



The City  
of

**Oxford**  
MISSISSIPPI

## Memorandum

**To:** Mayor Patterson and the Board of Aldermen

**From:** Andrea Correll, City Planner *AC*

**Cc:** Lisa Carwyle, City Clerk  
Bart Robinson, City Engineer  
Pope Mallette, City Attorney

**Date:** May 14, 2014

**Re:** Baptist Hospital Appeal to the Planning Commission decision

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Please find attached for your review the following documents:

- The appeal letter written to Tim Akers, dated April 16, 2014.
- The staff report written for the Planning Commission's consideration
- The excerpt of the April 14, 2014 minutes pertaining to Baptist Hospital's case approved on May 12, 2014 by the Planning Commission for your review.

If you have additional questions or need further clarification, please contact me 232-2305.

 **BAPTIST.**  
**MEMORIAL HOSPITAL**  
NORTH MISSISSIPPI

**William C. Henning, FACHE**  
CEO/Administrator

P.O. Box 946  
Oxford, Mississippi 38655  
662-232-8105  
Fax 662-232-8391

April 16, 2014

Mr. Tim Akers, City Planner  
City of Oxford  
107 Courthouse Square  
Oxford, MS 38655

Dear Mr. Akers,

This is to provide notice that Baptist Memorial Hospital wishes to appeal the Planning Commission's decision of April 14, 2014 regarding Case # 1807. Specifically, Baptist Memorial Hospital will appeal the Commission's denial of the proposed sound mitigation plan submitted by the hospital. The hospital will provide information for this appeal to you by May 15, 2014. Please feel free to call me with any questions you may have.

Sincerely,



William C. Henning, FACHE  
Chief Executive Officer

## Case 1807

<b>Applicant:</b>	Baptist Memorial Hospital Health Care
<b>Owner:</b>	same
<b>Request:</b>	A) Removal of condition (d) B) Amendment to the site plan
<b>Location:</b>	1100 Belk Blvd.
<b>Zoning:</b>	(RB) Two-Unit Residential – for proposed Belk Blvd. Lafayette County – Hospital Campus
<b>Zoning History:</b>	Zoning adopted in 2004 for some north and east portions of the property the remaining acreage is in Lafayette County 6/2013 – Case #1717 – Site Plan – Approved with conditions 6/2013 – Case #1715 - Variance to parking - Approved 6/2013 – Case #1716 – Height variance – Approved 10/2013 – Case #1761 – Removal of conditions (a) and (b) - approved
<b>North:</b>	(RB) Two-Unit Residential and (RC) Multi Unit Residential Single Family Residence – Oxford Station Condos, Cambridge Station Apartments and Bickerstaff Condos
<b>South:</b>	N/A - Lafayette County – vacant land – with a few residences
<b>East:</b>	(RE) Residential Estate and (RB) Two-Unit Residential – Harland Drive residences and The Hamlet Condos
<b>West:</b>	(RB) Two Unit Residential and (RC) Multi-Unit Residential – Shiloh Subdivision and the Connection Apartments

**Planner's Comments:** At the June 2013 Planning Commission meeting, site plan approval was given to Baptist Memorial Hospital with the following conditions.

- a) Dedication of a public right of way for a future north/south road
- b) Final design of the connection at Belk Blvd. and Old Taylor Road
- c) Final design of the connection at Belk Blvd. and S. Lamar
- d) Effective sound mitigation buffer to be installed between Belk Road and the Bickerstaff Condominiums
- e) Approval by the city engineering and planning staff modifications for the site plan as it has requested.

Since approval, site work is progressing. A Noise Impact Investigation was conducted by Oxford Acoustics, Inc. and a report was submitted to the City of Oxford. After multiple meetings between representatives of the City and Baptist Hospital, the applicant is seeking to remove condition (d) from the above list and have submitted their proposal for sound mitigation.

## A) Recommendations as outlined in the report:

### Proposed Solutions and their Effectiveness

Barrier material can vary and affect the initial cost, appearance, and maintenance of the final product. For a barrier to be effective for stopping sound from transferring through it, it requires a minimum surface density of 4#/sq.ft. (USDOT-FHA) Taller walls will need appropriately deeper or wider footings.

The following materials can be considered:

Masonry Block: Inexpensive and low maintenance. Wider base for taller walls.

Brick: Low maintenance, but more expensive than masonry block. Wider base for taller walls

Wood: Inexpensive but requires maintenance against rot and warping. Has a limited lifespan, which may be appropriate for a short term solution. Best used in tandem with a guardrail or jersey barrier to protect the wall against vehicles. Thin footprint.

Metal: Inexpensive but requires maintenance against rusting. Has a limited lifespan, which may be appropriate for a short term solution. Best used in tandem with a guardrail or jersey barrier to protect the wall against vehicles. Thin footprint.

Precast Concrete Panels: Mid-cost but low maintenance and long life expectancy. Thin footprint.

Earth filled concrete frames: Inexpensive if earth fill is available and can be visually appealing when populated with vegetation. In this application the footing is too wide.

Clear Panels: Higher cost but can be used in tandem with other wall materials to allow light through. Maintenance includes periodic cleaning. Thin footprint.

\*Complete Noise Impact Investigation report is available to online.

### ***Baptist Hospital is proposing the following solution to mitigate noise:***

- Storm windows added to the second story windows on the back and on the sides of each condo unit adjacent to the proposed Belk Boulevard.
- Double sided 8' (total 9' above road surface) with lapped pattern ½ in x 96 in Pine Dog-ear Pressure treated wood fence with an interior layer of the 2 LB Mass Loaded Vinyl.

## B) Amendment to the site plan

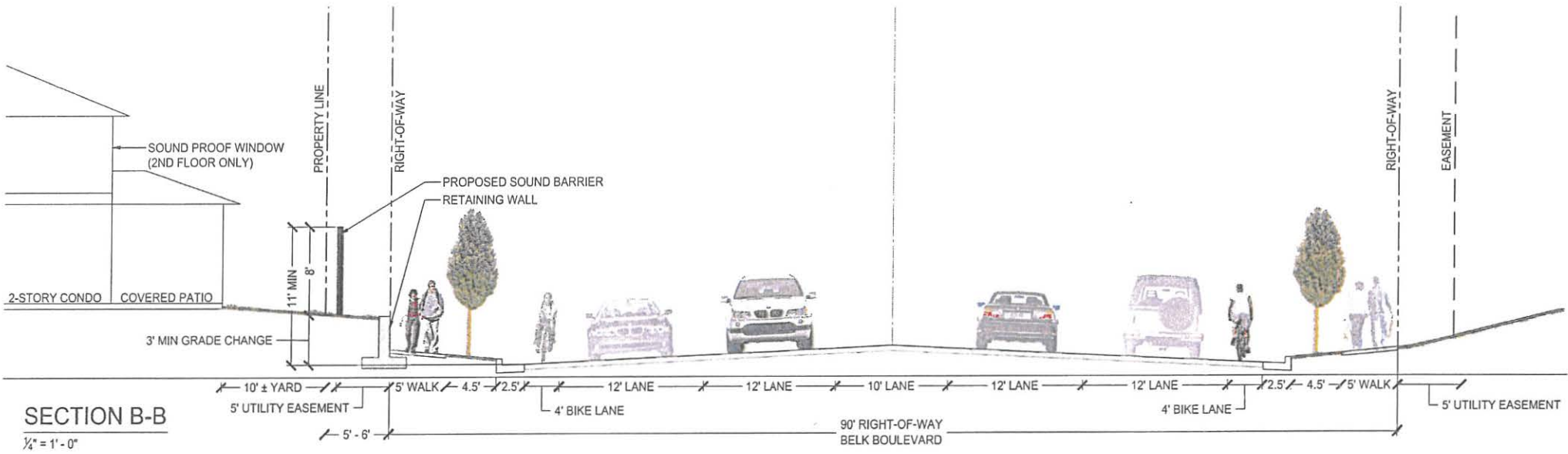
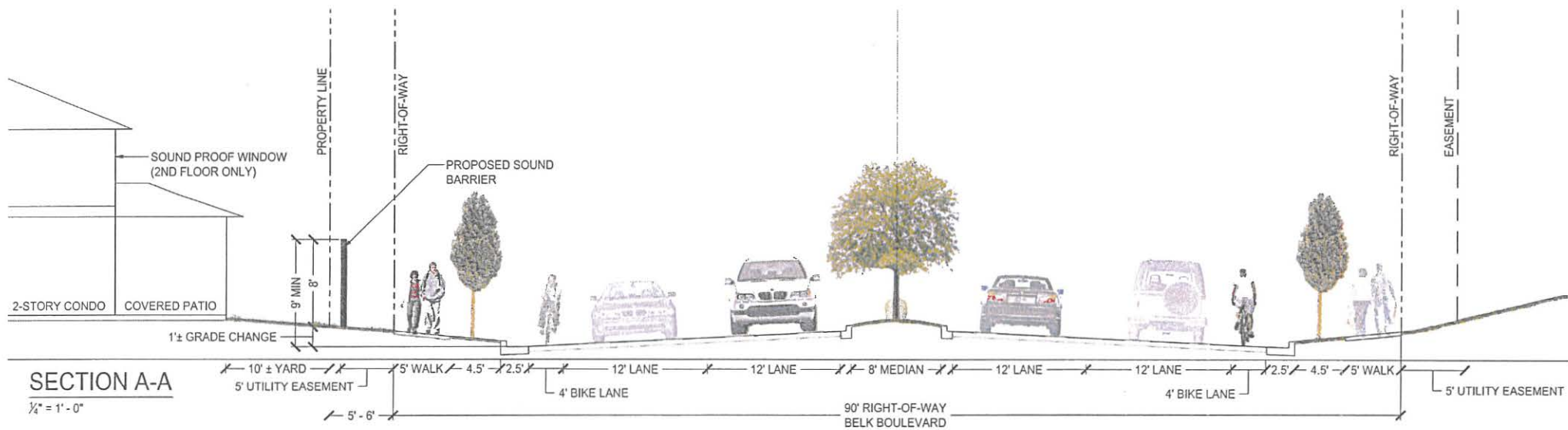
A modification to the site plan regarding a segment of the median that will include irrigation has been submitted. Planning Staff recommends approval of this site plan amendment.

