

## PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, July 14, 2014 at 5:00 p.m., in the City Hall Court Room with the following members present:

Michael Harmon, Chairman  
Darryail Whittington  
Dr. Gloria Kellum  
Walt Bishop  
Hayden Alexander  
John Bradley  
Mark Huelse

Others Present:

Paul Watkins, City Attorney  
Andrea Correll, City Planner  
Reanna Mayoral, Assistant City Engineer  
Katrina Hourin, Assistant City Planner

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

**2. Approval of the Agenda.** Chairman Harmon asked if there were any changes to the agenda. Commissioner Bradley asked that Case #1834 be moved to the regular agenda. With the noted changes, Commissioner Bradley made a motion to approve the agenda, which was seconded by Commissioner Bishop.

All present voting aye, the revised agenda was approved.

**3. Approval of the May 12, 2014 and June 9, 2014 Regular Meeting Minutes.**

Commissioner Bradley stated that on page 20, of the June 9, 2014 regular meeting minutes, that the wording should be 'cars' and not 'care'. Commissioner Kellum made a motion to approve the May 12, 2014 regular meeting minutes and the June 9, 2014 regular meeting minutes, with the noted change. Commissioner Alexander seconded the motion.

All present voting aye, the minutes from the May 12, 2014 regular meeting and the June 9, 2014 regular meeting were approved.

**4. Planning and Building Officials' Reports.**

The June 2014 building report was included in the Commissioner's packets. No further building report was made due to the length.

The Planner's report improved the Commission that at a special meeting today, July 14, 2014, a moratorium was adopted by the Board of Alderman which requires a freeze on development unless it meets the storm water and erosion control standards of the City adopted on July 1, 2014.

To meet the requirements of the moratorium adopted by the Mayor and Board of Alderman of the City of Oxford today July 14, 2014, two conditions below must be made a part of your motion for the consent agenda site plans requesting approval tonight. These items have met all other development requirements and should be approved with conditions.

For the site plans being considered on the consent agenda to gain approval under this moratorium the following conditions must be added:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 will be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project must be approved by the Engineering Department prior to the issuance of any permits.

Chairman Harmon made a motion to accept the Building and Planning reports, which was seconded by Commissioner Kellum.

All present voting aye, the building and planning reports were accepted.

### **CONSENT AGENDA**

#### **5. Public hearing for Case #1833 – Site plan approval for 'Hooper Hollow' – 75 unit residential development located at 2743 South Lamar in a (RB) Two-Unit Residential zoned district (Planning Commission)**

**Planner's Comments:** The subject property measures approximately 14.95 acres and is located on east side of South Lamar Boulevard between Office Park Drive to the south and Horne Road to the north. The center of Bailey Branch creek marks the property line to the north, while a natural drainage way serves as the

southern border. An additional drainage way divides the property into two north and south halves. Previously use as meadowland, mature vegetation exists mostly along the edges and through the center of the property. The site drops below South Lamar, but levels out and remains consistently level throughout.

The applicant is seeking site plan approval to construct a 75-unit, 280-bed residential development. The plan indicates 22 duplexes, 18 single units and a club house with swimming pool. There are two forms of ingress and egress.

The applicants met with the site plan review committee on June 18 and June 25, 2014 and have made all necessary revisions.

**Recommendation:** Approve the request for site plan for ‘Hooper Hollow’ a 75-unit residential development with the following conditions:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 shall be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project must be approved by the Engineering Department prior to the issuance of any permits.

**6. Public hearing for Case #1835 – Site plan approval for ‘Molly Barr Ridge’ a 53 unit residential development located at 1209 Molly Barr Avenue in a (RC) Multi Unit Residential zoned district (Planning Commission)**

**Planner’s Comments:** The subject property is a regularly shaped, 3.796 acre parcel located on the north side of Molly Barr Road. Very little vegetation exists on this property, as it was cleared prior to the adoption of the Landscape Ordinance. The topography is fairly level with the exception of steep grades along the east and west property lines.

The applicant is seeking site plan approval to construct a 53-unit, 159-bed residential development. Proposed is a 5-building complex and a clubhouse with a pool at its entrance. The applicant met with site plan review on June 11 and June 18, 2014 and has made all necessary revisions for compliance, including those regulations imposed by the FAA due to the developments proximity to the airport.

**Recommendation:** Approve the request for site plan for ‘Molly Barr Ridge’ a 53-unit residential development with the following conditions:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 shall be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project shall be approved by the Engineering Department prior to the issuance of any permits

**7. Public hearing for Case #1836 – Site plan approval for ‘Parkway Centre II’, a commercial office development located on 2720 West Oxford Loop in a (GB) General Business zoned district (Planning Commission)**

**Planner’s Comments:** The subject property is a regularly shaped, 1.874 acre parcel located on the east side of West Oxford Loop. The property was previously cleared and is maintained as a sodded vacant lot.

The applicant is seeking site plan approval to expand the current existing office park with the addition of 3-buildings that will total 14,750 in additional commercial space. The proposed expansion is consistent in design as the first phase. The applicant met with the site plan review committee on June 18, 2014 and is in compliance with all city regulations.

**Recommendation:** Approve the request for site plan for ‘Parkway Centre, II’ a 3-building commercial development with the following conditions:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 shall be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project shall be approved by the Engineering Department prior to the issuance of any permits

**8. Public hearing for Case #1837 – Plat Amendment for ‘Windsor Falls’ subdivision located off of South Lamar Boulevard in a (RA) Single Family Residential zoned district (Planning Commission)**

**POSTPONED**

Chairman Harmon asked for further questions or comments from the Commission, with none he made a motion for approval of the consent agenda to include the following cases:

Case #1833 – Site Plan Approval ‘Hooper Hollow’ 2743 South Lamar

Case #1835 – Site Plan Approval ‘Molly Barr Ridge’ 1208 Molly Barr

Case #1836 – Site Plan Approval ‘Parkway Centre II’ 2720 West Oxford Loop  
Commissioner Whittington seconded the motion.

All members of the Commission voting aye, the cases on the consent agenda as previously listed were approved.

