



# OXFORD

PLANNING  
DEPARTMENT

## Case 2720

**To:** Oxford Planning Commission  
**From:** Gray Parker, AICP, Planner II  
**Date:** March 8, 2021

**Applicant:** Waffle House, Inc. (Drew Joiner)  
**Owner:** Jay 2 Investments, LLC.  
**Request:** Variance from Section 3.8.8.3 Restaurants: Parking  
**Location:** Ed Perry Boulevard at Sisk Avenue (PPIN #26627)  
**Zoning:** PUD / Underlying (SCN) Suburban Center

### Surrounding Zoning:

**North:** (TER) Traditional Estate Residential (far side of Highway 7)  
**South:** PUD / Underlying (INST-G) Institutional - Government  
**East:** PUD / Underlying (SCN) Suburban Center  
**West:** (TER) Traditional Estate Residential (far side of Highway 7)

**Planning Comments:** The subject property is located at the northeast corner of the roundabout at Sisk Avenue and Ed Perry Boulevard in the Oxford Commons Planned Unit Development. The property is adjacent to Highway 7 on the west side. The applicant is proposing a Waffle House restaurant. A Waffle House parking variance, administrative site plan, and one-lot subdivision for a site north of this property, also within Oxford Commons, was approved last year.

The property measures approximately +/- .576 of an acre and is undeveloped. On February 25<sup>th</sup>, the applicant submitted a site plan for review by City departments to construct a new restaurant. The proposal indicates the building will measure approximately +/- 1,820 sq. ft. and 29 parking spaces are provided.

The applicant is requesting a variance to allow more parking than is designated in the Land Development Code for a restaurant. Section 3.8.8.3(a) *Restaurants: Parking* states that one space is required for each 100 square feet of patron area. In this instance, the submittal requires 18 parking spaces. The Code does allow a development proposal to provide a maximum of 25% more parking than what is allowed, pending approval by the Director of Planning. An additional 25% of parking for this proposal would allow for a total of 22 parking spaces, 7 spaces less than the proposal calls for.

The supplemental letter provided with the previously considered parking variance (Case #2582) stated that based on Waffle Houses' experience of operating 2,000 restaurants for 64 years, they find it typical for 3-4 of their customers to be driving from separate locations to share a table at all times of the day. The applicant stated that a typical shift can vary from 3-4 employees working during slower parts of the day to as many as 10 during busier shifts. The applicant believes that a strict enforcement of the parking code would place an unreasonable hardship on their business and would deter customers if convenient parking is not available, and cause the business to be unsuccessful.

The proposed lot is similar to an island, separated by three roads from the remainder of the Oxford Commons Development. The development opportunities for this small and uniquely shaped lot are very limited and this proposal appears to work well for the applicant. Due to the proposal's location, Waffle House is unable to take advantage of shared parking from adjacent properties and must provide for it on its own site. While the uniqueness of this restaurant model is certainly worthy of consideration, Staff believes that the peculiar shape and location of this lot is a greater justification for supporting this variance.

**Recommendation:** Staff recommends approval of the parking variance with the following condition:

1. Approval is for the plan as submitted.



APPLICATION FOR VARIANCE TO ZONING ORDINANCE

Applicant's Name Drew Joiner

Mailing Address c/o Waffle House, Inc., 5986 Financial Dr., Norcross GA 30071

Address of Property in Question Ed Perry Blvd. at Sisk Ave., Oxford Commons PPIN # 135J-22-003.01

Telephone Number (s) Day (770) 729-5805

Interest in Property ( ) Owner ( ) Leaseholder (X) Option to Purchase ( ) Other

Describe the Nature of the Variance

Oxford Code only allows 22 parking spaces for the proposed Waffle House restaurant; our business requires 30+ parking places to function properly and profitably.

What special conditions and/or circumstances exist which are peculiar to the land(s), structure(s) or building(s) involved which are not applicable to other lands, structures or buildings located within the same zoning districts?

A Waffle House restaurant is a small building which contains approximately 1800 square feet and has 38 customer seats and on peak shifts 8-10 employees.

Describe how a strict application of the provisions of the Zoning Ordinance results in practical difficulties or unnecessary hardship?

W/o sufficient parking, customers will either illegally park on neighboring property or right of ways, or they will avoid stopping at the restaurant causing lost business. Often customers have business meetings and drive separately i.e. 3-4 cars at 1 table.

Describe how the granting of the variance will not be materially detrimental to the public welfare or injurious to adjoining properties or to the neighborhood in which the property is located.

Waffle House provides cooked to order table service and no "drive thru" which helps reduce auto emissions caused by idling cars. W/o the variance to provide 29+ spaces customers will tend to park illegally on neighboring properties or on the right of way.

Attach a map or sketch of what you propose including applicable measurements along with a filing fee made payable to the City of Oxford.