The applicant will return at a later date for removal of the remaining condition (c) and if necessary (e).

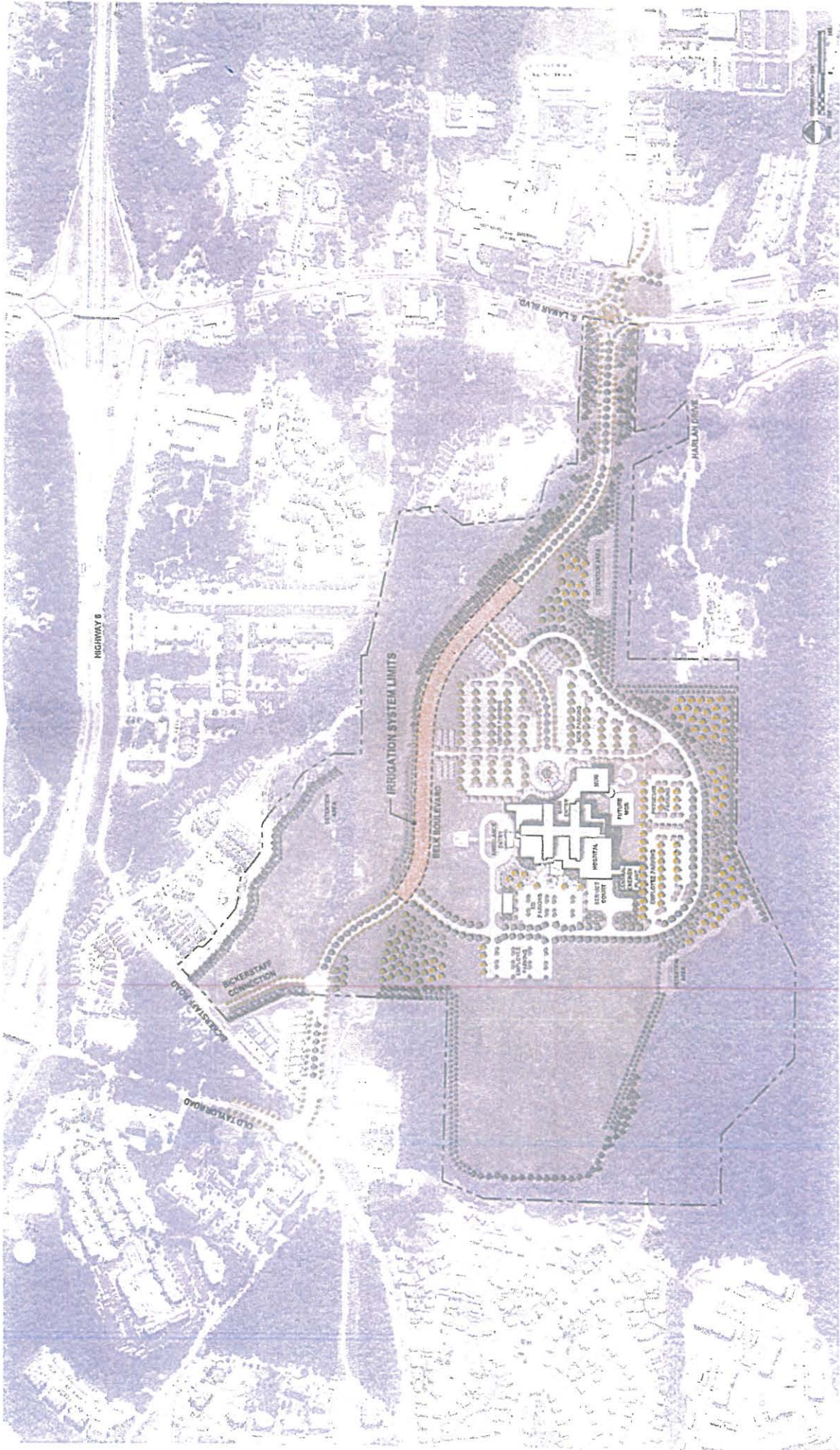












IRRIGATION SYSTEM EXHIBIT  
DATE ISSUED  
MARCH, 2014

# BAPTIST MEMORIAL HEALTH CARE

OXFORD, MISSISSIPPI

**A2H** ENGINEERS  
ARCHITECTS  
PLANNERS



OFFICIAL FILE COPY  
Approved 5/12/14  
Signature *Ordea L. Land*

**13. Public hearing for Case #1807 – Removal of conditions and a modification to the site plan for Baptist Memorial Hospital located at 1100 Belk Blvd. in Lafayette County (Planning Commission)**

**Planner's Comments:** At the June 2013 Planning Commission meeting, site plan approval was given to Baptist Memorial Hospital with the following conditions.

- a) Dedication of a public right of way for a future north/south road
- b) Final design of the connection at Belk Blvd. and Old Taylor Road
- c) Final design of the connection at Belk Blvd. and S. Lamar
- d) Effective sound mitigation buffer to be installed between Belk Road and the Bickerstaff Condominiums
- e) Approval by the city engineering and planning staff modifications for the site plan as it has requested.

Since approval, site work is progressing. A Noise Impact Investigation was conducted by Oxford Acoustics, Inc. and a report was submitted to the City of Oxford. After multiple meetings between representatives of the City and Baptist Hospital, the applicant is seeking to remove condition (d) from the above list and have submitted their proposal for sound mitigation.

**A) Recommendations as outlined in the report:**

**Proposed Solutions and their Effectiveness**

Barrier material can vary and affect the initial cost, appearance, and maintenance of the final product. For a barrier to be effective for stopping sound from transferring through it, it requires a minimum surface density of 4#/sq.ft. (USDOT-FHA) Taller walls will need appropriately deeper or wider footings.

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Masonry Block: Inexpensive and low maintenance. Wider base for taller walls.

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- Storm windows added to the second story windows on the back and on the sides of each condo unit adjacent to the proposed Belk Boulevard.
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## **B) Amendment to the site plan**

A modification to the site plan regarding a segment of the median that will include irrigation has been submitted. Planning Staff recommends approval of this site plan amendment.

The applicant will return at a later date for removal of the remaining condition (c) and if necessary (e).

Commissioner Bradley clarified the request as such the conditions that were imposed on the original site plan approval are not being removed just that they have been satisfied and are being submitted on record as having done so.

Bill Henning, Baptist Memorial Hospital, was present before the Commission requesting that several of the conditions imposed on the site plan approval be deemed satisfied in order for the development process to proceed.

Commissioner Bradley questioned ownership of the sound barrier once installed and completion. Mr. Henning stated that it would sit on the City's ROW so it

would be City ownership at that time. Commissioner Bradley asked about the responsibility of maintenance which Mr. Henning stated was still in discussion. Mr. Henning stated that he feels since the sound barrier would be located on the City's ROW then the responsibility of upkeep and maintenance would fall to the City once they take ownership. Commissioner Bradley stated that the wood faced barrier would need periodic maintenance and inquired about the City's position to maintain the structure. Bart Robinson, City Engineer, stated that the Board of Aldermen would have to approve possession and maintenance of the sound barrier. Mr. Robinson stated that the Board of Aldermen approved and adopted the same conditions as was set forth by the planning staff, approved and, recommended by the Planning Commission.

