residence, which will remain. A private road is proposed to provide access to the units from Garfield and Burney Branch Road to the south. Section 134.02 of the Land Development Code states that (3) three or more residential condominium units are a permitted use by special exception and granted by the Board of Adjustment.
The applicant met with the site plan review committee on January 13, 2010.
Recommendation: Approve the request for Special Exception for base on the following finding and condition:

1. The proposed use will not adversely affect the public interest

2. Approval by the Oxford Historic Preservation Commission

11 – Public Hearing for Case #1610-Site Plan Approval for property located at 1510 Garfield. Mrs. Hourin informed the Commission The subject property is large rectangular shaped residential lot located near the corner of South 16th Street on Garfield Street and measures approximately 1.36 acres. Currently, existing on the subject property is a single family residence which fronts Garfield. The remaining property to the rear of the residence is vacant and undeveloped. The surrounding area is a combination of single family residences and more a dense population of condominiums and rental units.

The applicant is requesting site plan approval to construct (6) new condominium units, behind the existing residence, counted as the 7th, which will remain. A private road is proposed to provide access to the units from Garfield and Burney Branch Drive to the south. Due to lot coverage constraints for properties in the Overlay District the applicant is using pervious paving on portions of the property to satisfy this requirement.

The applicant has met with the Site Plan Review Committee on September 21, 2011 and September 28, 2011. Final revisions were made at that time.

Ryland Snead appeared before the Commission representing Brad Beard. Mr. Sneed reported the elevation and houses around will shield these condos from being seen. The parking will be across the street. The existing home will have mild renovations. The garage door will be enclosed and the entrance to the home will be widened. The house will be painted due to different color of brick used throughout the years of additions. The existing trees behind the house will be maintained.

Commissioner Myers asked if anyone from the audience would have any questions or comments.

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Karthikeyan Rathinavelv lives on Burney Branch and is concerned with the traffic on South 16th street. His concern is 4 people would occupy each condo and with 6 condos that would mean 24 extra cars for parking.

Lauren Stokes lives nearby and is concerned with the traffic these condos would create. She stated," some nights there are so many cars parked along the street that it is hard to get down South 16th." Also, Ms. Stokes is concerned with the capacity of housing on South 16th already. She thinks building these condos would continue to take away from the Historical Preservation. Ms. Stokes commented "the road is too narrow for cars to navigate if cars are parked on the street." She suggested sidewalks might help with traffic. Bart informed her that the City will look into putting sidewalks on South 16th Street.

Brad Beard appeared before the Commission letting them know he has purchased the property, but will be hiring a contractor to build these condos. The condos will be sold and not be rented.

Gary Gold lives around the corner from South 16th Street. Mr. Gold commented, "The traffic is ridiculous on this street. These condos would only make the traffic worse."

Commissioner Whittington made a motion to table this request until members of the Commission could go and look at the situation. Commissioner Bradley seconded the motion to table until the November meeting.

All present voting aye.

The motion was approved to table until the November meeting.

12. Public Hearing for Case #1611 and 1612 – Preliminary Flat Approval and Final Flat Approval for commercial subdivision on Highway 6 in a (GB) General Business zoned district. Mr. Akers informed the Commission the subject property is 15.4 acre site located on north side of Highway 6 West directly across from the Thacker Loop intersection. The applicant is requesting approval of a three lot commercial subdivision. Division of any of the three original lots into three or more lots will require a subdivision amendment. A fifty (50) foot landscape buffer is required where commercial development abuts single family residential zoned property. MDOT has granted the applicant permits for three entrances to the subject property from Highway 6 and has approved the Thacker Loop intersection design. The subdivision was approved by the Site Plan Review Committee on September 21, 2011.

There was discussion from the Commission about the traffic The Corridor situation was also briefly discussed. Commissioner Bradley suggested Oxford

become more like Madison, MS with their signage. Madison businesses must comply with specific rules and regulations condoned by the Mayor and Board of Alderman. Bart informed the Commission zoning could be asked for from the Commission to go to the Board of Aldermen and the Mayor.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Bradley. Commissioner Harmon seconded the motion to approve the Preliminary and Final Flat Approval for property located on Highway 6 West.

All present voting aye.

The motion was approved.

The Sign Ordinance: Tim Akers reported everyone who is out of Ordinance received a letter letting them know their signage must be fixed by November. The Board of Aldermen has discussed having this issue amended. There have been many calls to Randy and the Board of Aldermen. The recommendation for the amendment would have to come through this Commission to amend the Sign Ordinance. Commissioner Myers suggested this be added to the November agenda. Billboards were questioned and Paul informed the Commission the City has been contacted by 2 companies regarding billboards. This ordinance is not limited to billboards. It was mentioned there are several parts of this ordinance that need to be tweaked.

Mrs. Hourin reminded the Commission she will be contacting them about the lunch meeting soon.

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

DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in special session on Friday, November 4, 2011 at 11:30 p.m. in the first floor conference room with the following members present:

Carter Myers, Chairman
John Bradley
Dr. Watt Bishop
Michael Harmon
Jason Bailey
Darryail Whittington
Gloria Kellum

Pat Patterson, Mayor
Paul Watkins, Board Attorney
Dr. Janice Antonow, Alderman
Tim Akers, City Planner
Randy Barber, Building Official
Bart Robinson, City Engineer
Reanna Mayoral, Assistant City Engineer
Katrina Hourin, Assistant City Planner
Lynn Conerly, Secretary

Call to Order. The meeting was called to order by Commissioner Kellum. Commissioner Myers is running about 30 minutes late.

REGULAR AGENDA

Public Hearing for Case #1581-Amendment to a condition to an approved site plan for property located at 207 S. Lamar in a (RC) Multi-Unit Residential zoned district. *(Jason Bailey recused himself)* Katrina Hourin informed the Commission the subject property is located within the (NB) Neighborhood Conservation District on the east side of S. 17th Street, between Jackson and University Avenue. Measuring approximately 2.9 acres, the subject property is undeveloped with the exception of an unoccupied house located in the southwest part of the property on S. 17th. The property's topography rolls throughout with a peak in the northwest corner at 330 feet and its lowest point in the southeast corner at 265 feet.

When this case was heard at the May 9, 2011 City Planning Commission meeting the applicant proposed phasing the project. As a result, a third condition was added restricting the development of a subsequent phase to 75 % completion of the preceding phase. To date, phase one has been cleared and construction has begun on three (3) of the six (6) units. Since approval, the applicant has secured the sale of 14-16 units in phase 2 and is requesting the removal of condition three (3) of the approved site plan.

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The staff recommends approval for the request to remove condition #3.

Commissioner Whittington questioned the construction crews parking on the street in a prohibited yellow zone and also commented that the erosion control measures taken on the site were insufficient. Andy Fornea informed the Commission he will talk to the crew about parking in the yellow zone and insured the Commission that he will check to make sure his erosion controls are properly installed.

There being no further questions or comments from the public or the Commission; a motion was made by Commissioner Bradley to remove condition #3 of the approved site plan for Case #1581. Commissioner Harmon seconded to approve the removal of condition #3 of the site plan.

All present voting aye.