## **REGULAR AGENDA**

### **9. Public hearing for Case #1834 – Site plan approval for ‘Traditions’ – a 28 unit residential development located at 703 South 19<sup>th</sup> Street in a (RB) Two-Unit Residential zoned district (Planning Commission)**

**Planner’s Comments:** The subject property unusually shaped and measures approximately 9.2 acres located just west of Highway 7 and East of South 18<sup>th</sup> Street. Currently existing on the property is a single family residence located in the southeast portion of the property. The existing driveway serves as the only access point onto the property and is the northern termination point of South 19<sup>th</sup> Street. Mature vegetation exists throughout the site and the topography is typical of this area.

The applicant is seeking site plan approval to construct a 28-unit, 72-bedroom residential development. Where the property abuts single family residences, the applicant has elected to decrease allowable density to increase undeveloped buffer areas on the southern and western borders. The applicant will also construct a connector road from Johnson Avenue to South 19<sup>th</sup> Street. This proposed road will be built to city standards and include curb and gutter and sidewalks on both sides and a 50’ bridge will span the existing drainage way that runs north/south paralleling South 18<sup>th</sup> Street.

The applicants met with the site plan review committee on June 4 and have made all necessary revisions.

**Recommendation:** Approve the request for site plan for ‘Traditions’ a 28-unit residential development with the following conditions:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 shall be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project shall be approved by the Engineering Department prior to the issuance of any permits

Pat Chisholm was before the Commission requesting site plan approval for ‘Traditions’ a twenty eight (28) unit residential development at 703 South 19<sup>th</sup> Street. Mr. Chisholm stated that neighboring property owners had been contact and eleven (11) of those did not have an issue with the proposed development and four (4) were against or neither for or against. He informed the Commission that he meet with neighbors in person, by email, and by phone. Mr. Chisholm stated that the homes on the north side of Wolfe Street would have a buffer between them and the proposed development.

Carol Britson, resident at 1909 Wolfe Street, addressed the Commission in opposition of the development. She expressed appreciation to Mr. Chisholm for his willingness to work with the residents, but she does not want student rentals in her back yard.

Norman Sneed, resident at 1804 Johnson Avenue Extended, informed the Commission that he was definitely opposed to the development. He said that it would increase the traffic volume.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1834. Commissioner Whittington made a motion to approve Case #1834 as presented, with the stated conditions, for the site plan ‘Traditions’ a twenty eight (28) unit residential development located at 703 South 19<sup>th</sup> Street. Commissioner Alexander seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Bishop	Aye
Commissioner Alexander	Aye
Commissioner Kellum	Aye
Commissioner Huelse	Aye
Commissioner Harmon	Aye

Commissioner Whittington Aye

Commissioner Bradley No

With majority affirmative vote the motion was approved.

## **10. Public hearing for Case #1838 – Comprehensive Plan Amendment**

The last time the City updated the Future Land Use Map was in 2007. This is a very important activity because zonings and rezonings are required to be compatible with this map.

These map changes include part of Callicutt Farms that was annexed effective May 2014. I will also recommend a change to the remainder of Callicutt Farms, which will be mixed use. It should be noted the areas previously identified incorrectly as the PUD zoning category were relabeled as mixed use land use.

It is an important strategy of the 2004 Comprehensive Plan to promote smart growth by including mixed-use development. Find below excerpts from the adopted Plan from pages 20-22.

### ***STRATEGIES AND ACTIONS***

#### ***3A-2 Encourage mixed-use development form.***

***In the conventional suburban development pattern land uses such as residential subdivisions, employment areas, and retail centers are isolated from one another. This pattern both contributes to a lack of community identity (in contrast to the "synergy" created by mixed uses in a traditional, functioning downtown) and creates total dependence upon the automobile to perform basic daily activities such as working and shopping.***

***By definition, a mixed-use development consists of several types of activity, each of which could function independently, but that would benefit from proximity to each other. For example, residential units could be located on upper stories above ground level stores or***

#### ***Measures of Progress: Mixed-Use Development***

- *Address mixed-use development in the comprehensive development ordinance revision.*
- *Develop a strategy to promote mixed-use development.*

*in residential development within easy walking distance of a neighborhood retail center, thus affording ready access to businesses that provide groceries and other goods and services needed on a daily basis. Adding office space would create the opportunity to live, work, and shop in the same vicinity, while a public facility or facilities such as a park, community center or school would increase the range of activities and provide a community focus.*

*The City has identified mixed-use zoning as a desirable development pattern and has encouraged mixed uses in specific developments. Promoting additional mixed uses – both within individual developments and in land use relationships between proximate properties – is a key Comprehensive Plan strategy. Three primary contexts are proposed for application of the mixed-use concept.*

- *Areas where office or a combination of office and commercial (retail and service establishments) area the primary uses. Those areas designated on the Land Use Plan or office mixed-use should include smaller scale retail/ service and possibly residential development as supporting uses, while areas designated for office and commercial mixed-use could potentially include residential.*
- *Existing commercial centers that serve surrounding neighborhoods. Oxford's existing land use pattern includes a number of small (neighborhood-scale) and medium (community-scale) commercial centers that serve surrounding neighborhoods. Midtown on North Lamar Avenue is a good example of a neighborhood-scale commercial center, while community-scale centers include the downtown and the Jackson Avenue shopping centers. Opportunities to introduce or reinforce mixed-use characteristics in these*



*centers and adjacent areas should be explored. For example, residential and / or office uses could be added when larger shopping centers are infilled or redeveloped. The Oxford Mall area has several different uses (commercial, residential, University, and park) located in close proximity to each other, but would benefit from sidewalk connections between the uses. These existing neighborhood and community-scale commercial areas area encouraged to become enhanced mixed-use centers.*

- *Areas suitable for development as new neighborhood-serving, mixed-use centers.* *In addition to existing commercial areas, two undeveloped sites are recommended as potential mixed-use development and designated as Special Opportunity Areas (Figure 4). Please note the area being added was not part of the City in 2004 and not part of this figure.*

*The city should undertake several initiatives to encourage mixed-use development and to make such development a more attractive option. A new mixed-use zoning district should be considered to allow for infill or redevelopment of existing neighborhood or community-scale shopping centers with a wider range of uses. This could be in the form of an overlay district that sets criteria for the design of mixed-use centers and is tied to the locations shown on Figure 4.*

*Finally, the City should take a proactive approach to encouraging desirable mixed-use development through appropriate incentives, partnerships with the private sector or Ole Miss (with respect to the Oxford Mall tract), and consideration of developer competitions for publicly owned property.*

Finally the change in land use around the new Hospital and the development of 300/Oxford Way across Callicutt is the change and the need for the proposed land use change to mixed use.

