

# Board of Aldermen October 12 Work Session Summary

## Requests from the Planning Commission Public Hearing

1. Map/East - Request to change the proposed zoning of TNB at the southwest quadrant of the intersection of Hwy 6 and Hwy 7 to Suburban Corridor. The speaker reflected on the size of the property and the potential for a substantial development. The TNB was recommended because of access concerns, since the only direct access to the property is at Belk Drive.

Staff, the Planning Commission, and the Aldermen generally feel that if the property had an additional good access point from Hwy 6 or Hwy 7, it would be easier to support the higher intensity zoning. The Planning Commission stated that should an additional access be allowed by MDOT, it would be a rational reason for supporting a rezoning.

2. Map/East: A Planning Commissioner raised a concern about the Urban Center zoning on the west side of University and Hwy 7. After discussion the Commission did not recommend a change, but requested that the Aldermen to consider the zoning designation given traffic and access issues at the location. The Aldermen seemed to support the currently proposed zoning.
3. Map/East - Request to change a small “L” shaped portion of property owned by Oxford University School in the Grand Oaks PUD from the proposed (underlying) zoning of Suburban Residential (SR) to Suburban Multi-Family (SMF). The intent is to sell the property to a SMF property to the east to make that slightly larger and more viable for multi-family development at this location in Grand Oaks. The speaker stated intent to consider a permanent easement on the property to ensure that it would be used for buffer purposes only if sold, as a means to ease concerns of the owners of adjoining residential lots.

The Planning Commission supported changing the “western” leg of the “L” to SMF, but retaining SR for the “northern” leg that abuts the residential lots. The Aldermen did not have a consensus but the Alderman for that Ward volunteered to contact the residents to the north to see how they felt about the recommendation of the Planning Commission.

4. Map/South: A request from a property owner for a change from NR to SMF for a property along CR 300 near the Oxford Farms development. Staff did not support the change given the amount of SMF already proposed in this area. After discussion the Planning Commission did not support the request, and the Aldermen seemed to concur.

5. Map/North - Request from the owner of a property on Chickasaw to either change it from TSR to TNB (matching a property to the north); or to change the property to the north from TNB to TSR. The logic of the current recommendation was to retain the residential land uses south of properties at the Molly Barr / Chickasaw intersection. Also, the confronting TND has residential uses across from this property. The staff still supports that recommendation.

After deliberation, the Planning Commission supported the staff position, stating that it would be problematic to change property that fronted on Chickasaw to commercial zoning. The Aldermen concurred with this position.

6. Map/West - Request regarding property proposed for Neighborhood Residential (NR) off the south end of Ricky Britt Blvd. to change to Suburban Multi-family (SMF). The property is currently RC (Multi-family). The thought regarding the change to NR was to create a buffer between Suburban Residential (SR) to the south and east, and SMF to the north, and the initial TNR densities were closer to the current SMF district. The request would just reduce the size of that buffer.

Staff, Planning Commission, and Aldermen had no substantial objection to the request.

7. Map/West - A request to eliminating the Legacy TNB District and a return to the regular TNB District for the property at the northeast intersection of West Oxford Loop and Anderson Road from two property owners. Then a request to expand the restrictions in the Legacy TNB District to eliminate the potential for a service station, even by special exception, from a resident of Woodlawn Subdivision, supported by three other speakers.

This dispute seems to derive from differing understanding of a land swap agreement (around 2010) between Oxford and a land owner and the creation of Woodlawn Park as a buffer. There appear to be many people who live in the immediate area who are both for and against the Legacy TNB vs. standard TNB.

Staff continues to support commercial uses at this location, which already supports a wide range of retail, service, and office commercial uses along West Oxford Loop. The area is likely to see even more substantial change with the completion of the extension of West Oxford Loop to Sardis Road. The Future Land Use map contemplates this change by proposing commercial potential only at the major intersections with Jackson, Anderson, and Sardis Road. Further, it is the lowest intensity commercial district that is contemplated; with protections for adjoining residential areas built in through the special exception process proposed for many uses, and the expanded design and landscaping standards.

After extensive discussion, the Planning Commission recommended (on a 6-1 vote) the elimination of the Legacy TNB District. They did not see the need for a district only placed in one location, and only to accommodate some residents of one subdivision. The Planning Commission also recommended, however, an additional standard for the Service Station use (the use of most concern to the subdivision residents) that would not allow it as a new use, even as a Special Exception, on property that adjoined developed property (a residential subdivision) in any Estate Residential (or Traditional Estate Residential) district in Oxford. This would also impact properties along Hwy 6 and along N. Lamar and S. Lamar.