The motion was approved

Lamar Advertising Presentation- Gray Tollison along with Mike McFall and Chris Rischburg appeared on behalf of Lamar Advertising, proposing ways to change the sign restrictions. Paul Watkins, the city attorney, updated the Commission regarding the 2004 Land Development Code stating all signs must be in compliance with the new ordinance with in 5 years. In 2009 the Board granted all signs a 2 year extension. This extension expires on November 15th. The Board of Aldermen sent this issue back to the Planning Commission.

Mr. Tollison informed the Commission that Lamar will be requesting a change in text to create a digital overlay district in certain areas of Jackson Avenue and University Avenue; inside existing (GB) General Business and (SC) Shopping Center zoned districts. They further commented that digital billboard technology did not exist in 2004 in Mississippi so it was not considered. Lamar is proposing removal of seven (7) signs to be replaced with two (2) digital billboards within the proposed digital overlay.

Commissioner Bradley asked what will happen if the billboards aren't removed by November 15th deadline. Alderman Antonow responded they will not be fined immediately. Mayor Patterson commented that everyone out of compliance will be given adequate time to become compliant.

Orientation/Training- Tim Akers informed the Commission that planning has to be evaluated within a cultural, political, economic and legal context. Municipality only has power granted to it by the State.

Janice antonow stated that when they are acting as the Board of Adjustment, they have much more discretionary power than when they act as the Planning Commission.

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Paul Watkins commented that the Planning Commission is an administrative arm of government and is there to administer the Land Development Code.

Paul stated to always keep in mind:

Consistency- the reason we have a zoning map is because people need to know what is allowed next door.

Special Exceptions- the most that allows you to add conditions (based on the specific zone-each area has a permitted use and a special exception use)

Variance-a relaxation from the literal terms of the ordinance
- must be a hardship
- must be unique to you
- must not be a result of your(the owners) actions

Infrastructure- Bart Robinson, the city engineer, informed the Commission that the biggest issue is the age of our infrastructure. Over 3 million dollars are spent on water and sewer improvements each year. The quality of our infrastructure is better than anyone else in our state.

Sustainability Design Assessment Team (SDAT) Conference
Ms. Hourin briefed the Commission on the recent SDAT Conference and subsequent report indicating that it is also available to view online. In the interest of saving time, highlights of the report were given with specific suggestions for improvements in sustainability. The following highlights and suggestions were made based on the report:

- Develop relationships with county, university and school boards with suggesting a liaison between the city and the above entities.
- Enhance outer gateways into the City of Oxford
- Discuss strategies to improve management of storm water
- Work towards the implantation of new techniques in storm water management
- Encourage the use of native plant material
- Consider shortening pedestrian crosswalks on the Square with addition of 'safe islands'.

Question and Answer

Mayor Patterson gave an update on parking on the Square and discussed the possibility of charging for premium parking to generate a revenue stream. The Mayor also mentioned the possibility of a parking structure to improve pedestrian access to the square. Mayor would like to accomplish the suggested tasks within the next 10 years.

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PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, November 14, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Gloria Kellum
John Bradley
Dr. Watt Bishop
Michael Harmon
Jason Bailey
Darryail Whittington

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

The following Commissioner was absent:
Carter Myers, Chairman

1. **Call to Order.** The meeting was called to order by Commissioner Bailey.

2. **Approval of the Agenda.** Commissioner Bailey asked if there were any changes to the agenda. Item #5 and #6 have been postponed until a later date.

   There being no further changes from the Commission or public, motion was made by Commissioner Bradley and seconded by Commissioner Bishop.

   All present voting aye.

   The motion was approved and the amended agenda was accepted.

3. **Approval of the October 10, 2011 Minutes.** Commissioner Bailey asked if there were any necessary changes to the minutes. .

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Bradley and seconded by Commissioner Harmon to approve the minutes from the October 10, 2011 meeting.

   All present voting aye.

   The motion was approved.

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4. **Planner and Building Official's Reports.** City Building Official Randy Barber was absent from the meeting tonight. Tim Akers informed the Commission there is a report from Randy in their packet.

City Planner, Tim Akers informed the Commission the first Downtown Parking meeting will be Friday, November 18th. Also, Phase II of the bike path is being advertised and going to the Board of Aldermen on November 15th. The bike path will be part of the side of the road and consist of 11 miles. Mr. Akers informed the Commission at the Fall Conference the Mayor received the Friend of Transit Award.

There being no questions or comments from the public or the Commission, motion was made by Commissioner Bradley and seconded by Commissioner Harmon to approve the planning and building report.

All present voting aye.

The Planning and Building reports were approved.

REGULAR AGENDA

5. **Public Hearing for Case #1609 has been postponed.**

6. **Public Hearing for Case #1610 has been postponed.**

7. **Public Hearing for Case 1613 – Special Exception for (PB) Professional Business use in a (RC) Multi-Unit Residential zoned district for property located at 1802 West Jackson Avenue.**
City Planner Tim Akers informed the Commission the subject property is a .53 acre parcel with a vacant 3,600 square foot structure located on it. There are currently 20 onsite parking spaces. Julian Allen, developer of this project is here today asking for approval for a Special Exception for property located at 1802 West Jackson Avenue. Mr. Allen is proposing to move his headquarters in the building.
Discussion was made regarding the green spaces around the parking lot.
Mr. Allen explained the property line comes to the curb, which makes it difficult to add green spaces. He will do a significant landscaping the property.

There being no further questions or comments from the public or the Commission, motion was made by Commissioner Kellum to approve the request.
Commissioner Whittington seconded the motion to the Special Exception.

All present voting aye.

The motion was approved.

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8. **Public Hearing for Case 1614 – Site Plan Approval for a commercial building located at 2000 West Jackson Avenue for property in a (SC) Shopping Center Business zoned district.** Assistant City Planner Katrina Hourin informed the Commission the subject property, located on the southwest corner of Jackson Avenue West and Harris Drive consists of approximately two (2) acres. There are two buildings currently existing on the property; one large unoccupied metal structure in the rear of the property and one smaller brick structure occupied by multiple businesses fronting Jackson Avenue. Three points of ingress and egress exist along two public right-of-ways and due to the extensive concrete paving throughout, the subject property is easily accessible. Currently, the Jackson Avenue entryway has a severe slope making access to the retail business hazardous.

The applicant is requesting site plan approval for the construction of one 14,500 square foot commercial building. Once the existing structures are demolished, the new building will be sited further back on the property to lessen the severity of the slope at the Jackson Avenue entry. One curb cut on Harris Drive will be eliminated contributing to an overall reduction in parking and impervious paving with an increase in total green space. The applicant has agreed to install a pedestrian signal for safe crossing on Harris Drive.

Also slated for improvements and allow for staging the applicant will be using a portion of the parking lot in the adjacent parcel. A written easement between the applicant and landowner has been submitted and is on file with the Planning Department. A traffic study was done as required by the Public Works Department showing no impact on existing streets.

The Site Plan Review Committee met with the applicant on October 12th and 19th and has made all necessary revisions.