See below the Transportation Plan from the 2004 Comprehensive Plan documenting 300 extending across Callicutt Farms.

**Recommendation: Adopted the amended Future Land Use Map dated July, 2014**

Commissioner Whittington stated that the 2004 Comprehensive Plan does reflect the current use of some properties as defined in the original plan. The new plan will comply with the current zoning as to those properties that have been rezoned over the last ten (10) years.

Donna Blevins, resident on Harland Drive, addressed the Commission and stated that she had no problem with the fifteen (15) year development plan but would like to know when the project will start and what the stages and time line will be.

Chairman Harmon made a suggestion to the Commission that the proposed amendment to the Comprehensive Plan be tabled until zoning/rezoning of newly annexed property is finalized. Chairman Harmon made a motion to table Case #1838, which was seconded by Commissioner Bradley,

All members of the Commission voting aye, the case was tabled.

**11. Public hearing for Case #1839(a) – Rezoning a portion of Callicutt Farms**

**a. A proposed rezoning from Agricultural (A) to Professional Business (PB) Conditional Rezoning**

**Planner's Comments:** The property is located in the proposed Callicutt Farms project. However, the Oxford Pediatric Clinic wants to site their practice on the Professional Business portion of the development as soon as possible.

**The change in land use** is the proposed mixed use land use which is supported and documented. These map changes include part of Callicutt Farms that was annexed effective May 2014. The change to mixed-use is also recommend for the remainder of Callicutt Farms, which will be mixed use. It should be noted the areas previously identified incorrectly as the PUD zoning category were relabeled as

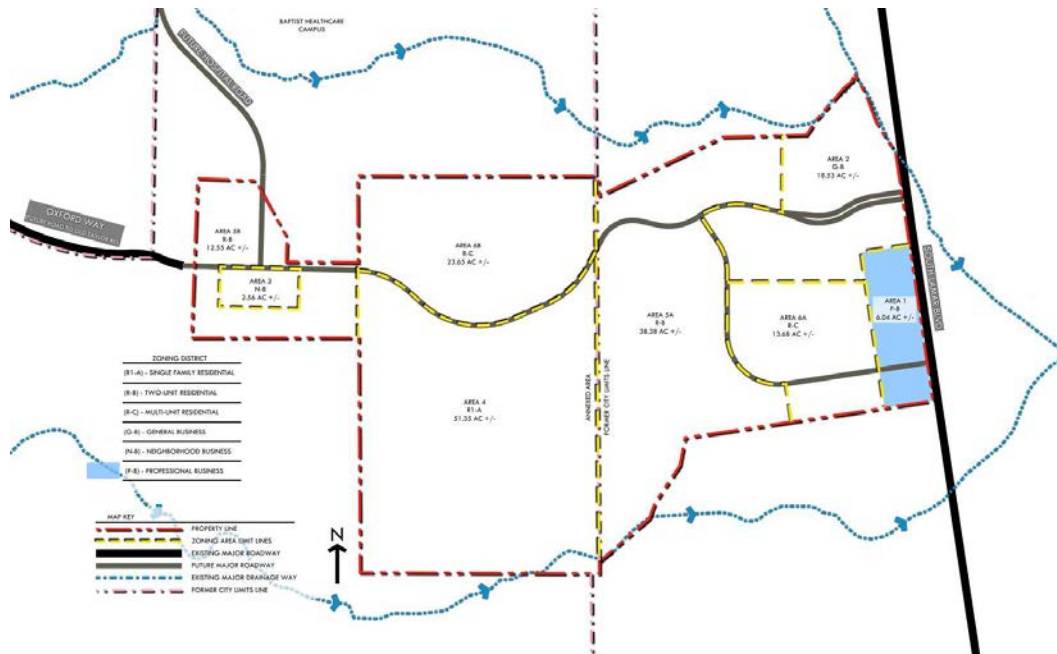
mixed use land use. This land use change is consistent with the adjacent mixed use development. It is an important strategy of the 2004 Comprehensive Plan to promote smart growth by including mixed-use development.

**The change in need** is directly related to the development of the new Baptist Hospital and the associated new roads and need for support mixed use. The Hospital property is slated to develop as a medical district. The Hospital Campus is north of the proposed Callicutt Farms. There is an immediate need for doctor's offices in close proximity to the Hospital. The City's major transportation plan indicates an east-west collector roadway through the property designated to connect Old Taylor Road with South Lamar Boulevard. Also, as with the approval of Baptist Hospital, there will be a north-south connector road that ties the Hospital Campus to the Callicutt Farms Community. Please see attached the major Thoroughfare Plan from the Comprehensive Plan which documents the extension of 300 across the Callicutt Property to South Lamar.

The request to site professional offices is consist to the development, land use and zoning in the area. Please find documentation on the first site proposed for the Professional Office district.

**Recommendation:** Since this is a conditional rezoning the Professional Business Zoning District must be limited to the following permitted uses:

1. Professional offices, including offices of physicians, dentists, lawyers, engineers, architects, accountants, and similar professions, which generate a minimum amount of traffic [and] at which no products, except those normally associated with the above offices, are sold retail, wholesale, or otherwise.
2. Commercial condominiums, See section 153.01, Condominiums, limited to uses mentioned in section 142.03(1), above.
3. Public park and/or playground.
4. Accessory use, as defined in section 117
5. Agriculture, limited to use and/or enjoyment by occupants of the premises; no livestock or poultry, except horses for pleasure. A minimum of one acre of pasture per animal must be available for horses for pleasure.



## 11. Public hearing for Case #1839(b) – Rezoning a portion of Callicutt Farms

### A proposed rezoning from Agricultural (A) to General Business (GB), Two-Unit Residential (RB), and Multi-Unit Residential (RC) (Conditional Rezoning)

**Planner’s Comments:** The property is located in the proposed Callicutt Farms project.

**The change in land use** is the proposed mixed use land use which is supported and documented. These map changes include part of Callicutt Farms that was annexed effective May 2014. The change to mixed-use is also recommend for the remainder of Callicutt Farms. which will be mixed use. It should be noted the areas previously identified incorrectly as the PUD zoning category were relabeled as mixed use land use. This land use change is consistent with the adjacent mixed use development. It is an important strategy of the 2004 Comprehensive Plan to promote smart growth by including mixed-use development.