8. Map/Central - A request from the owner of the property to not change the proposed zoning of a small lot behind Oxford Floral on N. 11th from HUCN, as proposed by a nearby resident. That nearby resident later stated that he was no longer requesting that zoning change. This matter is therefore no longer at question and remains recommended for HUCN.
9. Map/Central - Request to change a segment of N. 11<sup>th</sup> Street from the boundary of the HUCN district to Washington Street (currently RB) from TNR (protected overlay) to Traditional Estate Residential. The stated intent of the speaker was to have the “most restricted” zoning district for this street segment in order to ensure that very little change would ever occur on the street, beyond single family homes.

After extensive deliberation, and consideration of the zoning of other properties bordering N. Lamar to the east and west; the Planning Commission supported a recommendation for changing the zoning of the properties with substantial frontage on N. 11<sup>th</sup> between Jefferson and Washington from TNR to TSR. They felt that TER was unnecessarily restrictive for this location. The Aldermen concurred with this recommendation.

10. Map/Central: Request from the owner of the shopping center at the northwest quadrant of University and Bramlett for Urban Center rather the TNB zoning. After discussion, on a 6-1 vote, the Commission did not support this request; indicated that they felt that would be too much density at this location, given the traffic concerns and proximity to The Square. The Commission supports the TNB district at this location.

The Aldermen did not reach a consensus decision on this request. They indicated that after adoption of the new zoning code, staff should propose some form of new overlay zone that would allow additional density/height at certain locations such as this, if the proposed project were sufficiently well designed to offset the potential transportation concerns.

11. CODE - Also, the Planning Commission recommended (on a 5-2 vote) putting the University/Bramlett property (and the one across the street from it) back into the Neighborhood Conservation Overlay District. The Aldermen did not reach a consensus on this recommendation. They asked the staff to prepare information on commercial

properties in the Neighborhood Conservation Overlay Zone, and how they are affected; including a comparison of their current to proposed zoning districts.

12. CODE - A question was presented by a resident of N. 11th regarding Sec. 4.9.4.2. regarding Alternative Parking and Shared Parking provisions. He questioned whether the language allows the Planning Commission to authorize off-street parking for the stated uses in a residential district. The answer would be yes, it does not preclude that option and staff recommends that the Planning Commission, representing the interests of the City of Oxford, retain that option. Although it would be highly unlikely that the Commission would recommend such a choice (and any decision would be appealable to the Board of Aldermen), it seems unnecessarily restrictive to totally deny the ability to consider the option which would be anathema in many instances, but might be logical in other instances.

The staff, Planning Commission, and the Aldermen concurred that deleting this section was not advisable.

13. CODE – The Planning Commission recommended changing the language related to Tree Mitigation requirements in a TND (Sec. 2.6.13) to require 100 percent compliance (not a 50% reduction in the Center). The Aldermen seemed to concur with this recommendation.

14. CODE - A request that the new requirement for Tree Mitigation for TNDs be imposed individually within each phase, rather than holistically over the entire property was considered. The staff does not support this request as it is counter to how Tree Mitigation is imposed for all other phased developments (PUDs and Subdivisions). The Planning Commission and Aldermen supported the staff position.

15. CODE - A question was raised about the “Dwelling Unit Occupancy Standard” language (10.2.95). In the current Code, this language is within the definitions for “Two Unit” and “Multi-family” dwellings. It appears that when the language was moved to the new Code the introductory paragraph was not adjusted properly. The definition now accounts for three levels of housing types. Staff has added that fix to the “corrections and technical changes” list which limits occupancy to 3 unrelated occupants in detached dwellings, 4 unrelated occupants in attached dwellings, and 5 unrelated occupants in multi-family dwellings.

The Planning Commission and Aldermen supported this and other technical modifications and corrections (such as a cross-reference for uniform setbacks in residential districts) provided by the staff.

16. CODE – An outgrowth of the Legacy TNB discussion was a Planning Commission recommendation that the Aldermen, staff, and City Attorney eliminate the “Tavern” use and consider only a difference between restaurants that do or do not serve alcoholic beverages. The Aldermen seemed to concur with this recommendation.

17. CODE - A Planning Commissioner raised questions about three uses and one Article:
  - a. Accessory dwelling unit use. It was discussed, and his concerns were resolved. No changes were recommended.
  - b. CID development. It was discussed and a modification to require setbacks to match the setbacks in the applicable zoning district was recommended by the Commission. The Aldermen concurred with the modification.
  - c. Bed and Breakfast. It was discussed and his concerns were resolved. No change were recommended. It was determined that the use actually causing concerns in neighborhoods is the short term rental of homes – either “second homes” or homes owned just for short term rental purposes.
  - d. Article 10 References – After discussion the Commission recommended a technical correction to the references to the use standards in Article 10 refer back to the correct sub-section of Article 3. The Aldermen concurred.