The staff recommends approval of the submitted site plan with the following condition:

1. Installation of a pedestrian signal at the Harris Road crosswalk.

Jeff Williams of Williams Engineering Consultants, representing the developers of the proposed project, appeared before the Commission and stated the building will be moved back to soften the slope and the green space will increase from 2% to 24%.

Discussion was made regarding the intersection at Harris Drive and Jackson Avenue and the lack of space to turn onto Harris Drive from Jackson Avenue Bart Robinson, Public Works department head informed the Commission that without the taking of property there is no way to provide more stacking in the turn lanes. Discussion continued regarding the concern for safety and the potential for accidents at this location where two traffic lights exists within close

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proximity. Mr. Robinson concluded that the problem is an ongoing one with no immediate solution in sight at this time.

There being no further comments from the public or the Commission a motion was made by Commissioner Harmon and seconded by Commissioner Bradley to approve a Site Plan for property located at 2000 West Jackson Avenue.

The following vote concurred:

Voting 'Aye': Bailey, Bishop, Bradley, Harmon, Kellum

Voting 'Nay': Whittington

The motion was approved.

9. **Public Hearing for case #1615 -Site plan approval for 'College Park', a three (3) unit residential development located at 131 County Road 102 in Lafayette County.** Assistant City Planner, Katrina Hourin informed the Commission the subject property, measuring approximately .75 acres is located on west side of College Hill Road in Lafayette County near Tara Subdivision. The subject property is rectangular shaped, level vacant lot. A large stand of pines mature exists and will remain at the entrance and also in the rear of the subject property. The applicant is requesting approval to construct three (3) residential units and has met with the Site Plan Review Committee on October 19, 2011.

A petition for annexation has been completed by the applicant and is on file in the Planning Department.

Approval is recommended by the staff for the site plan for 'College Park'- a three (3) unit residential rental development and their request for city services.

Chuck Wren, representing the developer appeared before the Commission to answer any questions regarding the property. Mr. Wren informed the Commission the units will be 1000-1100 square foot, free standing buildings that will look like a single family rental homes.

Commissioner Bradley inquired if the neighbors had been questioned about this development and Mr. Wren indicated that they had not been in contact with surrounding neighbors.

Diana McDaniel, a homeowner in the area, appeared before the Commission, stating that she lives next to the proposed development. She informed the Commission that a previously existing residence on the property burned and since that time she has been maintaining the property. She further stated that

there no apartments exist on her side of the road adding that the proposed development will only increase traffic. In conclusion, she stated that most of the people on this road are elderly and that she strongly opposes the project and asks the Commission to deny the request.

There being no further comments from the public or the Commission, a motion was made by Commissioner Bradley to deny the request for city services. The motion was seconded by Commissioner Bishop to deny the site plan and city services for property located at 131 County Road 102 in Lafayette County.

The following vote concurred:

Voting 'Aye': Bailey, Bishop, Bradley, Harmon, Whittington

Voting 'Nay': Kellum

The site plan and request for city services was denied.

10. Public Hearing for Case #1616- Site Plan Approval for 'Shady Creek' a five (5) unit residential development located at 201 Anchorage Road in a (RC) Multi-Unit Residential zoned district. Assistant City Planner, Katrina Hourin informed the Commission the subject property, located on the west side of Anchorage Road measures just over one half acre and is currently undeveloped, vacant land. A recent survey of the subject property indicates a relatively level site with a considerable drop in the northwest corner.

The applicant, requesting site plan approval to construct five (5) rental units met with the Site Plan Review Committee on October 26, 2011 making all necessary revisions.

Approval is recommended by the staff for the submitted site plan for 'Shady Creek'- a five (5) unit residential rental development.

Chuck Wren appeared before the Commission on behalf of the developers.

There was discussion among the Commission members regarding the traffic on Anchorage road. Mr. Wren reminded the Commission the development is only a five (5) unit complex and recent improvements to Anchorage Road has improved the flow of traffic. Discussion continued concerning the placement of the proposed driveway being in the middle of a curve in the road. Mr. Wren stated that the placement of driveway has good sight distance and is in the best location. Mr. Wren was asked by the Commission if the church had been notified. He indicated that they had not.

There being no further questions or comments from the public or the Commission, a motion were made by Commissioner Bailey to approve the Site Plan. Commissioner Bradley seconded the motion to approve the site plan for 'Shady Creek'.

DEMENT - MERIDIAN 60-5701

All present voting aye.

The motion was approved.

11. Public Hearing for Case #1617 A,B,C,D- request for multiple variances for property located at 115 Leighton Road in a (RE) Residential Estate zoned district.- Katrina Hourin, Assistant City Planner informed the Commission the subject property is an irregularly shaped lot that measures approximately 35,500 square feet. Located on Leighton Road, the subject property is similar in size and style of those residences surrounding it. The topography is rolling and the majority of the properties in this area have dense vegetation and relatively thick canopy coverage. The subject property is long and relatively narrow in size and the residence is situated close to the street occupying almost all of the available width; again typical for homes in this area. In addition, it is evident from the street that the property slopes severely in the rear portion of the lot.

Because of the narrow nature of the lot, the rear topography and the location of the primary structure relative to the side setbacks, the applicant, with a desire to construct a carport with an attached storage room is seeking multiple variances.

As illustrated in the submitted design the carport and storage room is positioned in the front and side yard setbacks and detached from the main structure. The detached component is thereby recognized by the Land Development Code (LDC) as an accessory structure which is defined in Section 117.04 as: *"any structure on the same lot with the customarily incidental and secondary to the main structure"*. Additionally, under General District Regulations, Section 126.05 of the LDC further regulates accessory structures stating: *"No accessory building or structure shall be erected in the front yard of any required yard, except in a rear yard and no separate accessory building shall be erected within five (5) feet of any other building or within five (5) feet of a property line"*.

The applicant is requesting:

A. Ten (10) side yard (east) setback variance

B. Six (6) foot front (north) yard setback variance

C. Variance to allow an accessory structure in the front yard

D. Two (2) foot accessory structure variance

If the accessory structure was attached to the primary structure the variance requests (C&D) would not be required.

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In granting Variances the LDC states in Section 216.07(5) *"The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure".*

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.

Case 1617 A& B-Approve based on following findings:

1. Due to the unusually narrow width and severe topography of the lot conditions and circumstances exists to the lands which are not applicable to other lands in the same District.

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance;

3. Special conditions and circumstances do not result from the actions of the applicant and;

4. Granting of the variance would will not confer privileges denied others in the same district or be contrary to the public interest.

Case 1617 C&D-Deny based on the following finding:

By attaching the garage to the primary structure, it becomes part of the structure and makes C&D unnecessary while still making possible and reasonable use of the land.

Mr. Corey Alger, architect; appeared before the Commission on behalf of the owners of the property requesting approval to construct plan submitted for the property located at 115 Leighton Road. Mr. Alger submitted for the record, letters of support from the surrounding neighbors for this request.

Mr. Alger defended the placement of the structure on the property as being the most reasonable, practical and sensible area of the property. The Commission was informed there is a 15 foot drop off the back of the house and a retaining wall runs from the back of the house to the driveway. Mr. Alger stated the goal is to maintain the wooded nature of the lot, regardless of the location of the carport. Mr. Alger also explained the design of the carport roof line will not compete with the existing roof line of the house.