**The change in need** is directly related to the development of the new Baptist Hospital and the associated new roads and need for support mixed use. The Hospital property is slated to develop as a medical district. The Hospital Campus is north of the proposed Callicutt Farms. There is an immediate need for doctor’s offices in close

proximity to the Hospital. The City's major transportation plan indicates an east-west collector roadway through the property designated to connect Old Taylor Road with South Lamar Boulevard. Also, as with the approval of Baptist Hospital, there will be a north-south connector road that ties the Hospital Campus to the Callicutt Farms Community. See the Thoroughfare Map Plan from the adopted Comprehensive Plan documenting the expansion of 300 across the Callicutt property supporting change in need.

The request for the mixed use Callicutt Farms rezoning is consistent with the Comprehensive Plan and existing and proposed development patterns, land use and zoning in the area.

**Recommendation:** All portions of Callicutt Farms are required to develop consistently with the Master Plan prepared by Dalhoff Thomas Design and Williams Engineering. Since this is a conditional rezoning the each zoning district should be approved with the specific conditions outlined below:

**Approval: Conditional Rezoning of an 18.53-acre tract to be rezoned from (A) Agricultural to (GB) General Business known as area 2 and shown in the location documented below with the following conditions:**

**Conditional General Business**

USES PERMITTED:

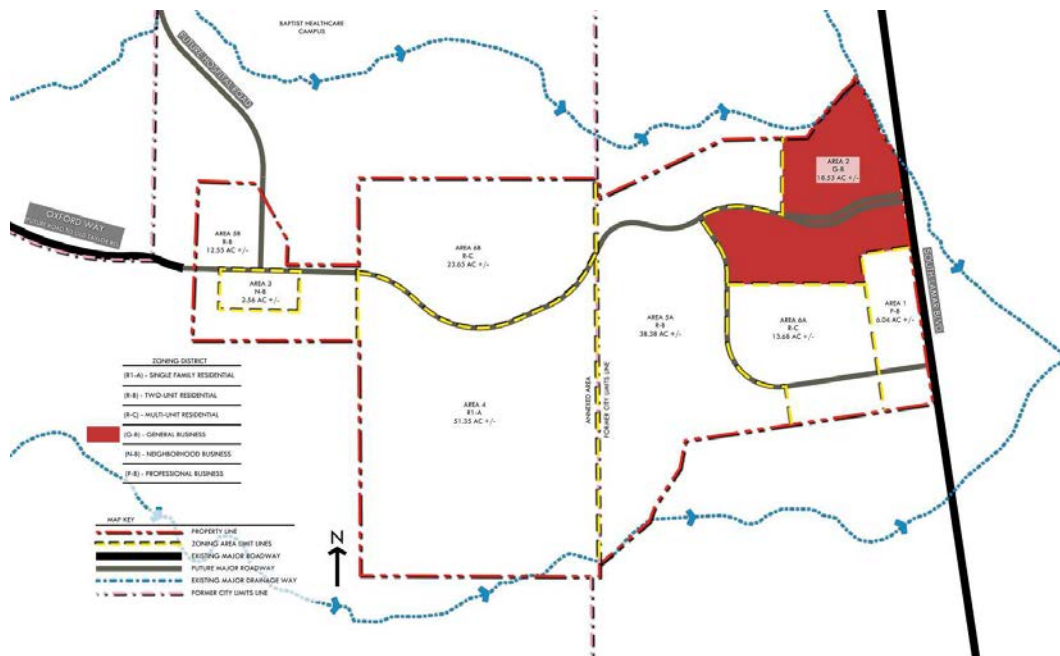
1. Hotels
2. Restaurants and ice cream sales
3. Taverns.
4. Liquor stores.
5. Hospitals, medical and dental clinics and offices, drugstores, and other directly related uses. Dental office or doctor's office: A facility for the examination and treatment of patients with no more than three practitioners. Convalescent, rest, or nursing home: A health facility where persons are housed and furnished with medical and/or nursing care
6. Grocery stores.
7. Any retail business or service establishment, such as professional offices, including offices of doctors, lawyers, engineers, architects, accountants or similar professions, which generate a minimum amount of traffic and at which no products, except those normally associated with the above offices and business activities therein,

are sold retail, wholesale or otherwise, but not to include industrial uses permitted in the Industrial District.

8. Public park and/or playground.
9. Accessory use, as defined in Section 117
10. Church and/or church facilities, but not to include dormitory or commercial facilities.
11. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
12. Commercial condominiums, See section 153.01, Condominiums

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Residential condominium
2. Residential townhouse



**Recommendation: Approval of Conditional Rezoning of a 38.38-acre tract from (A) Agricultural to (RB) Two-Unit Residential known as area 5a and shown in the location documented below with the following conditions:**