Mr. Robinson stated that ten (10) to twelve (12) years is the maximum life of a wood fence. Commissioner Bradley stated that if the sound barrier was precast concrete then there would be less maintenance required, which Mr. Robinson agreed. The wood fence would cost less than the precast concrete.

Commissioner Bradley inquired about the recommendation of the sound study which was conducted. Mr. Robinson stated that it recommended a nine (9') foot relative height of the sound barrier fence at least four (4 lbs) pounds per square foot of fence material. He said that the study recommended a treatment of bedroom windows which a clarification of has been requested. Mr. Robinson stated that if Baptist agrees to send the delivery trucks to South Lamar then the treatment would only have to be done for second (2<sup>nd</sup>) floor bedroom windows. If Baptist does not agree to the rerouting of delivery trucks then the treatment would be for all bedroom windows.

Commission Whittington questioned the maintenance cost of the fence over the ten (10) to twelve (12) year period. Mr. Robinson stated that the estimated construction cost of the fence only would be \$35,000.00 to \$40,000.00. So, if replacement of the fence is needed in future years the cost is likely to increase. Yearly maintenance cost would include pressure washing and sealing/treating every other year.

Jan Coffin, property owner at Bickerstaff Condo and Vice President of the Bickerstaff Home Owner Association, was present before the Commission to address the sound study that was conducted and highlight certain elements. Ms. Coffin stated that in the executive summary of the study it clearly reads that the impact from the impending traffic from Belk Blvd is unacceptable to the neighboring residents. The study provides recommendations for possible mitigation to the sound because there would be a decibel change of 14 to 21 decibels above the limitations that HUD requires which is unacceptable. She stated that the study suggests that all bedroom windows on the first and second

floors be treated for sound mitigation. Ms. Coffin stated that according to the study certain storm windows can be used but the present plan presented by Baptist does not define the type of storm windows so the property owners at Bickerstaff do not know if they adequate a sound barriers. She stated that Baptist is proposing to only do the second floor windows of each residential unit. Ms. Coffin informed the Commission that most residential structures have matching windows on the entire structure. Also, the property owners have not been given a sample to show the style or function of the proposed windows. She stated that the Planning Commission requested that the officials from Baptist work and communicate with the property owners of Bickerstaff Condo Association which has not happened.

Ms. Coffin stated that Baptist officials and the property owners of Bickerstaff Condos meet the week prior and Baptist proposed two (2) options as follows:

1. 3 x 3 windows placed upstairs (bathroom) and sound door at kitchen and a single sided wood fence, which is currently in place
2. 3 x 3 window placed upstairs (bathroom) with a double sided fence with two (2 lb) pound mass loaded vinyl on the interior of the fence

Ms. Coffin stated that the cost to install a brick/block wall would be \$270,000.00 according to the sound study. She stated that the United States Department of Transportation estimate for a wood fence was \$106,000.00 yet Baptist is proposing a \$35,000.00 wood fence.

Ms. Coffin informed the Commission that since the beginning of this development the residents and property owners of Bickerstaff Condos have been inconvenienced with the displacement of backyards and the loss of gas services, without notice, which caused major damage in some of the condos because it happened during the coldest part of the winter. She stated that the sound study states that medium and heavy trucks and machinery on Belk Blvd should be prohibited because it will cause vibrations and disturbances within the residential structures. Ms. Coffin stated that problems have already started with windows shaking, walls creaking, shelves vibrating, and the tops of toilets rattling. She asked the Planning Commission for immediate help for the residents and property owners of Bickerstaff Condos.

Mr. Henning stated that Baptist had worked hard with the City to try and meet all requirements that were set forth by the Planning Commission and City Staff, as well as meeting the technical requirements. He stated that the residents and property owners, of Bickerstaff Condos, were presented two (2) options on ways to mitigate the sound and they were not receptive.



Commissioner Bradley stated that in his opinion, Baptist has not meet the recommendations provided in the sound study. He stated that the proposal for an effective sound mitigation barrier, which Baptist has submitted, does not satisfy the requirement set forth by the Planning Commission at previous meetings and when the site plan was approved.

Bobby Wood, President of the Bickerstaff Condo Association, addressed the Commission regarding a retaining wall that has to be built during the construction of the road, Belk Blvd. He stated that the HOA was approached by the general contractor, Eutaw Construction, about obtaining an easement from each property owner in order to construction the retaining wall. Mr. Wood was informed that if the easements were not granted then pilings would have to be installed, which is a great cost, in order for the retaining wall to be built.

Mr. Wood stated that all the residents and property owners of Bickerstaff Condos are asking for is an attractive structure with cinder block walls and brick veneer which meet the requirements set forth in the sound study. They would also like for the retaining wall to be attractive in design and if that is not achievable then it should be covered by foliage to make it more appealing. Mr. Wood also expressed concerns with trying to incorporate too many elements into a very limited area.

Chairman Harmon asked for further questions or comments from the Commission, he entertained a motion for Case #1807. Paul Watkins, City Attorney, informed the Commission that they needed to address A) Sound Mitigation Plan and B) Site Plan Amendment separately. Commissioner Bradley made a motion to deny the presented proposal for an effective sound mitigation plan/buffer which was seconded by Commissioner Alexander.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Alexander	Aye

With unanimous affirmative vote, the motion passed and the Sound Mitigation Plan was denied.

Chairman Harmon made a motion to approve the amended site plan as presented which was seconded by Commissioner Bradley.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Alexander	Aye
Commissioner Bishop	Abstain

With majority affirmative vote, the motion passed and the amendment to the site plan was approved.

Jan Coffin asked the Commission for a timeline for matters to be resolved. She said they are dealing with construction noise daily and the sound mitigation buffer seems to be a low priority. Ms. Coffin asked the Commission if construction could be stopped until progress is shown to resolve this matter.

Paul Watkins stated that the Board of Alderman has to accept the entire site plan with conditions, which must be met, before water and sewer services are provided. He stated that a timeline would start once the Board of Alderman has approved and accepted the final site plan submission. The denial of the sound mitigation buffer condition will be recommended to the Board of Alderman but ultimately they would have the final approval.

Commissioner Kellum encouraged Baptist, the City, and the residents of Bickerstaff Condos to meet and communicate with each other to establish a time line to construct the sound buffer.

Commissioner Bradley stated that the Planning Commission is not a position to manage construction of projects and their progress. However, Commissioner Bradley made a motion to challenge the City (Engineering and Planning) to devise a solution for effective sound mitigation for the site as timely as possible. Commissioner Whittington seconded the motion.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Alexander	Aye

With unanimous affirmative vote, the motion passed and the Sound Mitigation Plan was denied.

**14. Public hearing for Case #1808 – Amendment to the Oxford Commons, (PUD) Planned Unit Development (Planning Commission)**

**Planner's Comments:** Oxford commons PUD is a 560 acre commercial, public and residential overlay district development east of Hwy 7 North. The applicant is requesting to amend the current PUD to provide for a commercial site for an assisted living facility (The Blake) and to correct a mistake. All conditions placed on previous amendments to the Oxford Commons PUD will continue to apply. The conditions are as follows:

1. The frontage access road along Hwy 7 which will connect with Hwy 30 frontage road will be built concurrently and or bonded in phases as Tract A is incrementally developed.
2. Until the frontage access road along Hwy 7 is connected with Highway 30, Certificates of Occupancy shall be issued for not more than 20 residential units.
3. The total number of occupied residential units for the overall development (560 acres+/-) shall not exceed 893 units until a third access route (1<sup>st</sup> being Sisk Ave., 2<sup>nd</sup> being the frontage access road along Hwy 7 connecting to Hwy 30) is constructed and the total number of occupied units shall not exceed 1200 until a fourth road is constructed preferably south to University Avenue. The alignment and configuration of said third access route shall be mutually agreeable to the City of Oxford, Oxford Commons Developers and other affected parties.
4. Number of occupants per dwelling unit will be regulated per the definition Section 117.66 Family: as described in Oxford's Development Code, this definition states that no more than three unrelated persons may reside in a dwelling unit, related persons are not regulated.
5. Tract A residential units will be marketed for individual ownership with a maximum of 64 units.
6. Tract M shall have a maximum of 185 residential units and comply with the Neighborhood Business District (NB) development standards of the Land Development Code
7. The Oxford Common Design Guidelines shall be made part of the record and used as a guide for development. The purpose of the Guidelines are to provide



**Addendum to Appeal of the Oxford Planning Commission's Case #1807 April 14, 2014 denial of Baptist Memorial Hospital – North Mississippi, Inc.'s Noise Mitigation Plan for an "Effective Sound Mitigation Buffer" to be installed between Belk Road and the Bickerstaff Condominiums to the City of Oxford Mayor and Board of Alderman**

Baptist Memorial Hospital – North Mississippi, Inc. (the "Hospital") had originally planned to bring before the Mayor and Board of Aldermen its Appeal of the Planning Commission's decision (Case No. 1807) on May 20, 2014. Prior to the May 20 board meeting, the Hospital agreed to postpone its sought hearing on the appeal in an attempt to reach a compromise with the interested parties.