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There was discussion among the Commission regarding this property. The question was asked if the neighbors understand this is a detached carport and Mr. Alger answered yes. Discussion continued regarding the placement of the proposed structure being five (5) feet from the property line. Mr. Akers commented this is customary if certain criteria are met. Commissioner Bradley questioned if a service vehicle could get behind the house. Mr. Alger explained access to the rear would require removal of existing trees and further indicated that there was no evidence of any vehicle ever being in the rear of the property.

There being no further questions or comments from the public or the Commission, a motion were made by Commissioner Whittington to approve **1617 A**. Commissioner Kellum seconded the motion to approve **1617 A.**

Commissioner Bradley made a motion to approve **1617 B**. Commissioner Bailey seconded the motion to approve **1617 B**.

Commissioner Bradley made a motion to approve **1617 C**. Commissioner Kellum seconded the motion to approve **1617 C.**

Commissioner Bradley made a motion to approve **1617 D**. Commissioner Kellum seconded the motion to approve **1617 D**.

All present voting aye.

The motions were approved.

12. Public Hearing for Case #1618-Request for a five (5) space variance from the parking lot requirement for property located at 2209 Jefferson Davis Drive in a (PB) Professional Business zoned district. Tim Akers reported the subject property is a 103 acre, except along the eastern perimeter, relatively level site located on the eastern side of Jeff Davis in a Professional Business (PB) District. The property is currently developed as a doctor's office with 50 parking spaces. The applicant plans to add a 1,150 square foot addition requiring an additional 14 parking spaces. There are currently 7 exam rooms with 10 employees and after expansion there will be 13 exam rooms with 22 employees. The site plan shows an additional 9 parking spaces-5 short of the required 64. The existing steep slope along the rear of the property discourages development of additional parking in this area and undeveloped.

Approval is recommended of a five (5) parking space variance based on the following findings:

1. Special conditions exists on the site (the existing steep slope along the rear of the property which limits additional property in this area) which are peculiar to the site and not the result of actions of the applicant;

DEMENT - MERIDIAN 68-5784

2. The variance request is a minimum that will make possible the reasonable use of the land;

3. The literal interpretation of the Ordinance does deprive the applicant rights commonly enjoyed by other property owners within the neighborhood and;

4. Granting of the variance would not confer privileges denied others in the same district.

The applicant has demonstrated all finding necessary for granting a variance and the Board of Adjustment find that granting the variance will be in harmony with the general purpose and intent of this Ordinance, and will be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Jeff Williams, Williams Engineering consultants, is seeking on behalf of Cardiology Consultants a five (5) space variance from the parking lot requirement for property located at 2209 Jefferson Davis Drive.

There was discussion among the Commission regarding this request. Mr. Williams informed the Commission at the Northeast corner of the lot, pervious materials will be removed to create parking. More Landscaping will be added. Commissioner Whittington suggested something other than Crape Myrtles.

There being no further questions or comments from the public or the Commission, a motion was made by Commissioner Bradley to approve a five (5) space variance. Commissioner Kellum seconded the motion to approve a five (5) space variance for property located at 2209 Jefferson Davis Drive

All present voting aye.

The motion was approved.

Mr. Akers commented he is concerned with setting a precedent for variances in the front yard. Each situation will be viewed on a case by case basis.

Commissioner Bishop commented Jackson Avenue and University Avenue are two (2) of the most unsightly streets in Oxford. How do we start working on the density issues to Anchorage Road, College Hill and Old Taylor Road?
Paul reported we can't tell a business they can't come to a location zone (GB) General Business. We are limited on how to approach the situation. We can make it a less intense business district, but we would have to show some massive change in the area to justify.

Commissioner Bradley asked if when the Walgreens applied for their Site Plan could we require them to obtain an easement from the owner so that traffic coming towards Walgreens would have to come off one of the curb cuts on Jackson Avenue to the West? Would our present rules allow approval only on conditions that curb cut is

DEMENT - MERIDIAN 60-5701

closed up and they obtain an easement from the shopping center to allow the traffic into there? Bart commented he isn't sure we could deny them access on Jackson Avenue. Paul commented if our professionals determined that is what had to be done to ensure safe ingress/egress then it would be appropriate to discuss at the Site Plan review level and certainly appropriate for the Commission to discuss.

Commissioner Bailey made a motion to adjourn the meeting. Commissioner Bradley seconded and the meeting was adjourned.

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

DEMENT - MERIDIAN 60-5701

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, December 12, 2011 at 5:00 p.m. in the City Hall courtroom with the following members present:

Carter Myers, Chairman
Gloria Kellum
John Bradley
Dr. Watt Bishop
Michael Harmon
Jason Bailey
Darryail Whittington

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

1. **Call to Order.** The meeting was called to order by Commissioner Myers.

2. **Approval of the Agenda.** Commissioner Myers asked if there were any changes to the agenda. There being no changes from the Commission or public, motion was made by Commissioner Kellum and seconded by Commissioner Bailey.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the November 4, 2011 Minutes and November 14, 2011 Minutes.** Commissioner Myers asked if there were any necessary changes to the minutes.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Harmon to approve the minutes from the November 4, 2011 and November 14, 2011 meeting.

   All present voting aye.

   The minutes were approved.

DEMENT - MERIDIAN 60-5701

4. **Planner and Building Official's Reports.** City Building Official Randy Barber combined the building report for October and November. A total of $12,655.476.00 in revenue was collected. The total last year was $4,900,000.00. A total of $69,998.05 in fees were collected. Last year $31,073.50 was collected.

Two (2) new apartment complex developments have started, Molly Barr Trails and Taylor Bend. Oxford Middle School development and Fleur De Lis (condos) are under construction. CVS received their permit and should start demolition and building soon

City Planner, Tim Akers informed the Commission the first Downtown Parking Advisory Commission meeting went well. The Commission has decided to focus on several items that can be accomplished rather quickly:

The Electric Department is working to install proper and or better lighting for safety.

Public Works has recommended re-sealing several lots to approve the appearance of the lots. The lot behind the University Club will be reviewed for re-designing for adequate parking spaces and addition of trees to the lot.

The Commission recommended a Noon shuttle service that runs from the University and the Square. This could elevate some parking demand during the mid-day rush.

The city adopted a new Taxi Ordinance. The Ordinance increased the liability level and set a fare of $10 per person and any additional trip is 2 ½ dollars per trip. The Ordinance was approved at the last Board of Aldermen meeting and will go into affect in 30 days.

There being no questions or comments from the public or the Commission, motion were made by Commissioner Whittington and seconded by Commissioner Kellum to approve the Planning and Building report.

All present voting aye.

The Planning and Building reports were approved.

REGULAR AGENDA

5. **Public Hearing for Case #1619-Variance from the Landscape Ordinance for property located at 1737 University Avenue in a (SC) Shopping Center Business zoned district.** Katrina Hourin informed the Commission the subject property is the University Shopping Center located on the North West corner of Bramlett and University Avenue and inside the border of the Neighborhood Conservation Overlay

DEMENT MERIDIANEO 5/20

district. The site measures just less than 4 acres and contains roughly 189 parking spaces.