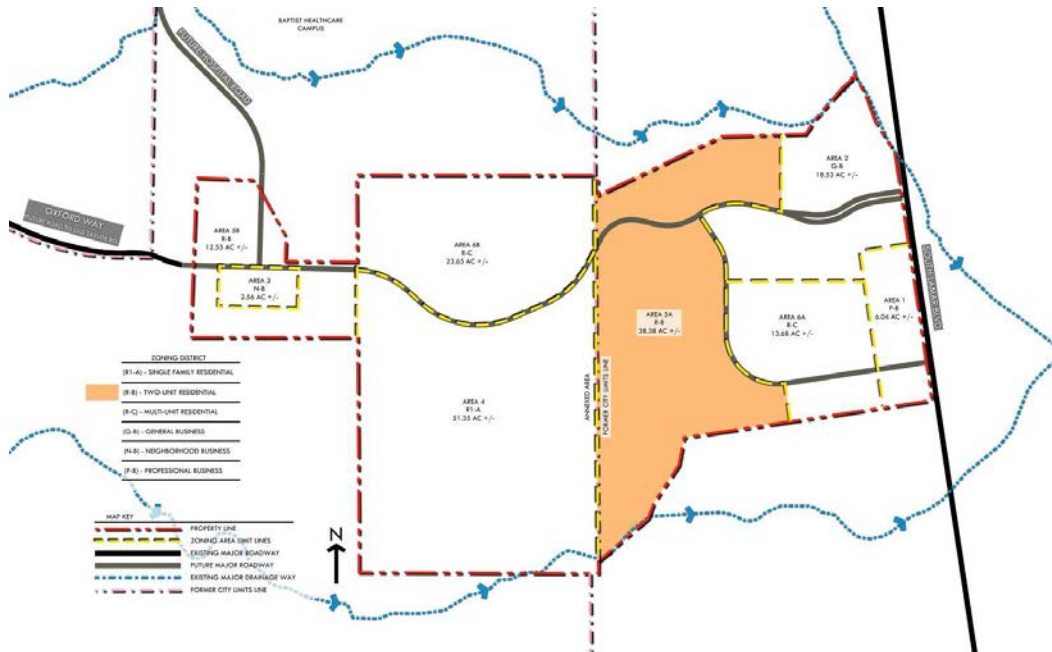
**USES PERMITTED:**

1. Single-family dwellings.
2. Two-unit dwellings
3. Residential townhouse (up to two attached units).

4. Residential condominium (up to two units).
5. Public Park and/or playground.
6. Accessory use or structure, as defined in Section 117.
7. Agriculture, limited to use and/or enjoyment by occupants of the premises; no livestock or poultry,

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Home Occupation as defined in Section 117. See Section 156, Home Occupations
2. Preschool, including nursery schools and kindergartens, which provide a minimum of 30 square feet of usable indoor play space per child and 65 square feet of usable outdoor play space per child and meet any other requirements which the board of adjustment or City of Oxford may deem necessary for such schools in this district.
3. Planned unit development as defined in section 117, and according to the requirements of section 150, Planned Unit Developments (PUDs).
4. Church and/or church facilities, but not to include dormitory or commercial facilities.
5. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
6. Residential condominiums (three or more units).
7. Residential townhouses (three or more units).
8. Zero lot line residential dwellings, either single or two-unit.



**Recommendation: Approval of Conditional Rezoning of a 13.68-acre tract to be rezoned from (A) Agricultural to (RC) Multi-Family known as area 6A and shown in the location documented below with the following conditions:**

**Conditional Uses permitted.**

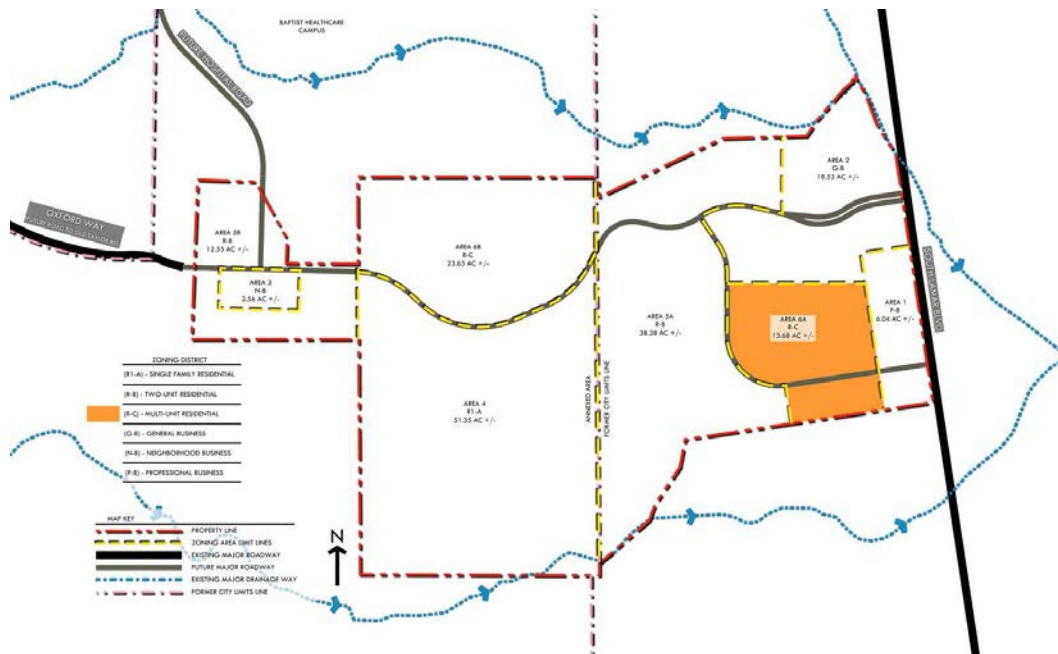
1. Single-family dwellings.
2. Two-unit dwellings. (limited to no larger than 3 bedroom units)
3. Multi-unit residential (limited to no larger than 3 bedroom units)
4. Residential condominium, See section 153 (limited to no larger than 3 bedroom units)
5. Residential townhouse, See section 153 (limited to no larger than 3 bedroom units)
6. Public park and/or playground.
7. Accessory use or structure, as defined in section 117

**Only Uses permitted to Request a Special Exception.**

1. Hospitals, institutions for children or the aged, not including penal or correctional types, when located on a major street as designated in the major thoroughfare plan of the Oxford comprehensive plan and having a minimum lot size of three acres.



2. Home occupations as defined in section 117. See section 156, Home Occupations.
3. Preschool, including nursery schools and kindergartens, which provide a minimum of 30 square feet of usable indoor play space per child and 65 square feet of usable outdoor play space per child and meet any other requirements which the board of adjustment or City of Oxford may deem necessary for such schools in this district.
4. Planned unit development as defined in section 117, and according to the requirements of section 150, Planned Unit Developments (PUDs).
5. Church and/or church facilities, but not to include dormitory or commercial facilities, see section 155, Religious Facilities in Residential Districts.
6. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
7. Professional offices, including offices of doctors, lawyers, engineers, architects, accountants or similar professions, which generate a minimum amount of traffic and at which no products, except those normally associated with the above offices and business activities therein, are sold retail, wholesale or otherwise.
8. Zero lot line residential dwellings, single family, two-unit, or multi-unit.
9. Bed & breakfast, See section 154



Andy Callicut and Bob Dalhof were present before the Commission to answer any questions about the Callicut Farms property that is proposed for conditional rezoning. He stated that there is no hurry to develop the entire property just the front tract of land for medical office use.