The Hospital and the interested parties have engaged in lengthy discussions regarding the sound mitigation barrier, the subject of the appeal, in an attempt to reach a compromise and avoid further dispute over the details of the sound mitigation barrier to be installed between Belk Road and the Bickerstaff Condominiums. All parties are interested in a resolution that addresses certain of each party's concerns.

The Hospital, after consultation with the Mayor and City of Oxford Planning Department personnel, proposes the following:

1. Instead of installing a wood fence as initially proposed, the Hospital agrees to engage the appropriate company to construct a pre-case concrete decorative wall system. The wall system, as shown on Exh. "E", comes in two different styles and finishes ("Chiselcrete" and "Fencestone"), both of which effectively mitigate sound in conformity with the Noise Mitigation Plan. The Hospital is proposing the Chiselcrete option. Some of the advertised benefits of the pre-cast decorative concrete wall system are:
  - No warping or rotting
  - Same pattern on both sides
  - Available in any color
  - Great sound barrier
  - Durable concrete construction
  - 20 year warranty on material
  - 5 year warranty on color
2. The Hospital proposes to pay 50% of the cost of construction and the City of Oxford will pay 50% of the cost of construction.

3. Attached as Exh. F is a rendering, including elevations, of the proposed pre-cast concrete barrier showing a maximum above grade elevation of 14.5 feet including the required concrete retaining wall of 11.5 feet. The pre-cast concrete wall panels will be 8 feet in height and will be finished 9 feet above the road surface.
4. Exh. G details the specifications which are in conformity with applicable building codes.
5. The Hospital will comply with Mr. Woolworth's report and recommendations to put noise-mitigating windows on all bedroom windows which are on the back and sides of the second floor at all 9 units of the Condominium. A2H and the Hospital's intent is to comply with the recommendations of Mr. Woolworth as to storm proof windows.

The above proposal is a reasonable solution to effectively mitigate the sound as recommended by the Noise Impact Study. The pre-cast concrete wall is decorative, long lasting and, most importantly, effective. The Hospital is eager to resolve the matter and move forward, as appropriate, with the project.

# REPLACE YOUR OLD WOOD FENCE CHISELCRETE® FENCESTONE®

PRE-CAST CONCRETE WALL SYSTEMS

- NO WARPING OR ROTTING
- SAME PATTERN ON BOTH SIDES
- AVAILABLE IN ANY COLOR
- GREAT SOUND BARRIER
- DURABLE CONCRETE CONSTRUCTION  
4000 PSI, STEEL REINFORCED
- 20 YEAR WARRANTY ON MATERIAL
- 5 YEAR WARRANTY ON COLOR

MS-11 STD  
E-CRWSS  
U.S. POSTAGE  
PAID  
HDDM-RE-IL

\*\*\*\*\*ECRWSS\*\*\*\*

Local  
Postal Customer

EXHIBIT

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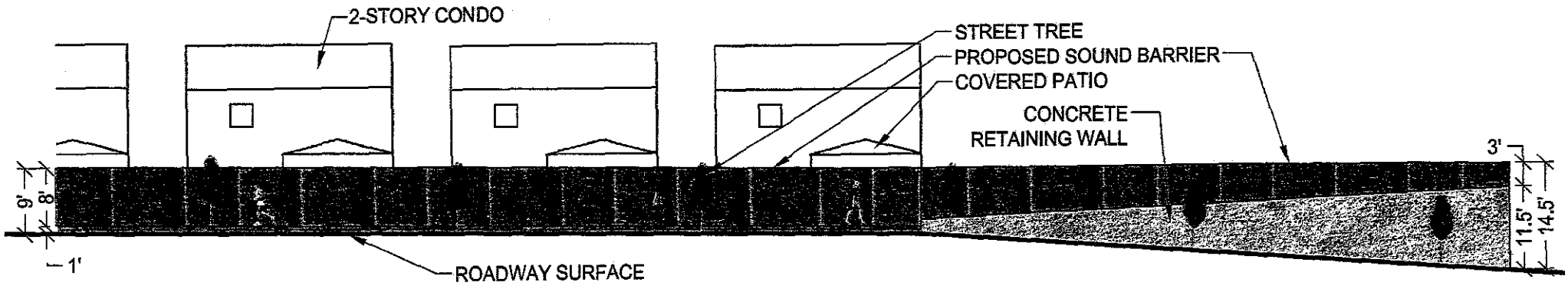


EXHIBIT  
F

**Specifications and Notes**

**General:**

- The project has been designed in accordance with the International Building Code, 2010 Edition.
- Applied loads
  - Wind Velocity (V) = 90 mph
  - Exposure: B
  - Importance Factor (I) = 1.0
  - Velocity Pressure Exposure Coefficient (Kz) = 0.75
  - Wind Directionality Factor (Kd) = 0.85
  - Topographic factor (Kt) = 1.0
  - Wind Pressure:
    - W = 0.00256 V<sup>2</sup> Kz Kd Kt (ASCE 7-10) (20.1.2)
    - P = 15.3 psf
- Working Design Stress: 3350 Increase (1.33)
- Minimum Design Shear D

**Reinforcing steel:**

- Reinforcing steel shall be manufactured by AISC. Control Mark, Periodic Tests and Period coats shall be provided.
- Reinforcing steel is to be provided within on the project property.
- Reinforcing steel is to be cast in place on site.

**Color:**

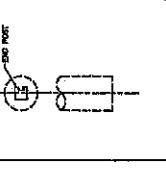
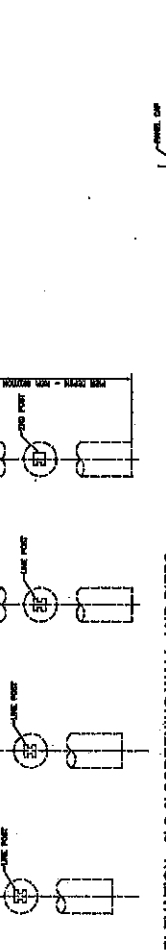
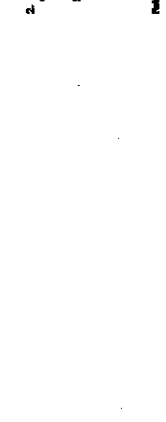
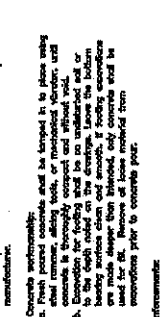
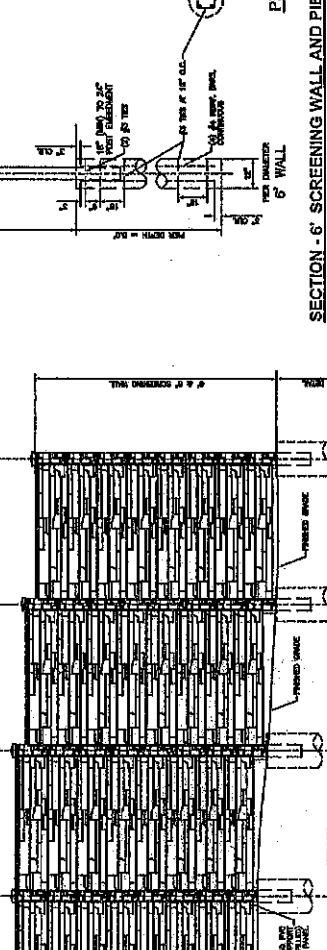
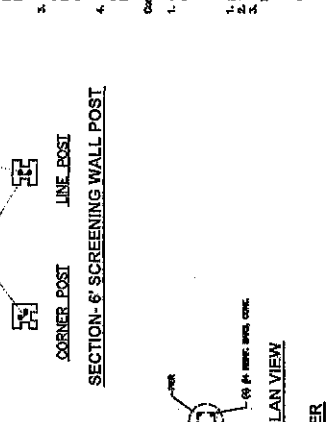
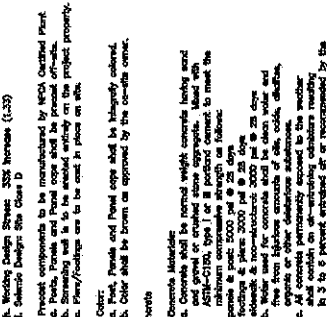
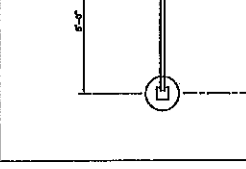
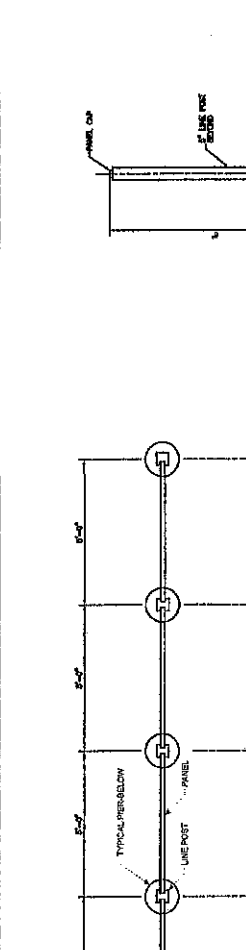
- Finish, Panels and Panel caps shall be integrally colored.
- Color shall be brown as approved by the owner's architect.