Section 34-27 of the Landscape Ordinance addressing Vehicular Use Interiors requires that all existing parking lots with over 100 spaces comply with this section by December 30, 2012.

While variances from the regulations of the Zoning Ordinance are generally not encouraged and difficult to achieve, variances form the Landscape Ordinance only require a finding of undue hardship. Section 34-34 (Variances and Hardships) states: "*Where the literal application of specific provisions of this ordinance would unnecessarily restrict the development of a site and result in undue hardship to the owners or other interested persons, a variance from specific provisions of this ordinance may be requested and granting of such variance will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare*".

The current economic environment does create a hardship on the property owners of parking lots that have existed in the city for many years. The subject parking lot was developed circa 1960. While the proposed landscape plan does not comply with the parking lot interior requirements of 1 tree for every 5 spaces, it does meet the intent and spirit of the Landscape Ordinance. The parking lot consists of 189 spaces which would require 37 trees to comply, based on the submitted plan the total number of trees to be planted, including the city trees planted in the public R.O.W that would contribute to coverage the total trees in the parking lot is 21. The percentage of coverage exceeds 50% meeting the spirits of the ordinance.

Finally, the Tree Board, having met with the applicant, has approved the plan and the City of Oxford has agreed to install three (3) trees planned in the public ROW near along Bramlett Avenue.

Recommendation: Approve the request for a variance from Section 34-27(b) of the landscape ordinance with the following finding and condition:

1. That the request does not adversely affect the surrounding properties or be contrary to the public interest

2. The variance applies only to the plan submitted

Matthew Cobb, a landscape Architect, is representing the owners today to obtain a Variance from the Landscape Ordinance. Mr. Cobb explained there are three (3) fruit trees indicated on the diagram C-100 #6, #7 and #8 that are in decline. The owners are proposing to move the trees and replace with nine (9) on Magdovitz parcel and seven (7) on the two (2) parcels along Bramlett Boulevard owned by the Grantham Family. The trees being proposed are Bosque Elm and Red maple. These trees at maturity will cover approximately fifty (50) percent of the pavement. The owners would like to proceed immediately with this plan. Hugh Bryant, Co-Chair of

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the Tree Board was in attendance and reported the Tree Board is happy with the plans.

Discussion was made regarding the property. Mr. Cobb explained the Madgovitz section is bound by the two (2) buildings on the west side. Mr. Cobb further explained the Little Caesar's building is owned by the Grantham Family and the Mustard Seed building is owned by the Magdovitz. The Magdovitz group also owns the property where Burger King sits. The Chaney's property is excluded from this request.

Mr. Cobb reported this Variance is being requested because this is not financially possible for the owners. Sonny Grantham, owner of this property, came from the audience to explain the fact that it's not they don't have they money, it's just not feasible. Mr. Grantham explained he owns other property in town that is vacant and taxes have increased.

There being no further questions or comments from the public or the Commission, A motion was made by Commissioner Bradley to approve the request. Commissioner Kellum seconded the motion to the Variance.

All present voting aye.

The motion was approved.

6. Public Hearing for Case 1620 – Site Plan Approval for Cannon Motors located on 100 North Thacker Loop, Suite 100 in a (GB) General Business zoned district. Katrina Hourin informed the Commission the subject property, Located on the north side of Highway 6 West across from Thacker Road and adjacent to Discount Building Supply. The subject property measures approximately 8.04 acres and is part of, West Oxford Centre; a 3-parcel, 15 acre commercial subdivision approved in October 2011. Previous clearing of the site has left it relatively level, however on the north western rear portion of the subject property there is a sharp, steep vertical drop from between 17-20' in this area presenting an erosion issue. The slope continues at a 45 degree turn to the north and into the rear parcel of the subdivision. Existing in the north western portion of the subject property is a 2:1 slope that appears to be more stable with established vegetation. MDOT has recently approved and permitted the design and construction of a new intersection for the north side of Thacker Road allowing access into Oxford Centre West subdivision. Cannon Motors primary access will be provided by this new intersection. Also approved by MDOT is an additional entry to the east of the intersection into the subject property directly from Highway 6 West. The bond for this intersection is in place and construction is pending.

The applicant is requesting Site Plan Approval for a new automobile dealership. The proposed plan includes two buildings for a combined total of 30,595 square feet of

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office, garage and a body shop space. Parking spaces total 288 and provide for handicapped, customer, employee service and new and used cars sales. The remaining undeveloped portion of land to the west may be used for future expansion. A 50' visual buffer is required between all single family residential and business zoned districts. The applicant has agreed to soften the steep drop on the north western portion of the site to a 2:1 slope by filling the area and then seeding for erosion control. To avoid erosion of the improved area the applicant is coordinating with the developer of the subdivision to address the remaining drop that extends off site of the subject property. Also proposed is the installation of a 6' screen fence as an added visual buffer from the residential property in the rear. The fence will be installed at the top of the crest in the north west portion to provide a screen to the elevation above and restrict access to the detention pond below. The fence gradually traverses the buffer area as the slope decreases and continues east along the parking area providing a visual screen to the residents with comparable elevations. Shade trees provide a vegetative screen along the fence line to the east and detention area to the west.

The applicant met with the Site Plan Review Committee on November 11th and 30th and has made all required revisions.

Recommendation: Approve site plan as submitted with the following conditions:
1) A Certificate of Occupancy will be issued upon completion of the Thacker Loop intersection.
2) The off-site portion of the steep drop to the north west of the subject property is completed prior to issuance of Certificate of Occupancy.

The Site Plan Review Committee met with the applicant on October 12th and 19th and has made all necessary revisions.

The staff recommends approval of the submitted site plan with the following condition:

1. Installation of a pedestrian signal at the Harris Road crosswalk.

Kevin McCloud of Elliott & Britt is present today requesting a Site Plan Approval for Cannon Motors. Mr. McCloud explained the subject property has been an open filed for 3 to 4 years. Mr. McCloud further explained the elevation of the houses around the property. The house in the Center of the property is level with the sight, the house to the West of the property is higher than the sight and the house to the East is lower than the sight.

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Discussion was made regarding the fence being buffer and Mr. McCloud thinks so. Mr. McCloud explained the final slope on the Northwest corner of the property is 2-1 to 3-1, but will plan on a 3-1 slope. This slope will be grassed upon completion. The Northeast Corner was a retention pond which has been silted now and will be seeded. Dreher Harris, owns the building to the west of the property, came front the audience to express his concern with the Certificate of Occupancy that will be issued at the completion of the project. Chairman Myers explained this committee is responsible for the Site Plan only. Wesley Turner, also from the audience, whose property is level with the subject property, would like some input on where the fence will be placed at the back of the property. Mr. McCloud assured the Committee they will work with the property owners on the fence placement.

There being no further comments from the public or the Commission a motion was made by Commissioner Bradley with the condition the correction from the #2 recommendation from the Planning Commission be changed to the Northwest corner, instead of the Northeast corner as indicated on the agenda. Commissioner Kellum seconded to approve a Site Plan for property located at 100 North Thacker Loop, Suite 100

All present voting aye.