Katherine Thornton, resident at 634 Piedmont Drive, stated she was overall pleased with the modifications and plans that are proposed. However, her biggest concern is the traffic on South Lamar and Azalea Drive. Ms. Thornton stated that with the addition of the new FNC development and the Callicutt property traffic would increase in addition creating more problems for a two (2) lane road that would not be able to handle the extra capacity.

Commissioner Bradley inquired about the possibility of leaving enough room on South Lamar for an additional lane. Mr. Callicut stated that there would be an acceleration/deceleration lane along the front of the development.

Steve Brunton, a resident at 980 Harland Drive, also expressed concerns about traffic flow on South Lamar and that only portions of South Lamar could be widened so there will still be problems in certain areas.

#### **CASE # 1839 A**

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1839 a. Commissioner Bradley made a motion to approve Case #1839a as presented, with the stated conditions, for the proposed rezoning of property from Agricultural to Professional Business (Conditional Rezoning). Commissioner Alexander seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

#### **CASE # 1839 B**

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1839 b. Commissioner Kellum made a motion to approve Case #1839b as presented, with the stated conditions, for the proposed rezoning of property from Agricultural to General Business, Two Unit Residential, and Multi Unit Residential (Conditional Rezoning). Commissioner Whittington seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**12. Public hearing for Case #1840 – Zoning Development known as Callicutt Farms containing a 51.35 acre tract which will be zoned (R1A) Single Family Residential, a 23.65 acre tract which will be zoned (RC) Multi-Family Residential, a 12.55 acre tract zoned (RB) Two-Unit Residential and a 2.56 acre tract zoned (NB) Neighborhood Business)**

**Planner’s Comments:** The property is located in the proposed Callicutt Farms project.

**The change in land use** is the proposed mixed use land use which is supported and documented. These map changes include part of Callicutt Farms that was annexed effective May 2014. The change to mixed-use is also recommend for the remainder of Callicutt Farms which will be mixed use. It should be noted the areas previously identified incorrectly as the PUD zoning category were relabeled as mixed use land use. This land use change is consistent with the adjacent mixed use development. It is an important strategy of the 2004 Comprehensive Plan to promote smart growth by including mixed-use development.

**The change in need** is directly related to the development of the new Baptist Hospital and the associated new roads and need for support mixed use. The Hospital property is slated to develop as a medical district. The Hospital Campus is north of the proposed Callicutt Farms. There is an immediate need for doctor’s offices in close proximity to the Hospital. The City’s major transportation plan indicates an east-west collector roadway through the property designated to connect Old Taylor Road with South Lamar Boulevard. Also, as with the approval of Baptist Hospital, there will be a north-south connector road that ties the Hospital Campus to the Callicutt Farms Community. See the Thoroughfare Map Plan from the adopted Comprehensive Plan documenting the expansion of 300 across the Callicutt property supporting change in need.

The request for the mixed use Callicutt Farms zoning is consistent with the Comprehensive Plan and existing and proposed development patterns, land use and zoning in the area.

**Recommendation:** All portions of Callicutt Farms are required to develop consistently with the Master Plan prepared by Dalhoff Thomas Design and Williams Engineering. Since this is a conditional rezoning the each zoning district should be approved with the specific conditions outlined below:

**Approval: Conditional Zoning of a 51.35-acre tract which will be zoned R1-A (Single-Family Residential) known as area 4 in the location documented below with the following conditions:**

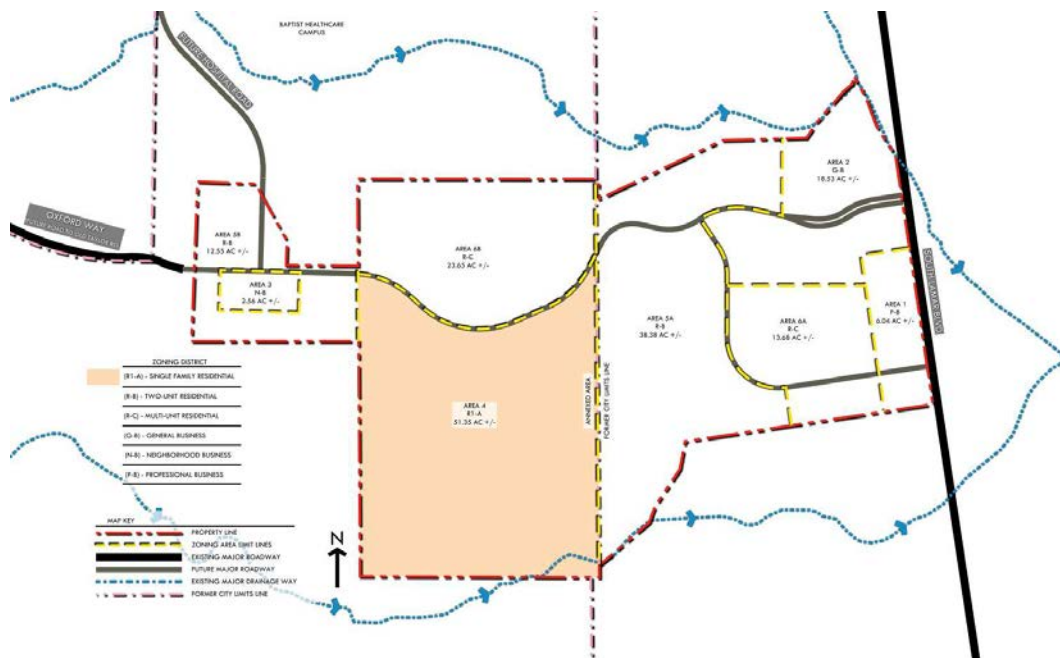
**USES PERMITTED:**

1. Single-family dwellings.
2. Public park and/or playground.
3. Accessory use or structure, as defined in section 117

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Hospitals, institutions for children or the aged, not including penal or correctional types, when located on a major street as designated in the major thoroughfare plan of the Oxford comprehensive plan and having a minimum lot size of three acres.
2. Home occupations as defined in section 117. See section 156, Home Occupations.
3. Preschool, including nursery schools and kindergartens, which provide a minimum of 30 square feet of usable indoor play space per child and 65 square feet of usable outdoor play space per child and meet any other requirements which the board of adjustment or City of Oxford may deem necessary for such schools in this district.
4. Planned unit development as defined in section 117, and according to the requirements of section 150, Planned Unit Developments (PUDs).
5. Church and/or church facilities, but not to include dormitory or commercial facilities.
6. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
7. Accessory structures may be used for, or converted to, residential purposes only under the following limitations:
  - a. The accessory structure is located in the rear yard and meets the side and rear yard requirements of the district in which the building is located;

- b. The lot is of sufficient size to accommodate additional dwellings for the district in which the building is located and adequate parking provided in accordance with provisions of this article;
- c. Restrictive covenants be filed with the chancery clerk and then a filed stamped version with the planning office prior to the issuance of any permits prohibiting the leasing or renting of the residential accessory structure;
- d. The accessory structure shall not have a separate electric meter, except when required by the electric utility provider.