**Concrete:**

- Concrete shall be cast in place using normal weight concrete having unit weight and cured or crushed stone aggregate. Mixed with ASTM-C150, Type I or II Portland Cement to meet the requirements of ACI 308-1R. The concrete shall be cast in place on site.
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**Reinforcing steel:**

- Reinforcing steel shall be furnished in accordance with the 2008 Standard Detail.
- Reinforcing steel shall be cold-bent only.
- Use of heat to bend reinforcement shall not be permitted.
- Reinforcement shall be furnished in accordance with the 2008 Standard Detail.
- Reinforcement shall be furnished in accordance with the 2008 Standard Detail.
- Reinforcement shall be furnished in accordance with the 2008 Standard Detail.



**ELEVATION - 6' & 8' SCREENING WALL AND PIERS**

**CHISELCRETE® CAP - SECTION**

**CHISELCRETE® STANDARD PANEL**

EXHIBIT  
6

Tables

## BMH-North Mississippi, Inc. (the "Hospital")

**Appeal of the Oxford Planning Commission's Case #1807 April 14, 2014 denial of the Hospital's Noise Mitigation Plan for an "Effective Sound Mitigation Buffer" to be installed between Belk Road and the Bickerstaff Condominiums to the City of Oxford Mayor and Board of Alderman May 20, 2014.**

### Introduction

The Oxford Planning Commission denied the Hospital's Sound Mitigation Plan/Proposal. The denial was based on arbitrary preferences of individual members regarding the "type" of sound mitigation barrier involved in such plan. The hospital has fully complied with the recommendations of the Noise Mitigation Plan and, as such, this Honorable Board and the Honorable Mayor should overturn the Planning Commission's decision and approve the Hospital's proposed plan. The issues are as follows:

1. Conditional Site Plan is Unprecedented in Oxford. The Hospital's site plan approval from June of 2013 condition (d) imposed by the Planning Commission upon the Hospital of an "Effective Sound Mitigation Buffer" has never been required of any other developer according to the City's own professionals. While the Hospital agreed to mitigate and resolve the noise issue, the denial of the Hospital's proposal to the Planning Commission is unfair, arbitrary and unreasonable to our client.
2. Mr. Woolworth's Recommendations are met by Hospital's Proposal. The Noise Impact Investigation Study was conducted by Dave Woolworth of Oxford Acoustics, Inc. While Mr. Woolworth stated that the best sound attenuation solution would be a full height noise barrier of 19 feet tall and the prevention of heavy truck traffic on Belk Boulevard, he is of the opinion that the partial height barrier which is a total of 9 feet above the surface of the road (technically, our proposed wood fence is 8 feet tall plus a one foot rise in grade for a total of 9 feet from the surface of the road) proposed by the Hospital in addition to the installation of storm windows on all second-floor windows on the sides and rear of the Condominium Units and on all bedroom windows which are on the back of the second floor of the Condominium Units is an acceptable sound attenuation option in conjunction with the combined Hospital and City's efforts to not allow heavy trucks onto Belk Boulevard between the Hospital and Old Taylor Road (see page 2 of Oxford Acoustics' Report – Exhibit "A" attached hereto).
3. Solutions to Drainage and Pooling of Water. Drainage problems will be caused by the addition of a sound barrier wall. (see Exhibit "B"). However, the solution to the drainage problem is markedly different depending on type of wall that is built.
  - a. Brick Wall

If a brick wall is constructed, due to the deep foundation required to support the wall, the solution to the drainage problem will be quite complex and will cause significant damage to the Condominiums. To effectively drain the water away from the individual Condominiums significant grading and installation of a drainage system will be required. It is probable that during the grading and installation of the necessary drainage system, the yards of the Condominiums will be destroyed along with the brick patios.

b. Wooden Fence

If a wooden fence is constructed, as proposed, the impact will be significantly less disruptive to the Bickerstaff Condominium owners (the "Condominiums") and residents.

Additionally, if there are any issues with drainage after construction, the presented issues and problems are much easier addressed with a built wooden fence rather than a constructed brick wall with a deep concrete foundation.

4. Agreement as to Heavy Truck Traffic. Mr. Woolworth's report clearly states that heavy truck traffic should be routed so that such truck traffic comes and goes from South Lamar Boulevard. The Hospital is absolutely willing (as Mr. Woolworth's Noise Impact Study clearly recommends and as Mrs. Cauthen desires) to require all heavy trucks to use the South Lamar Boulevard entrance to the Hospital site. However, the Hospital cannot control heavy trucks which are not serving the Hospital. Such control and power rests with the City. The City can do this by preventing such heavy trucks from travelling Belk Boulevard between the Hospital and Old Taylor Road by amending its traffic ordinances. We presume the City will be agreeable to such traffic ordinance change in order to help the Condominium owners.

5. Location of Belk Boulevard Extension was Required by the City. The Planning Commission appeared to prefer and side with Jan Cauthen, an owner of one of the Condominiums. Mrs. Cauthen cites several understandable problems caused by the development of the new Hospital to date. The Hospital did not originally plan to put the Belk Boulevard extension immediately behind the Condominiums, but at the City's request and requirement, the Hospital is building the Belk Boulevard extension at its current location. Mrs. Cauthen and the Condominium Owners knew or should have known they were purchasing property immediately adjacent to a large City Right of Way ("ROW"). The City required the Hospital to construct the Belk Boulevard extension on said ROW, with full knowledge that it would be immediately behind the Condominiums.

6. Additional Costs the Hospital has Agreed to Pay. The Hospital is one of the largest developments in the history of the City of Oxford, if not the largest. The initial amount originally agreed to be spent by the Hospital for the new Hospital's land and construction is a minimum of **\$250,000,000.00**. In addition to this \$250,000,000.00 investment in our City and



community, the City has requested and the Hospital has agreed to pay for ALL of the additional costs of:

a) Locating the Belk Boulevard extension right behind the Condominiums and between the Tennessee Valley Authority ("TVA") Power Grid and the Condominiums resulted in the recently required road connection from Bickerstaff Road to Belk Boulevard along the eastern side of the Condominiums which the Hospital has agreed to pay for has cost the Hospital an additional expense of .....**\$1,358,415.00.**

b) In addition, the above-referenced location of the Belk Boulevard extension as requested by the City and as agreed to by the Hospital has required the Hospital to obtain an easement from the TVA to go under such TVA Power Grid at the additional expense of .....**\$110,000.00.**

c) Further, the above-referenced location of the Belk Boulevard extension as requested by the City and as agreed to by the Hospital required the relocation of a 6' Centerpoint Energy steel gas-line main at the additional expense of .....**\$128,819.00.**

d) Further, the City has required that the Hospital pay for the widening of Old Taylor Road and the Hospital has agreed to pay for such improvements to Old Taylor Road at the additional expense of .....**\$1,483,772.00.**

7. If the City prevails in forcing the Hospital to build a Brick Wall sound barrier as is apparently and arbitrarily preferred by the Planning Commission, the Hospital will have to spend an approximate additional **\$25,000.00** in order to supplement the recently built retaining wall to hold the weight of the Planning Commission's preferred brick wall sound barrier.

**THIS IS A TOTAL OF \$3,081,006.00 IN UNBUDGETED EXPENSES PAID BY THE HOSPITAL TO BENEFIT THE CITY AND OUR COMMUNITY IN ADDITION TO THE \$250,000,000.00 COST OF THE LAND AND CONSTRUCTION OF THE HOSPITAL.**

8. **An Unnecessary Expense of \$249,100.00.00 to Meet the Sound Barrier Condition Requirement of Site Plan.** This arbitrarily preferred brick wall sound barrier (plus window enhancements) over the Hospital's proposed wooden fence wall sound barrier (plus window enhancements) will ultimately cost the Hospital an additional **\$249,100.00.00** (\$280,260.00--\$56,160.00 plus estimated \$25,000.00 above = \$249,100.00) (see Exhibit "C" attached hereto), in unbudgeted expenditures in order to construct this arbitrarily preferred brick wall sound barrier to benefit nine condominiums which are mostly occupied by college students who are not citizens of this City. This \$249,100.00 additional expense figure does not include additional and unknown costs associated with mitigating the potential water drainage issues discussed above. This is an unreasonable and arbitrary additional expense requirement that the Planning

Commission is attempting to impose upon the Hospital for the preferred and aesthetic desires of such a small number of citizens who knowingly purchased a condominium next to a major city Right of Way.