The motion was approved.

7. **Public Hearing for case #1621 –Request for recommendation for a change in Official zoning map for a 23.72 parcel of land bound by Jackson Avenue West, Price Hill Road and University Shopping Center from (RB) Two-Unit Residential zoned district to (RC) Multi-Unit Residential zoned district.** City Planner, Tim Akers informed the Commission the subject property is generally vacant acreage zoned RB and is approximately 24 acres in size. Two single family dwellings are presently located on the site. Tract 1 is a vacant 4 acre site and Tract 2 is approximately 20 acres. The site is bisected north to south by a city sewer line and east to west by a Northeast Electric power line. Based on the current RB zoning, 23 units can be constructed on Tract 1 and 114 units on Tract 2. If Tract 2 was rezoned to RC, 285 units could be constructed.

Municipal zoning is based on the presumption that the original zoning was well planned and designed to be permanent. To rezone property, the petitioner must demonstrate that either a mistake in the original zoning or that the character of the neighborhood has changed to such an extent as to justify reclassification, and there was a public need for the rezoning. A rezoning ordinance may impose requirements of buffer zones and other conditions (Woodland Hills Conservation Assn. v. City of Jackson).

Change in the Land Use Character: While the university's enrollment has grown in the last few years, staff questions whether the growth has affected a change the neighborhood's land use character. Traffic along Jackson Avenue has certainly

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increased and new commercial development has occurred along the Jackson Avenue corridor but the new businesses are being developed consistent with the current zoning. Only one zoning change has occurred along the Jackson Avenue corridor since the adoption of the zoning map and that change was from RC to NB.

Public Need: While 10 acres of vacant RC were absorbed along Anderson Road in 2010, there remains over 90 acres of vacant RC in the vicinity of Anderson and Anchorage Roads. Preliminary discussion related to additional RC development in the area has occurred between potential developers and the staff but to date no additional projects have been approved. However, due to the site's proximity to the Jackson Avenue commercial corridor and the university, opportunities for walking and biking exist on the subject property that may not exist for RC zoned sites further west of the subject property.

Recommendation: It is the applicant's responsibility to demonstrate that there has been a change in the land use character of the area since the adoption of the current zoning map and that there is a public need for additional acreage zoned RC in the area. If the applicant successfully demonstrates to the Planning Commission that the neighborhood character has changed and there is need for the rezoning, the staff would recommend approval of the application with the following conditions:

1. Tract 1 shall remain vacant and except for utilities undisturbed and;

2. Tract 2 – No automobile access drive to Price Hill Road or principle structure shall be located closer than 50 feet from the property line of any property presently developed as single family residential.

City attorney, Paul Watkins, pointed out this case is an ordinance change. This committee is only making a recommendation that will ultimately go the Board of Aldermen. The applicant must prove clear and convincing evidence for this change.

Ryland Sneed with Precision Engineering is present today, representing the Taylor Family, requesting a change in zoning. Mr. Sneed informed the Commission this land has been in this family for years and Preston Taylor is currently living on this property.

Discussion was made among the Commission regarding the history of the zoning of this property. Mr. Akers informed the Commission this property has been RB for at least ten (10) years.

Discussion was made regarding who has property located close by. Mr. Sneed informed the Commission the property owners located to the east and west have been notified. The people to the north were to be contacted by the Taylor family. Mr. Sneed stated they have not been notified. Commissioner Bailey commented there is a sign at the property, it is not clear as to what is going on with the property.

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There being no further comments from the public or the commission a motion was made by Commissioner Bailey to table this request until the property owners to the north have been notified. Commissioner Myers seconded.

All present voting Aye.

The motion passes to table this request until the appropriate property owners have been informed.

Commissioner Bradley suggested the people on the west side of Price Hill Road be informed as well. There is a sign there, but most of the time people don't realize what is actually going on.

Mr. Sneed asked what is required. Mr. Akers informed him a 15 day notice in the paper and a sign be placed on the property.

It was suggested the property owners to the west also be contacted to make sure they are aware of the rezoning possibility. Mr. Akers informed the Commission that letters will be sent out to the appropriate people on the west side of Price Hill as well as the appropriate property owners to the north.

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

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PLANNING COMMISSION

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

John Bradley
Gloria Kellum
Dr. Watt Bishop
Michael Harmon
Jason Bailey
Darryail Whittington

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

The following members were absent:

Carter Myers, Chairman

1. **Call to Order.** The meeting was called to order by Commissioner Bailey.

2. **Approval of the Agenda.** Commissioner Bailey asked if there were any changes to the agenda. Case 1621 and Case 1626 have been postponed at the request of the applicant until next monthThere being no further changes from the Commission or public, motion was made by Commissioner Bailey and seconded by Commissioner Harmon.

   All present voting aye.

   The motion was approved and the agenda was accepted.

3. **Approval of the December 12, 2011 Minutes.** Commissioner Bailey asked if there were any necessary changes to the minutes.

   There being no questions or comments from the public or the Commission, motion was made by Commissioner Kellum and seconded by Commissioner Bailey to approve the minutes from the December 12, 2011 meeting.

   All present voting aye.

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The minutes were approved.

4. **Planner and Building Official's Reports.** City Building Official Randy Barber reported the total number of permits for 2011 was 1307 with a valuation of $38,447,064.00 and $239,967.73 collected. This figure is up 5 million dollars from 2010. There were 17 Site Plan Reviews, 13 Variance requests, 7 Special Exception requests and 3 rezoning requests.

City Planner, Tim Akers informed the Downtown Parking Advisory Commission has received a final report from the consultants and are reviewing it now. This Commission is getting aggressive and moving forward with parking lot improvements. These improvements include lighting and resealing.

Mr. Akers also reported the Oxford University Transit Commission will meet Wednesday and the 2012 budget will be presented. The FY 2012 -13 budget will include a new route from the Lyceum to the Square and capital equipment for the new transit facility will be completed in 2013. Mr. Akers informed the Planning Commission 382,000 riders rode transit last year.

There being no questions or comments from the public or the Commission, motion were made by Commissioner Kellum and seconded by Commissioner Bailey to approve the Planning and Building report.

All present voting aye.

The Planning and Building reports were approved.

REGULAR AGENDA

5. **Public Hearing for Case #1621 Request for recommendation for a change in Official Zoning Map for a 23.742 parcel of land by Jackson Avenue West, Price Hill Road and University Shopping Center from (RB) Two-Unit Residential zoned district to (RC) Multi-Unit Residential zoned district.** City Planner, Tim Akers informed the Commission the subject property is generally vacant acreage zoned RB and is approximately 24 acres in size. Two single family dwellings are presently located on the site. Tract 1 is a vacant 4 acre site and Tract 2 is approximately 20 acres. The site is bisected north to south by a city sewer line and east to west by a Northeast Electric power line. Based on the current RB zoning, 23 units can be constructed on Tract 1 and 114 units on Tract 2. If Tract 2 was rezoned to RC, 285 units could be constructed.