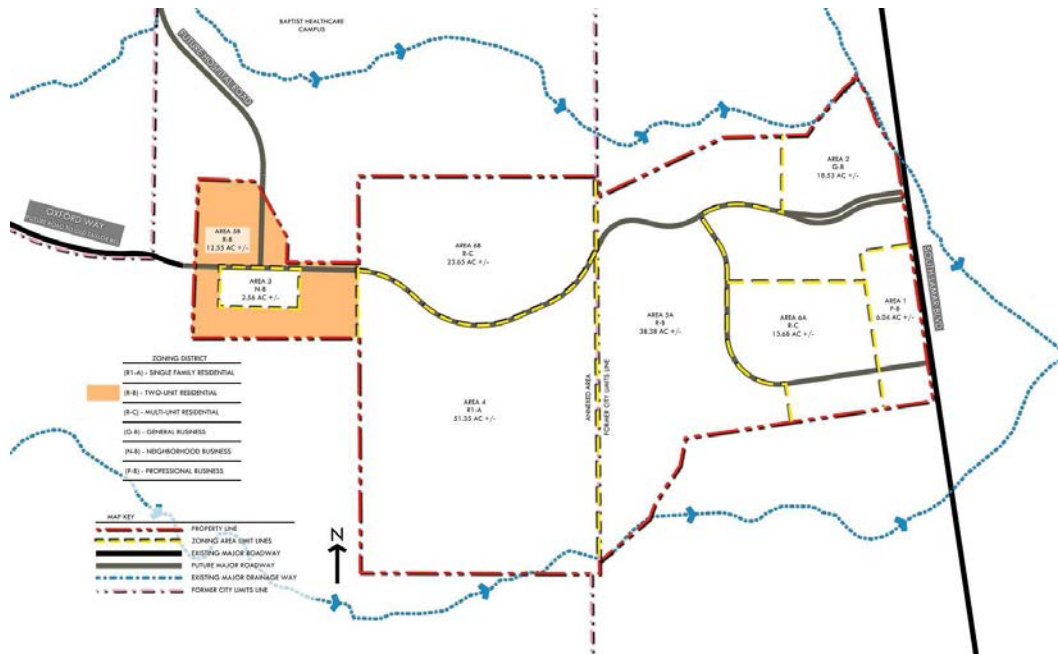
**Recommendation: Approval of Conditional Zoning of 23.65-acre tract which will be zoned RC (Multi-Family Residential) known as area 6B the location documented below with the following conditions:**

**Conditional Uses permitted.**

1. Single-family dwellings.
2. Two-unit dwellings.
3. Multi-unit residential.
4. Residential condominium, See section 153
5. Residential townhouse, See section 153
6. Public park and/or playground.
7. Accessory use or structure, as defined in section 117

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Hospitals, institutions ~~for children or~~ the aged, not including penal or correctional types, when located on a major street as designated in the major thoroughfare plan of the Oxford comprehensive plan and having a minimum lot size of three acres
2. Preschool, including nursery schools and kindergartens, which provide a minimum of 30 square feet of usable indoor play space per child and 65 square feet of usable outdoor play space per child and meet any other requirements which the board of adjustment or City of Oxford may deem necessary for such schools in this district.
3. Planned unit development as defined in section 117, and according to the requirements of section 150, Planned Unit Developments (PUDs).
4. Church and/or church facilities, but not to include dormitory or commercial facilities, see section 155, Religious Facilities in Residential Districts.
5. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
6. Zero lot line residential dwellings, single family, two-unit, or multi-unit



**Recommendation: Approval of Conditional Zoning of a 12.55-acre tract zoned RB (Two Unit Residential) known as area 5B with the location documented below with the following conditions:**

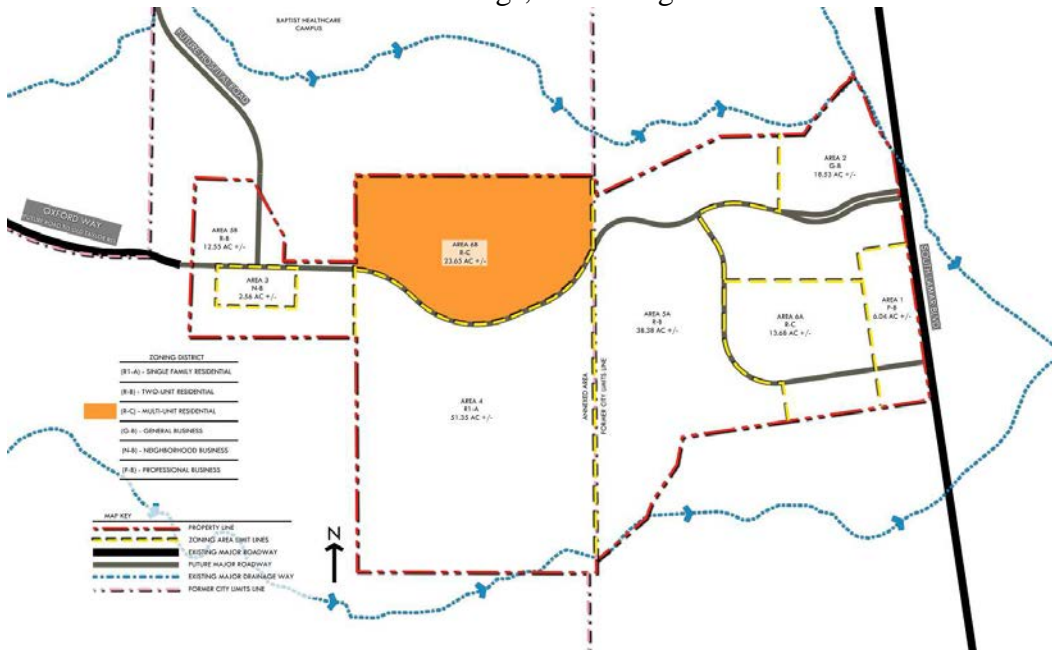
**CONDITIONAL USES PERMITTED:**

1. Single-family dwellings.
2. Two-unit dwellings
3. Residential townhouse (up to two attached units).
4. Residential condominium (up to two units).
5. Public Park and/or playground.
6. Accessory use or structure, as defined in Section 117.
7. Agriculture, limited to use and/or enjoyment by occupants of the premises; no livestock or poultry.