9. Deduction from Hospital Structure of \$249,100.00. This unbudgeted additional expenditure of **\$249,100.00** will now have to be deducted from the now-budgeted project for the Hospital as the Hospital is a 501(c)(3) Non-Profit Corporation. If the Board does not overturn the Planning Commission's apparent arbitrary preference of the brick wall sound barrier such \$249,100.00 will come out of the budget somewhere else for our new Hospital construction. The Board should understand that the Hospital is now on a "hard budget" for this huge project as it is a Not for Profit corporation and has certain reporting and budgeting obligations.

10. Potential Construction Delay. If the Board chooses not to overturn the Planning Commission's denial of the Hospital's Sound Mitigation Plan, the construction of the Hospital's new development will be delayed. After such potential delay the Hospital will have to look at the options.

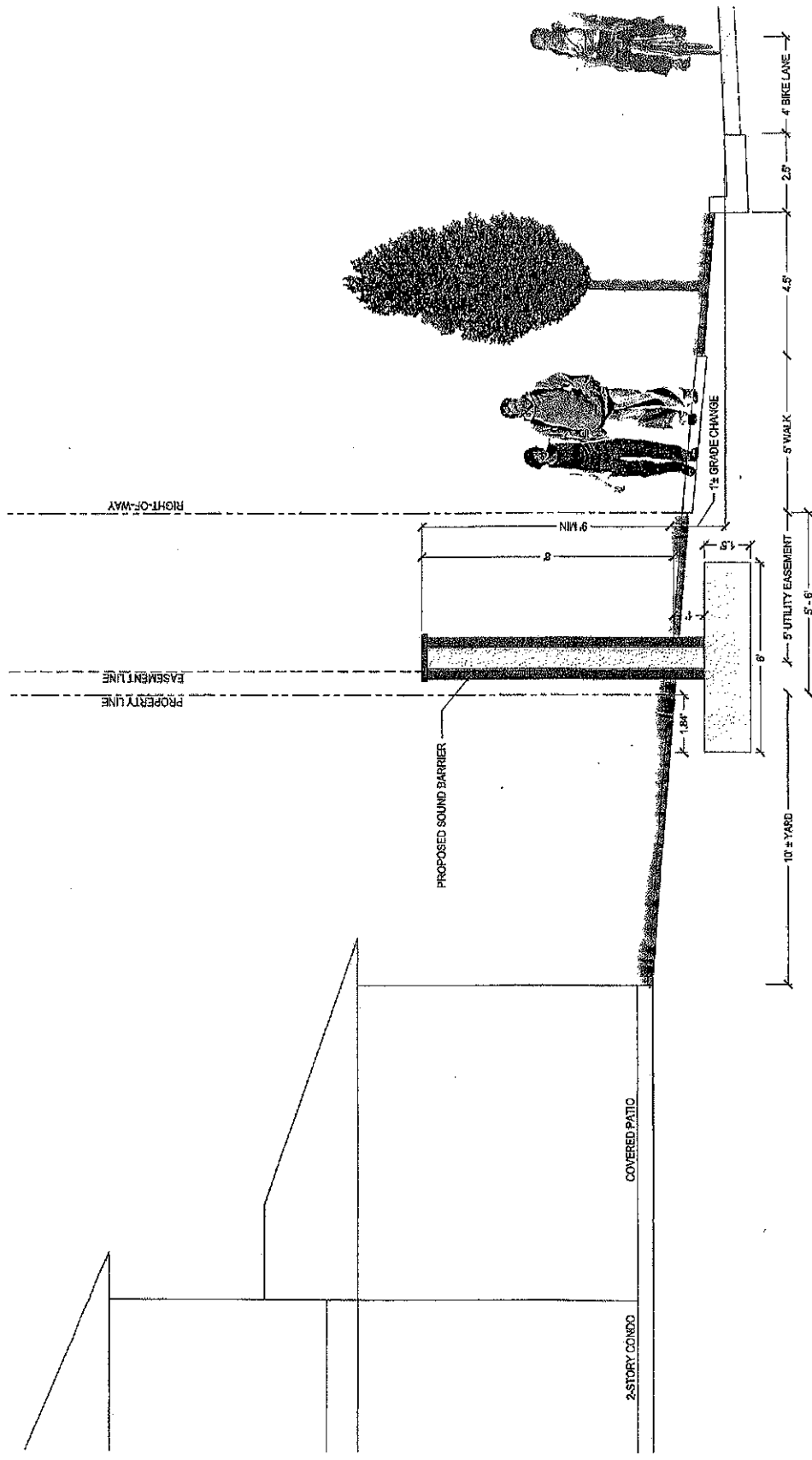
11. Noise-Mitigating Storm Windows on Second Floor Windows. As to the noise-mitigating windows, my client's intent is to comply with Mr. Woolworth's report and recommendations to put such noise-mitigating windows on all bedroom windows which are on the back and sides of the second floor at all 9 units of the Condominium. A2H and the Hospital's intent is to comply with the recommendations of Mr. Woolworth as to storm proof windows.

12. Encroachment onto Condominium Back-Yards and Utility Access Easement. If the Planning Commission's arbitrary and capricious denial of the Hospital's proposed, effective sound mitigation barrier and storm-proof window enhancements is not overturned by this Board, and the City forces the Hospital to construct the apparently preferred 8' tall brick wall sound barrier, such brick wall sound barrier will require footings of approximately 3 feet in both directions. The footings will encroach upon the back yards of the Condominiums by an approximate 3 feet and encroach upon the utility easement which holds an important utility access for the city street lights as such utility access point will also be covered by approximately 3 feet of concrete (see Exhibit "A"). When the City needs to access the street light utility line, the City will have to get jack-hammers out and tear down some of the brick wall and rebuild some of the potential brick wall. This would get very expensive for the City.

13. Construction Difficulties of a Brick Wall Sound Barrier. The Hospital's structural engineers believe that the retaining wall on the Condominium property line is not built to bear the weight of the apparently preferred free-standing brick wall sound barrier and so such

retaining wall in its currently installed state will have to be increased substantially in size at the above-mentioned, approximated and additional cost of **\$25,000.00**.

**Conclusion** The Planning Commission's decision to deny the Hospital's proposal for an effective sound mitigation buffer (see Exhibit "D") was arbitrary, capricious and , most importantly, heavily weighted against and unsupported by relevant substantial evidence. The proposal offered by the Hospital and rejected by the planning commission fully satisfies the recommendations of the Noise Impact Study. The Hospital had a duty to propose a plan that meets the recommendations under the Noise Impact Study, not a plan that satisfies the tastes and preferences of a few individuals. The members of the planning commission, with no evidentiary support or reasonable basis, rejected the proposal because the commission preferred a different type of sound barrier. The planning commission offered no evidence that its preferred brick wall would better mitigate sound. In fact, a brick wall will likely cause a significant burden to the Condominium owners as the yards and patios will be destroyed so proper grading can be completed and a drainage system installed. Also, a brick wall will require additional concrete footings to be poured over existing utility easements which could cause great future expense in the event the city is required to access the underground utilities. The proposal by the Hospital meets all the recommendations and should be approved.



OLD TAYLOR RD & BELK BLVD  
 ASIF RECORD  
 MAY 2013



**BAPTIST MEMORIAL HEALTH CARE**  
 OXFORD, MISSISSIPPI

**A2H**  
 ENGINEERS  
 ARCHITECTS  
 PLANNERS



**Noise Impact Investigation  
Belk Boulevard  
Oxford, Mississippi**

For

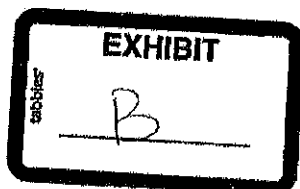
City of Oxford

By

Oxford Acoustics, Inc.

November 12, 2013

Project No. 13-01681-00



## Executive Summary

Belk Boulevard is under construction to connect Old Taylor Road (OTR) and Lamar Avenue in Oxford, Mississippi. The road will service a the new Baptist Memorial Hospital (250 beds); there are an estimated 4047 vehicles per day and a road is being built up to the existing rear property line of a set of 9 homes. Belk Boulevard will eventually be populated with medical office buildings and support facilities for the hospital.

The current acoustic conditions are no road behind the buildings and they are partially shielded in the front from vehicle noise on Frontage Road by another row of buildings

The projected impact of the traffic noise from the new Belk Boulevard on the adjacent residences has been found to be unacceptable.