Municipal zoning is based on the presumption that the original zoning was well planned and designed to be permanent. To rezone property, the petitioner must demonstrate that either a mistake in the original zoning or the character of the neighborhood has changed to such an extent as to justify reclassification, and there was a public need for the rezoning. A rezoning ordinance may impose requirements of buffer zones and other conditions.

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Change in the Land Use Character: While the university's enrollment has grown in the last few years, staff questions whether the growth has affected a change the neighborhood's land use character. Traffic along Jackson Avenue has certainly increased and new commercial development has occurred along the Jackson Avenue corridor but the new businesses are being developed consistent with the current zoning. Only one zoning change has occurred along the Jackson Avenue corridor since the adoption of the zoning map and that change was from RC to NB.

Public Need: While 10 acres of vacant RC were absorbed along Anderson Road in 2010, there remains over 90 acres of vacant RC in the vicinity of Anderson and Anchorage Roads. Preliminary discussion related to additional RC development in the area has occurred between potential developers and the staff but to date no additional projects have been approved. However, due to the site's proximity to the Jackson Avenue commercial corridor and the university, opportunities for walking and biking exist on the subject property that may not exist for RC zoned sites further west of the subject property.

Recommendation: It is the applicant's responsibility to demonstrate that there has been a change in the land use character of the area since the adoption of the current zoning map and that there is a public need for additional acreage zoned RC in the area. If the applicant successfully demonstrates to the Planning Commission that the neighborhood character has changed and there is need for the rezoning, the staff would recommend approval of the application with the following conditions:

1. Tract 1 shall remain vacant and except for utilities undisturbed and;

2. Tract 2 – No automobile access drive to Price Hill Road or principle structure shall be located closer than 50 feet from the property line of any property presently developed as single family residential.

Mr. Akers reported that notification letters were mailed as requested by the Planning Commission at their December meeting. Ryland Sneed, Precision Engineering approached the Commission and reported very little change since the last meeting.

Jim Greenlee approached the Commission as a spokesperson for St. Andrews Neighborhood. The neighborhood is concerned about problems that could affect their neighborhood. Mr. Greenlee informed the Commission that the neighborhood has not changed in character since 2004 and a need for multi family residence has not been proven. Mr. Greenlee asked this be tabled until all neighbors get the information they need. Commissioner Myers informed the audience that a public notice is given in adequate time for each case and that the Planning Commission only makes a recommendation to the Board of Directors and they will make a final decision. Mr. Greenlee also provided pictures of flooding issues at Blake Smith's yard.

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Annette Lee, 224 St. Andrews Circle since 1973, approached the Commission and asked if property zoned (RE) how close can something go next to it and Mr. Akers informed her the setback requirement for the adjacent district.

Blake Smith, 110 St. Andrews Circle, asked what the current occupancy rate in Oxford and Mr. Akers didn't know. Mr. Smith asked if a rate isn't known then how can a need be shown?

Jason Wilson questioned the fact there is no current Alderman for this district. Paul Watkins, City Attorney, assured Mr. Wilson there will be adequate time for an Alderman to get in place and work with the neighborhood on this issue.

Commissioner Bishop commented he is glad to see this community concerned about their neighborhood. He asked them to consider how the University is growing and cannot provide adequate housing and therefore becomes a city issue.

Michelle Chatham,-224 St. Andrews Circle, approached the Commission about the Aldermen election and if the newly elected Alderman will have time to work with this neighborhood on this issue. City Attorney, Paul Watkins, assured her the new Alderman will be allowed adequate time to work with the neighborhood on this issue.

Mr. Akers informed the Commission if a decision is made tonight, this case will be read three (3) times. The first (1st) reading would be January 17th, second (2nd) reading and Public Hearing would be February 7th and the third (3rd) and final reading would be February 21st.

Commissioner Bailey commented on the drainage issues in Blake Smith's yard. Commissioner Bailey suggested if the potential property up for rezoning were to ever have a development on it, there would be a recommendation of a retention pond.

There being no further questions or comments from the public or the Commission, A motion was made by Commissioner Bailey to table this request until the City Engineer and citizens of the neighborhood can work together.

Commissioner Harmon seconded the motion to table the request.

All present voting aye.

The motion to table was approved.

6. Public Hearing for Case 1622 – Site Plan Approval for Ashworth Village- A residential rental development in a (RC) Multi-Unit Residential zoned district. Assistant City Planner, Katrina Hourin informed the Commission 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

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addition, found existing on the subject property are single family residences and duplexes located to the north on a small, private, dead end road. The topography of the subject 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. The applicant, with an alternative plan is proposing a 200 unit rental development to be constructed in two phases. The first phase consists of 20 units with a single entrance located on Anchorage Road. The second, much larger phase will consist of 180 units with two access points at Anchorage and Anderson Roads. In spite of the increase in units, the new design is more compact decreasing the overall impact on the site thereby preserving more of the sites natural features. As a result of this new design and due to the number of trees designated to be retained, no mitigation is required.

After conducting a traffic impact study in 2008, it was determined that no road improvements are necessary and since that time the City has made improvements to both Anchorage and Anderson Roads.

The applicant met with the Site Plan Review Committee on November 2nd and December 21st and has made all necessary adjustments for compliance.

Recommendation: Approve site plan for 'Ashworth Village' a 200-unit residential rental development with the following condition:

1) Phase II shall not be cleared until Phase I is 75 % complete.

Corey Alger, architect, appeared on behalf of the applicant today requesting a Site Plan Approval for 'Ashworth Village'. Mr. Alger explained one of the major impacts is a ditch between phase I and Phase II it doesn't hold water, but is a major drainage way that will be left intact. Seventy-five percent (75%) of the trees 12 inches and larger will be retained.

Discussion was made regarding the buffer behind James Circle. Mr. Alger informed the Commission the applicant owns the adjacent property and it will remain untouched. A question regarding the elevation change on Anchorage Road and to the North was asked, Mr. Alger informed the Commission this is a gradual slope. Discussion regarding the drainage swale between Phase I and Phase I was made and Mr. Alger assured the Commission this will be preserved. Commissioner Whittington voiced his concern as regarding additional storm water, erosion and silt during construction overwhelming the swale. Mr. Alger replied that he will take a closer look at it.

Mr. Akers asked about a retaining wall on the property and Mr. Alger commented in Phase I there is natural stone to insure survivability of existing trees and also along the walking path.

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There being no further comments from the public or the Commission a motion to approve the Site Plan was made by Commissioner Myers with the condition that Phase II shall not be cleared until Phase I is 75 % complete.

The motion failed for a lack of a second

The Site Plan for 'Ashworth Village' was denied.

Mr. Akers asked the Commission members what their concern with the project. Commissioner Whittington commented he is concerned with the drainage ditch.