Signature of Owner or Authorized Agent  Date 2/4/2021

**FOR CITY USE ONLY**

Date Filed \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Decision of Board of Adjustment \_\_\_\_\_

Effective Date \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date



# THE CITY OF OXFORD

**Ben Requet, AICP**

*Director*

**Planning Department**

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Oxford, MS 38655

**Office:** (662) 232-2305

**Website:** [oxfordms.net](http://oxfordms.net)

On Mar 8, 2021, at 1:06 PM, Dick Dickerson <[dickdickerson@msn.com](mailto:dickdickerson@msn.com)> wrote:

Good afternoon, Ben.

Please consider this message as an objection to case #s 2719 & 2720 whereby Waffle House is requesting approval for variances to the setback and increased parking spaces at their proposed site at Ed Perry Blvd. and the Sisk Avenue roundabout.

The request for these variances is a self-created problem due to Waffle House desiring to build their restaurant on a lot that is too small and irregularly shaped to adequately meet their needs. According to their case # 2790 variance request, they state that "our business requires 30+ parking spaces to function properly and profitably". Additionally, when Waffle House requested a variance on 13 January 2020 in case # 2582, there is an attached letter from Kenneth Williams, Vice President and Real Estate Representative for Waffle House, Inc., which states "Corporately we have established a threshold of 30 spaces as the minimum number of parking spaces in order to have a successful restaurant operation." Their variance request to have 29 parking spaces does not even meet their own criteria for success! According to their case # 2719 variance request, they state that the setback is needed because "the site is very small". Clearly they are trying to make the foot fit a shoe that's too small and that could be painful to all involved.

While we welcome Waffle House to Oxford, they would be better served to build their restaurant on a site that fits their needs and ensures their success. The site at Ed Perry Blvd. and the Sisk Avenue roundabout is inappropriate, and other than being an eyesore and "tacky" as one drives into the Oxford Commons development, it is too small for their admitted needs.

I encourage the Planning Commission to deny the variance requests.