**Additional Issues Raised by the Mayor and Board of Aldermen**

18. Mayor Tannehill raised a concern about a small piece of property (1.48 acre), currently zoned RC, at the northeast corner of Molly Barr and Washington owned by a church. The property is recommended for NR, but the pastor of the church called to express concern about the property zoning. Although it is a small property, having a similar multi-family zoning would be very important to the church. After discussion, the Aldermen seemed to support the request of the church and proposed Suburban Multi-family zoning for the property. (PPIN #5638)
19. Alderman Antonow raised a concern about the zoning of two segments of property on S. Lamar between S. Lamar and Hwy 7 South, and nearby existing subdivisions.

The undeveloped property is located behind an area currently zoning Shopping Center that is proposed for Traditional Neighborhood Business (TNB). The property is currently zoned RA (single family residential) and backs into Windsor Falls in the north, and a small area of General Business to the south. Staff proposed for a substantial portion of this property that backs into Windsor Falls to be zoned Suburban Residential (SR), matching the zoning and development potential of Windsor Falls. A smaller portion of it to the south, bordering the area proposed for TNB, is proposed for Neighborhood Residential (NR), with the thinking that a small area of mixed-residential density development (with slightly more density) backing into the future commercial area, would complement the adjoining commercial zoning and be more likely to support the potential for that area to actually get neighborhood type commercial uses (which residents of Windsor Falls seem to want). This would bring the potential for a small amount of more affordable housing into this area.

Alderman Antonow is concerned that even a small portion of the Neighborhood Residential (NR) zoning will have the potential to attract housing for students (and their behavioral problems) and become detrimental to the Windsor Falls neighborhood and other nearby existing subdivisions. And she feels that some uses allowed in SR would have the potential to bring unwanted change (student housing) into these neighborhoods which have a certain type of character that should be preserved. So to avoid that she proposed a mix of TSR and TNR for the property rather than the mix of SR and NR. She also proposed TSR for any areas proposed for SR and TNR for any areas proposed for NR in this area south of Saddle Creek.

20. Alderman Addy proposed a modification to the height standards for the TNB district, as noted in Footnote 3 to state: Building of one story by special exception. Up to 4 stories by special exception (50 feet) unless adjoining *existing development in* ER or SR, limited by allowed FAR....

The thought was that if the additional height was granted before new development in the residential district, it would not be an imposition on the residential district.

21. Alderman Antonow also requested that staff modify the language of Sec. 3.3.2.3. to make it more clear as to how “Special” uses are governed. Staff recommends the following:

Where the symbol “S” is shown, the use to which it refers is specially permitted in the indicated district. *This means that it is approvable by the staff, using the standard processes and regulations in the Code, but certain uses are subject to additional applicable conditions and requirements provided in Sec. 3.4 to 3.11.*

#### **Comments from the Planning Commission Public Hearing**

22. Request to do more to address affordable housing issues, as directed in the Vision 2037 Plan. The speaker acknowledged the intent of the city to form a Housing Committee to work on this issue after the adoption of the zoning code; and expressed support for the efforts in the proposed zoning code to address the issue; but expressed regret that more overt efforts were not included in the proposed code.

Staff understands the concern regarding the need to further address this important issue, and we look forward to the work that will emerge from the Housing Committee. The proposed Code already addresses several of the goals of the Implementation Matrix through changes that include: encouraging alternatives for student housing such as upper floor residential units in commercial districts, limiting the number of bedrooms in multi-family development to encourage the creation of standard size rental units more easily marketable to those at the workforce housing level, increasing the potential for accessory dwelling units in appropriate locations, and creating opportunities for mixed-density development in some zoning districts.

Although some of these initiatives have been reduced in potential due to concerns expressed by some members of the public related to fear of student oriented housing, others remain intact and viable and will be implemented in future development.

23. A statement of support for expanding the ability to allow accessory dwelling units and a request to make it even easier for these to be used as rental properties when the property owner lives in the primary dwelling. The speaker noted how helpful these are as a method to contribute to affordable rental housing stock without disrupting neighborhoods; and to help with the affordability of the primary home, by adding a little income stream.

24. A comment was made that despite the need for affordable housing options, the person was concerned about allowing smaller lots for detached housing in the City.

Staff believes that an important premise of the Vision 2037 Plan was to replicate the historic development patterns of Oxford, and going forward to have areas of more “small town urban” development – consisting of historically smaller lots, mixed residential types, and walkable neighborhoods; not just larger lot suburban building patterns of ongoing separation of uses. It would be counter to that philosophy to ignore that goal; but fear or concern about students living in any housing in neighborhoods continues to be a problem. The behavioral issues of some students, the amount of traffic they generate, and the number of automobiles they require, are legitimate concerns; but zoning as a behavioral control tool is a problematic use of land use regulations.