7. Public Hearing for case #1623 –Request for a variance from lot coverage requirements for property located at 331 Van Buren Avenue in a (RB) Two-Unit Residential zoned district. Assistant City Planner, Katrina Hourin informed the Commission the subject property is located on the north side of Van Buren Avenue west of the Square in the Depot HP District. Measuring 7,901 sq. ft. the subject property is relatively level, however West Jackson Avenue located to the north of the property is at a significantly lower elevation. The applicants have recently renovated the property and received a Certificate of Appropriateness (COA) from the Oxford Historic Preservation Commission in June/2011 for those modifications and again in July to paint the existing brick. The applicant, wishing to add a carport to the rear of the property is requesting a 4.4% or 328 square foot lot coverage variance. Properties located in the Neighborhood Conservation Overly district and zoned (RB) Two-Unit Residential cannot exceed 40% in impervious surfaces. This includes all impervious surfaces such as building footprints, walkways, driveways, patios, etc. The applicant; endeavoring to reduce the impervious surface of the carport roof is proposing the installation of a pervious material underneath. In addition, the applicant is using pervious a paving material in the rear portion of the drive to increase the percentage of permeable surfaces.

A variance request may be granted when special conditions exist that are peculiar to the land, or structures that do not apply 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 is able to demonstrate a hardship not self created, staff recommends deny of the variance request for 4.4% or 328 square feet increase in lot coverage based on the following findings:

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 is denied by this ordinance to buildings in the same district.

Julie Spears, appeared on behalf of the applicant requesting a lot coverage variance for property located at 331 Van Buren Avenue. Ms. Spears informed the Commission her clients are requesting the variance to construct a detached carport for several reasons:

1. Safety; as the cars will no longer be parked on the street

2. The clients are older and this will be easier on them

3. Her clients can more easily and quickly get out of the rain

The neighbors are supportive of the construction of a carport.

There being no further comments from the public or the commission a motion was made by Commissioner Kellum to approve the variance for property located at 331 Van Buren Avenue. Commissioner Bishop seconded and the motion was approved.

All present voting Aye, except Commissioner Whittington voting Nay.

The motion passes to approve the variance for property located at 331 Van Buren Avenue.

8. Public Hearing for case #1624 –Request for a variance from the sign ordinance for CVS Pharmacy located at 1912 Jackson Avenue West in a (GB) General Business zoned district. Assistant City Planner, Katrina Hourin informed the commission that the subject property is located on the corner of Harris Drive and the south side of West Jackson Avenue and measures a total of 1.31 acres. Site plan approval was granted for the pharmacy and construction has recently begun. The applicant has submitted a signage plan that exceeds the Land Development Codes allowable limits.
Section 192.08 of the Oxford Land Development Code dictates that the number of wall mounted signs cannot exceed (2) two and the size of the signs Section 192.06-2(d) cannot total more than (200) two hundred square feet of area. The applicant is requesting a variance to erect a variety of additional wall-mounted signs. Of the eleven (11) signs requested; four (4) are proposed on the drive-thru canopy; two (2) are designated for the west side and three (3) on the north as well as one (1) on the awning at the entrance. 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.

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It should also be noted that illuminated message boards are permitted; however Section 192.04 prevents messages from flashing or moving and also restricts message content displayed to be noncommercial, public information such as "time and temperature". Frequently, businesses displaying these signs violate this requirement and are cited

Recommendation: Deny the variance request for eleven (11) additional wall-mounted signs on the following findings:

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 is denied by this ordinance to other buildings in the same district.

Mitchell Robinson of Memphis Sign Brokerage, is present today seeking approval for a sign variance for the property located at 1912 Jackson Avenue West. Mr. Robinson explained CVS is a national chain and uses the same a sign package for all stores. Discussion was made by the commission regarding the number of signs requested. Further discussion was made about the street sign containing a message center and the language in the Land Development regulating this type of sign. Mr. Robinson confirmed that CVS is indeed requesting a street sign with a message center and indicated that the message centers for Walgreen and C-Spire were in violation of the ordinance.

Commissioner Myers assured Mr. Robinson that anyone out of compliance will be sent a letter and given a certain amount of time to get in compliance.

Ms. Hourin explained to Mr. Robinson and the Commission each business is limited to 2 signs on the building and 1 freestanding sign as well as directional signs.

Paul Watkins, City Attorney, informed Mr. Robinson and the Commission in 2004 a Sign Ordinance was established. Anyone out compliance was given a 5 year grace period. The Board of Aldermen gave an additional 2 year grace period.

There being no further comments from the public or the commission a motion was made by Commissioner Bailey to deny the sign variance request for property located at 1912 Jackson Avenue West and ask all other businesses to get in compliance. Commissioner Whittington seconded the motion to deny.

All present voting aye.

The variance request was denied.

9. Public Hearing for case #1625 –Request for a variance from the Landscape Ordinance for Northwest Community College parking lot located at 1310 Belk Drive in a (PB) Professional Business zoned district. Assistant City Planner, Katrina Hourin informed the Commission the subject is the parking lot of Northwest Community College located on south side of Belk Drive. The property consists of four parcels of land approximately 17.4 acres in total. Three of the parcels are contiguous while the fourth can be found to the east across Coleman Drive. Currently, the buildings and parking occupy the three contiguous properties and parking total approximately 377 spaces. The applicant is requesting a variance to the Landscape ordinance. Section 34-27 of the Landscape Ordinance addressing Vehicular Use Interiors requires that all existing parking lots with over 100 spaces comply with this section by December 30, 2012.

While variances from the regulations of the Zoning Ordinance are generally not encouraged and difficult to achieve, variances form the Landscape Ordinance only require a finding of undue hardship. Section 34-34 (Variances and Hardships) states: "*Where the literal application of specific provisions of this ordinance would unnecessarily restrict the development of a site and result in undue hardship to the owners or other interested persons, a variance from specific provisions of this ordinance may be requested and granting of such variance will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare*".

Due to the existing subsurface storm drainage and close proximity of existing parking spaces to the structures retrofitting planting areas for trees would be cost prohibitive creating a hardship on the applicant. While the proposed landscape plan does not comply with the parking lot interior requirements of 1 tree for every 5 spaces, it does meet the intent and spirit of the Landscape Ordinance. The parking lot consists of 377 spaces which would require 75 trees; based on the submitted plan the total number of trees, including the 16 existing trees located throughout the property also contributing to coverage is 57. The percentage of coverage exceeds 50% thereby meeting the spirit of the ordinance.

Finally, the Tree Board, having reviewed the plan is in support of the variance.

Recommendation: Approve the request for a variance from Section 34-27(b) of the landscape ordinance with the following finding and condition:

1. That the request does not adversely affect the surrounding properties or be contrary to the public interest

2. The variance applies only to the attached plan

Kevin McLeod with Elliott & Britt Engineering appeared on behalf of the applicants requesting a landscape variance for property located at 1310 Belk Drive. Mr. McLeod informed the Commission the parking lot to the South was built in 2000-

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2001. There were many large islands of sod left in the parking lot and these islands will be utilized as much as possible.

The Commission inquired as to whether the parking lot on Coleman Avenue would be included in the proposed plan. Mr. McLeod informed the Commission this lot was created as a temporary lot and will be converted back into a field before the fall of 2012. Mr. McLeod also informed the Commission there is a detention pond under construction to help with drainage off Kennedy Drive.

There being no further comments from the public or the commission a motion was made by Commissioner Whittington to approve the variance request for property located at 1310 Belk Drive. Commissioner Harmon seconded the motion.

All present voting aye.

The motion was approved.

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