**Figure 1: Current acoustic conditions.** Vehicle noise from Frontage Road is the loudest, but infrequent and consists of primarily single events. The next loudest source is Old Taylor Road (OTR), which produces a 5-7dB increase over baseline sounds during peak hours. Highway 6 can be heard in the distance and also donates to the 5-7dB increase over baseline depending on weather conditions and geometric shielding from the topography and other buildings. Note these houses are labeled R1-R9. Road construction noise was observed during some measurements and considered in the analysis.

- 1) Analysis of the expected sound levels are based on the worst hourly traffic noise impact on a regular basis as per the code of Federal and State Regulations. The current expected sound levels after completion of the project exceed the threshold of unacceptable and requiring special approval as per Housing and Urban Development (HUD) regulations (65dBA, HUD requires sound abatement at 75dBA).
  1. The HUD requirement is to provide 5dB of soundproofing to the structure.
- 2) The change in sound levels from the existing experienced by the residents exceeds 15dB, which is considered significant impact by both Federal Highway Administration (FHA) and Mississippi Department of Transportation (MDOT).
- 3) Heavy trucks are a particular problem at this proximity. We can expect:
  1. Vibration of the windows of the structures from trucks accelerating westbound on the grade.
  2. Truck pass-bys to be felt and heard by residents as distinct events.
    1. A significant amount of sound will penetrate the building envelope.
    2. The potential for vibration transfer from the vehicle to the structure.
  3. The presence of a high wall can reduce these effects for west bound trucks, but the trucks will still be noticeable.
- 4) The main recommendation is that sound attenuation is needed; two options can be considered:
  1. Treatment of bedroom windows and a partial height barrier (9') can reduce sound exposure from automobile traffic to acceptable sound levels, and all truck traffic should be routed to come and go on Lamar Avenue. This treatment will provide for a reasonable quality of life for the residents; an up to 3dB increase in peak sound level will be expected over the next 10-20 years due to the increase in number of vehicles attributed to development of the medical support facilities. Under no circumstances should heavy trucks travel Belk Boulevard between the hospital and Old Taylor Road at any time.
    1. After 10-20 years field measures should be made to see if one or more of the following should be considered:
      1. A full height barrier.
      2. Appropriate (full) soundproofing of affected buildings.
      3. Re-purposing of buildings for non residential applications.
      4. Razing the buildings and replacement with appropriately designed and purposed structures (different zoning), or no structures.
    2. A full height noise barrier (~19') can be erected, and heavy truck (18 wheeler) traffic should be prohibited between the hospital and Old Taylor Road on Belk Boulevard. This approach also includes treatment of bedroom windows and is the most reasonable solution for all concerned parties.
      1. The residents may need to evaluate the size of the wall and determine if this is something they can live with.
      2. Limited hours for truck traffic could potentially be negotiated with residents.
  - 5) Since the analysis has indicated that heavy trucks will have a significantly negative effect on the livability of R1-R9, no heavy truck construction traffic should be routed between the hospital and Old Taylor Road during the construction phase of the project.
  - 6) There is no reasonable method to attenuate the sound from emergency sirens at this proximity. The use of emergency sirens on Belk Boulevard should be curtailed or best case prohibited.



ENGINEERS - ARCHITECTS - PLANNERS

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EA, PA  
If you are not a client, please do not contact us.

BMH - NORTH MISSISSIPPI - 'HOSPITAL SITE GRADING & BELK BOULEVARD'  
A2H PROJECT No. 12388.01

4/28/2014

OPTION #1

**COST OPINION - 8' Wooden Fence Double Sided lapped pattern and Storm Windows on back and sides of second story of each unit and on bedroom windows on the first floor.**

		Quantity	Unit	Unit Price	Cost
1	a. Storm Windows on back and sides of second story of each unit and on bedroom windows on the first floor. Four windows per unit.	36	EA	\$150.00	\$5,400.00
2	b. Double Sided 8' Tall Wooden Privacy Fence with lapped pattern (500' along back of condo's + turning north 20' on the east and west ends ) -- (5/8-in x 5-1/2-in x 96-in Pine Dog-Ear Pressure Treated Wood Fence Board with pressure treated 6"x6" post and 2"x4" rails) includes an interior layer of the 2 lb Mass Loaded Vinyl to meet required total density to buffer sound. The fence shall be topped and the bottom must be toed a few inches in the ground.	540	L.F.	\$94.00	\$50,760.00

Total amount

\$56,160.00

OPTION #2

**COST OPINION - 8' Brick Wall and Storm Windows on back and sides of second story of each unit and on bedroom windows on the first floor.**

		Quantity	Unit	Unit Price	Cost
1	a. Storm Windows on back and sides of second story of each unit and on bedroom windows on the first floor. Four windows per unit.	36	EA	\$150.00	\$5,400.00
2	b. 8' brick freestanding wall. 5' x 1.5' (per linear foot) steel reinforced concrete footing. 8" steel reinforced concrete core with brick veneer on both sides and brick cap. Thirteen columns: 50' on center and one at each corner and one on each end.	540	L.F.	\$509.00	\$274,860.00

Total amount

\$280,260.00





**13. Public hearing for Case #1807 – Removal of conditions and a modification to the site plan for Baptist Memorial Hospital located at 1100 Belk Blvd. in Lafayette County (Planning Commission)**

**Planner's Comments:** At the June 2013 Planning Commission meeting, site plan approval was given to Baptist Memorial Hospital with the following conditions.

- a) Dedication of a public right of way for a future north/south road
- b) Final design of the connection at Belk Blvd. and Old Taylor Road
- c) Final design of the connection at Belk Blvd. and S. Lamar
- d) Effective sound mitigation buffer to be installed between Belk Road and the Bickerstaff Condominiums
- e) Approval by the city engineering and planning staff modifications for the site plan as it has requested.

Since approval, site work is progressing. A Noise Impact Investigation was conducted by Oxford Acoustics, Inc. and a report was submitted to the City of Oxford. After multiple meetings between representatives of the City and Baptist Hospital, the applicant is seeking to remove condition (d) from the above list and have submitted their proposal for sound mitigation.

**A) Recommendations as outlined in the report:**

**Proposed Solutions and their Effectiveness**

Barrier material can vary and affect the initial cost, appearance, and maintenance of the final product. For a barrier to be effective for stopping sound from transferring through it, it requires a minimum surface density of 4#/sq.ft. (USDOT-FHA) Taller walls will need appropriately deeper or wider footings.

The following materials can be considered:

Masonry Block: Inexpensive and low maintenance. Wider base for taller walls.

Brick: Low maintenance, but more expensive than masonry block. Wider base for taller walls

Wood: Inexpensive but requires maintenance against rot and warping. Has a limited lifespan, which may be appropriate for a short term solution. Best used in tandem with a guardrail or jersey barrier to protect the wall against vehicles. Thin footprint.

Metal: Inexpensive but requires maintenance against rusting. Has a limited lifespan, which may be appropriate for a short term solution. Best used in tandem



with a guardrail or jersey barrier to protect the wall against vehicles. Thin footprint.

Precast Concrete Panels: Mid-cost but low maintenance and long life expectancy. Thin footprint.

Earth filled concrete frames: Inexpensive if earth fill is available and can be visually appealing when populated with vegetation. In this application the footing is too wide.

Clear Panels: Higher cost but can be used in tandem with other wall materials to allow light through. Maintenance includes periodic cleaning. Thin footprint.

\*Complete Noise Impact Investigation report is available to online.

***Baptist Hospital is proposing the following solution to mitigate noise:***

- Storm windows added to the second story windows on the back and on the sides of each condo unit adjacent to the proposed Belk Boulevard.
- Double sided 8' (total 9' above road surface) with lapped pattern ½ in x 96 in Pine Dog-ear Pressure treated wood fence with an interior layer of the 2 LB Mass Loaded Vinyl.

#### **B) Amendment to the site plan**

A modification to the site plan regarding a segment of the median that will include irrigation has been submitted. Planning Staff recommends approval of this site plan amendment.

The applicant will return at a later date for removal of the remaining condition (c) and if necessary (e).

Commissioner Bradley clarified the request as such the conditions that were imposed on the original site plan approval are not being removed just that they have been satisfied and are being submitted on record as having done so.

Bill Henning, Baptist Memorial Hospital, was present before the Commission requesting that several of the conditions imposed on the site plan approval be deemed satisfied in order for the development process to proceed.

Commissioner Bradley questioned ownership of the sound barrier once installed and completion. Mr. Henning stated that it would sit on the City's ROW so it

would be City ownership at that time. Commissioner Bradley asked about the responsibility of maintenance which Mr. Henning stated was still in discussion. Mr. Henning stated that he feels since the sound barrier would be located on the City's ROW then the responsibility of upkeep and maintenance would fall to the City once they take ownership. Commissioner Bradley stated that the wood faced barrier would need periodic maintenance and inquired about the City's position to maintain the structure. Bart Robinson, City Engineer, stated that the Board of Aldermen would have to approve possession and maintenance of the sound barrier. Mr. Robinson stated that the Board of Aldermen approved and adopted the same conditions as was set forth by the planning staff, approved and recommended by the Planning Commission.