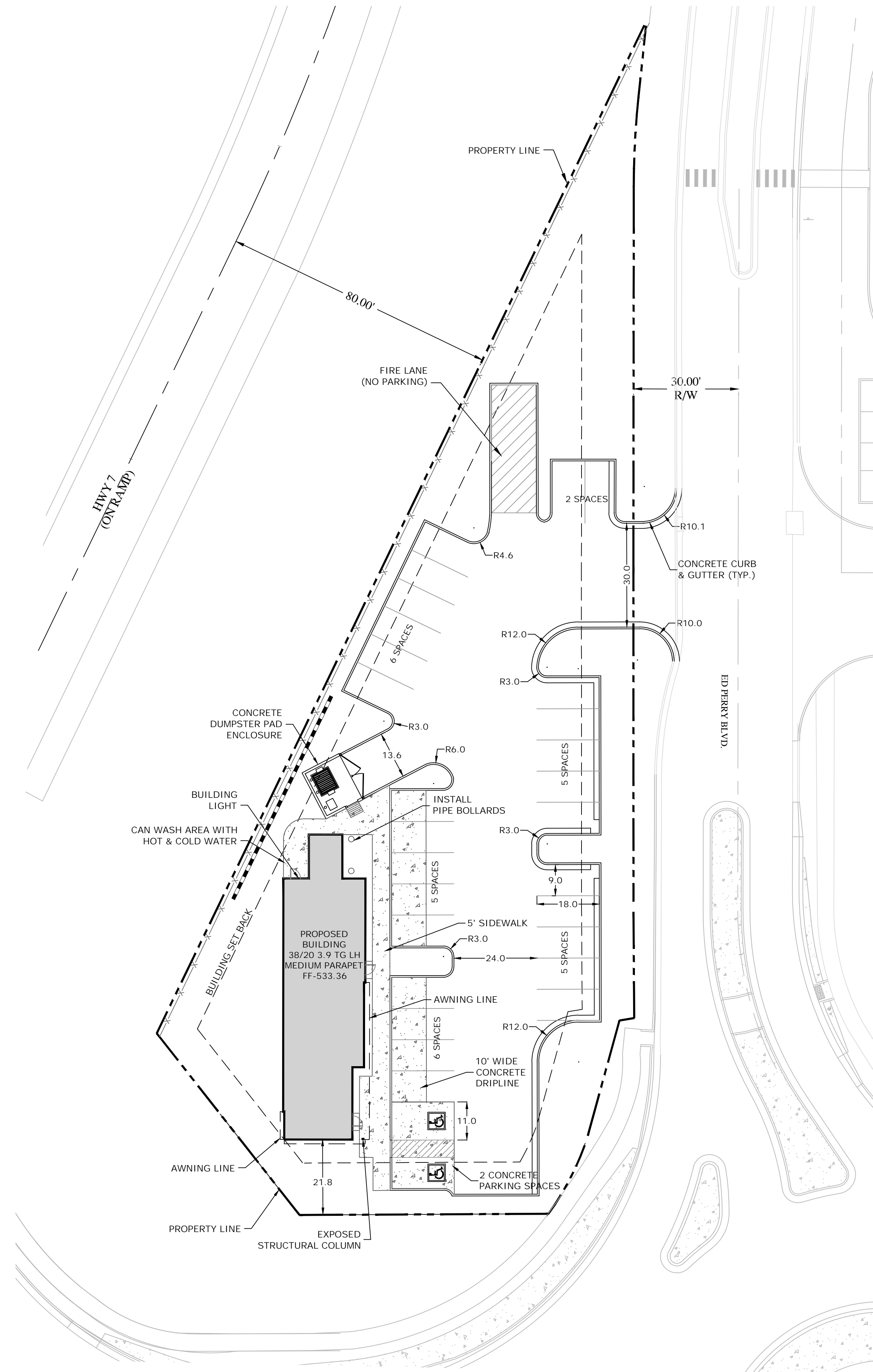
Respectfully,

Dick Dickerson  
310 Lakewood Hill Drive  
Oxford, MS 38655  
601-214-2064

C:\Users\user\Desktop\DESKTOP #2\LOCAL\_SERVER\Waffle House\NEW\_LAYOUT\_12.03.2020\Waffle House Site Plan.dwg SAVE:2/24/2021 7:21 PM PLOT:2/25/2021 9:33 AM

**SITE NOTES:**

1. ALL CURB DIMENSIONS ARE TO FACE OF CURB
2. STOP BARS AND CROSSWALKS SHALL BE THERMOPLASTIC STRIPING MATERIAL. ALL OTHER STRIPING SHALL BE PAINT.
3. ALL STRIPING AND SIGNAGE SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)
4. SEE SHEET C101 FOR GENERAL GUIDELINES AND RECOMMENDATIONS FOR COMMENCEMENT OF WORK.
5. REFER TO SHEETS C500 SERIES FOR DETAILS.



**SITE DATA:**

PROPERTY AREA	25,090.56 SF 0.576 AC
IMPERVIOUS COVERAGE	59.0%
ZONING	SUBURBAN CENTER DISTRICT
BUILDING SQUARE FOOTAGE	1,820 SF

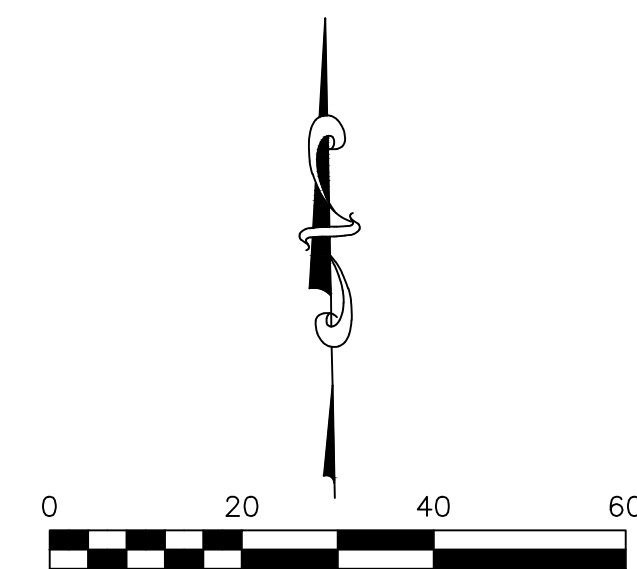
**PARKING**

REGULAR PARKING PROVIDED	27 SPACES
ADA PARKING PROVIDED	2 SPACES
TOTAL PARKING PROVIDED	29 SPACES

**LEGEND**

These standard symbols may be found in the drawing.

	PROPERTY LINE
	ADJOINING PROPERTY LINE
	EASEMENT LINE
	SETBACK LINES
	CURB
	EDGE OF PAVEMENT
	CENTERLINE OF ROAD
	SIDEWALK
	EXISTING OVERHEAD ELECTRIC LINES
	EXISTING GAS LINES
	EXISTING FENCE LINES
	EXISTING PHONE LINE
	PROPOSED BUILDING
	PROPOSED SIDEWALK
	RETAINING WALL (SEGMENTAL BLOCK)
	EXISTING WATER LINE
	EXISTING SEWER LINE
	PROPOSED WATER LINE
	PROPOSED SEWER LINE
	EXISTING STORM LINE
	PROPOSED STORM LINE



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 PHONE: (662) 234-8539 WEB SITE: PECORPMS.COM

**REVISIONS:**

NO.	DATE	DESCRIPTION	BY

NOT FOR CONSTRUCTION

**SITE LAYOUT FOR WAFFLE HOUSE AT OXFORD COMMONS**

DRAWN BY:	J.W.	DATE:	2/25/2021
CHECKED BY:	PK	SCALE:	AS NOTED
PROJECT NO.:	19144		

ALL ENGINEERING DRAWINGS ARE IN CONFIDENCE AND DISSEMINATION MAY NOT BE MADE WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED.

PAGE NO.: **C105**