Mr. Robinson stated that ten (10) to twelve (12) years is the maximum life of a wood fence. Commissioner Bradley stated that if the sound barrier was precast concrete then there would be less maintenance required, which Mr. Robinson agreed. The wood fence would cost less than the precast concrete.

Commissioner Bradley inquired about the recommendation of the sound study which was conducted. Mr. Robinson stated that it recommended a nine (9') foot relative height of the sound barrier fence at least four (4 lbs) pounds per square foot of fence material. He said that the study recommended a treatment of bedroom windows which a clarification of has been requested. Mr. Robinson stated that if Baptist agrees to send the delivery trucks to South Lamar then the treatment would only have to be done for second (2<sup>nd</sup>) floor bedroom windows. If Baptist does not agree to the rerouting of delivery trucks then the treatment would be for all bedroom windows.

Commission Whittington questioned the maintenance cost of the fence over the ten (10) to twelve (12) year period. Mr. Robinson stated that the estimated construction cost of the fence only would be \$35,000.00 to \$40,000.00. So, if replacement of the fence is needed in future years the cost is likely to increase. Yearly maintenance cost would include pressure washing and sealing/treating every other year.

Jan Coffin, property owner at Bickerstaff Condo and Vice President of the Bickerstaff Home Owner Association, was present before the Commission to address the sound study that was conducted and highlight certain elements. Ms. Coffin stated that in the executive summary of the study it clearly reads that the impact from the impending traffic from Belk Blvd is unacceptable to the neighboring residents. The study provides recommendations for possible mitigation to the sound because there would be a decibel change of 14 to 21 decibels above the limitations that HUD requires which is unacceptable. She stated that the study suggests that all bedroom windows on the first and second

floors be treated for sound mitigation. Ms. Coffin stated that according to the study certain storm windows can be used but the present plan presented by Baptist does not define the type of storm windows so the property owners at Bickerstaff do not know if they adequate a sound barriers. She stated that Baptist is proposing to only do the second floor windows of each residential unit. Ms. Coffin informed the Commission that most residential structures have matching windows on the entire structure. Also, the property owners have not been given a sample to show the style or function of the proposed windows. She stated that the Planning Commission requested that the officials from Baptist work and communicate with the property owners of Bickerstaff Condo Association which has not happened.

Ms. Coffin stated that Baptist officials and the property owners of Bickerstaff Condos meet the week prior and Baptist proposed two (2) options as follows:

1. 3 x 3 windows placed upstairs (bathroom) and sound door at kitchen and a single sided wood fence, which is currently in place
2. 3 x 3 window placed upstairs (bathroom) with a double sided fence with two (2 lb) pound mass loaded vinyl on the interior of the fence

Ms. Coffin stated that the cost to install a brick/block wall would be \$270,000.00 according to the sound study. She stated that the United States Department of Transportation estimate for a wood fence was \$106,000.00 yet Baptist is proposing a \$35,000.00 wood fence.

Ms. Coffin informed the Commission that since the beginning of this development the residents and property owners of Bickerstaff Condos have been inconvenienced with the displacement of backyards and the loss of gas services, without notice, which caused major damage in some of the condos because it happened during the coldest part of the winter. She stated that the sound study states that medium and heavy trucks and machinery on Belk Blvd should be prohibited because it will cause vibrations and disturbances within the residential structures. Ms. Coffin stated that problems have already started with windows shaking, walls creaking, shelves vibrating, and the tops of toilets rattling. She asked the Planning Commission for immediate help for the residents and property owners of Bickerstaff Condos.

Mr. Henning stated that Baptist had worked hard with the City to try and meet all requirements that were set forth by the Planning Commission and City Staff, as well as meeting the technical requirements. He stated that the residents and property owners, of Bickerstaff Condos, were presented two (2) options on ways to mitigate the sound and they were not receptive.



Commissioner Bradley stated that in his opinion, Baptist has not meet the recommendations provided in the sound study. He stated that the proposal for an effective sound mitigation barrier, which Baptist has submitted, does not satisfy the requirement set forth by the Planning Commission at previous meetings and when the site plan was approved.

Bobby Wood, President of the Bickerstaff Condo Association, addressed the Commission regarding a retaining wall that has to be built during the construction of the road, Belk Blvd. He stated that the HOA was approached by the general contractor, Eutaw Construction, about obtaining an easement from each property owner in order to construction the retaining wall. Mr. Wood was informed that if the easements were not granted then pilings would have to be installed, which is a great cost, in order for the retaining wall to be built.

Mr. Wood stated that all the residents and property owners of Bickerstaff Condos are asking for is an attractive structure with cinder block walls and brick veneer which meet the requirements set forth in the sound study. They would also like for the retaining wall to be attractive in design and if that is not achievable then it should be covered by foliage to make it more appealing. Mr. Wood also expressed concerns with trying to incorporate too many elements into a very limited area.

Chairman Harmon asked for further questions or comments from the Commission, he entertained a motion for Case #1807. Paul Watkins, City Attorney, informed the Commission that they needed to address A) Sound Mitigation Plan and B) Site Plan Amendment separately. Commissioner Bradley made a motion to deny the presented proposal for an effective sound mitigation plan/buffer which was seconded by Commissioner Alexander.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Alexander	Aye

With unanimous affirmative vote, the motion passed and the Sound Mitigation Plan was denied.

Chairman Harmon made a motion to approve the amended site plan as presented which was seconded by Commissioner Bradley.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Alexander	Aye
Commissioner Bishop	Abstain

With majority affirmative vote, the motion passed and the amendment to the site plan was approved.

Jan Coffin asked the Commission for a timeline for matters to be resolved. She said they are dealing with construction noise daily and the sound mitigation buffer seems to be a low priority. Ms. Coffin asked the Commission if construction could be stopped until progress is shown to resolve this matter.

Paul Watkins stated that the Board of Alderman has to accept the entire site plan with conditions, which must be met, before water and sewer services are provided. He stated that a timeline would start once the Board of Alderman has approved and accepted the final site plan submission. The denial of the sound mitigation buffer condition will be recommended to the Board of Alderman but ultimately they would have the final approval.

Commissioner Kellum encouraged Baptist, the City, and the residents of Bickerstaff Condos to meet and communicate with each other to establish a time line to construct the sound buffer.

Commissioner Bradley stated that the Planning Commission is not a position to manage construction of projects and their progress. However, Commissioner Bradley made a motion to challenge the City (Engineering and Planning) to devise a solution for effective sound mitigation for the site as timely as possible. Commissioner Whittington seconded the motion.

Chairman Harmon called for a vote with the following results:

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Bradley	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Alexander	Aye

With unanimous affirmative vote, the motion passed and the Sound Mitigation Plan was denied.

**14. Public hearing for Case #1808 – Amendment to the Oxford Commons, (PUD) Planned Unit Development (Planning Commission)**

**Planner's Comments:** Oxford commons PUD is a 560 acre commercial, public and residential overlay district development east of Hwy 7 North. The applicant is requesting to amend the current PUD to provide for a commercial site for an assisted living facility (The Blake) and to correct a mistake. All conditions placed on previous amendments to the Oxford Commons PUD will continue to apply. The conditions are as follows:

1. The frontage access road along Hwy 7 which will connect with Hwy 30 frontage road will be built concurrently and or bonded in phases as Tract A is incrementally developed.
2. Until the frontage access road along Hwy 7 is connected with Highway 30, Certificates of Occupancy shall be issued for not more than 20 residential units.
3. The total number of occupied residential units for the overall development (560 acres+/-) shall not exceed 893 units until a third access route (1<sup>st</sup> being Sisk Ave., 2<sup>nd</sup> being the frontage access road along Hwy 7 connecting to Hwy 30) is constructed and the total number of occupied units shall not exceed 1200 until a fourth road is constructed preferably south to University Avenue. The alignment and configuration of said third access route shall be mutually agreeable to the City of Oxford, Oxford Commons Developers and other affected parties.
4. Number of occupants per dwelling unit will be regulated per the definition Section 117.66 Family: as described in Oxford's Development Code, this definition states that no more than three unrelated persons may reside in a dwelling unit, related persons are not regulated.
5. Tract A residential units will be marketed for individual ownership with a maximum of 64 units.
6. Track M shall have a maximum of 185 residential units and comply with the Neighborhood Business District (NB) development standards of the Land Development Code
7. The Oxford Common Design Guidelines shall be made part of the record and used as a guide for development. The purpose of the Guidelines are to provide