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Home Occupation as defined in Section 117. See Section 156, Home Occupations

2. Preschool, including nursery schools and kindergartens, which provide a minimum of 30 square feet of usable indoor play space per child and 65 square feet of usable outdoor play space per child and meet any other requirements which the board of adjustment or City of Oxford may deem necessary for such schools in this district.
3. Planned unit development as defined in section 117, and according to the requirements of section 150, Planned Unit Developments (PUDs).
4. Church and/or church facilities, but not to include dormitory or commercial facilities.
5. Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
6. Residential condominiums (three or more units).
7. Residential townhouses (three or more units).
8. Zero lot line residential dwellings, either single or two-unit.





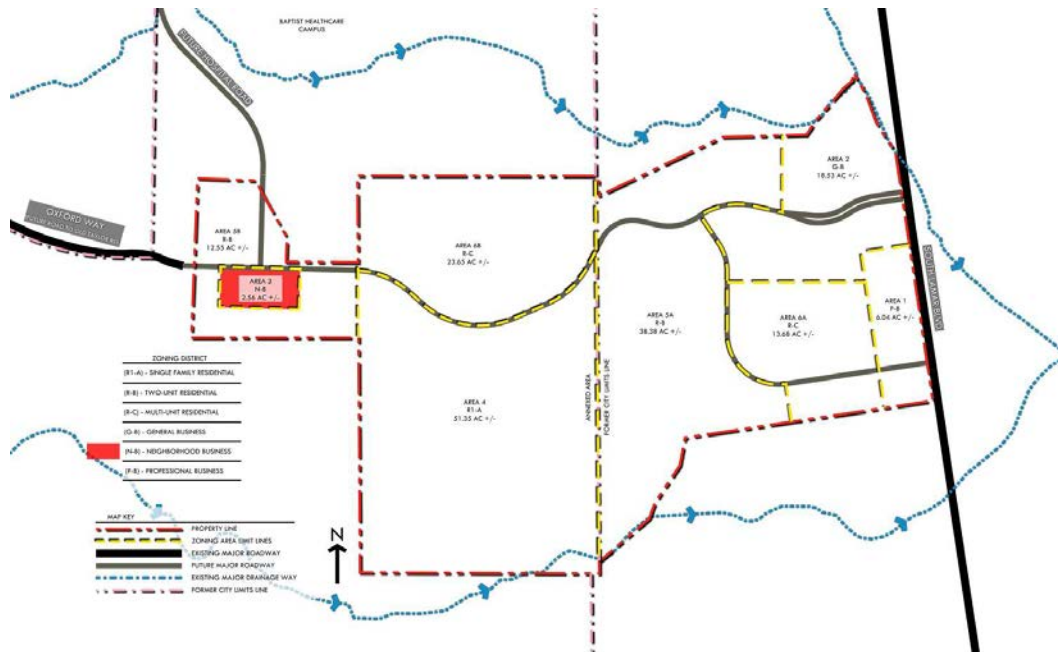
**Recommendation: Approval of Conditional Zoning of a 2.56-acre tract zoned NB (Neighborhood Business) known as area 3 with the location documented below with the following conditions:**

**CONDITIONAL USES PERMITTED:**

1. Restaurants, ice cream sales and similar related uses.
2. Taverns.
3. Shoe repair.
4. Liquor stores.
5. Antique sales.
6. Dry cleaner pick-up center.
7. Photo studio.
8. Grocery stores.
9. Any retail business or service establishment, but not to include industrial uses permitted in the Industrial District.
10. Commercial condominiums, See section 154.01, Condominiums.
11. Public park and/or playground.
12. Accessory use, as defined in section 117  
Public facilities and/or utility facilities necessary to provide service to the surrounding area, or to the entire municipality.
13. Church and/or church facilities, minimum lot size of one acre.

**ONLY USES PERMITTED TO REQUEST SPECIAL EXCEPTION:**

1. Residential condominium.
2. Residential townhouse.



Andy Callicutt was present before the Commission to answer any question in regards to the zoning of Callicutt Farms which has been recently annexed by the City of Oxford.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1840. Commissioner Bradley made a motion to approve Case #1840 as presented, with the stated conditions, for the zoning of Callicutt Farms as proposed:

- 51.35 acres – R1A – Single Family Residential
- 23.65 acres – RC – Multi Family Residential
- 12.55 acres – RB – Two Unit Residential
- 2.56 acres – NB – Neighborhood Business

Commissioner Kellum seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**13. Public hearing for Case #1841 – Special Exception to permit a cell tower located on 2530 Jackson Avenue West in a (RC) Multi-Unit Residential zoned district (Board of Adjustment)**

**Planner's Comments: Base on the City's cell tower ordinance, telecommunication equipment over 20 feet are permitted in all zoning district with a special exception. The applicant is leasing an area 30 x 15 in size to construct a 150 foot cell tower. The proposed tower will be located on the field and the stadium lights will be at 87 feet matching the height of the other light structures on the filed**

Based on the cell tower ordinance, the following factors shall be considered in determining whether to issue a special exception for wireless communication facilities:

- A. Height of the proposed antenna.
- B. Proximity of the tower or antenna to residential structures and residential zoning district boundaries;
- C. Technical or engineering requirements limiting placement of the tower or antenna in other areas in order to provide coverage;
- D. Nature of uses on adjacent and nearby properties;
- E. Surrounding topography, tree coverage and foliage;
- F. Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- G. Availability of suitable existing towers and other structures.

The Site Plan Review Committee reviewed and approved the site plan in June, 2014.

**Recommendation:** Staff has reviewed the petitioner's application and found it can be considered in compliance with the city's cell tower regulations and the landscape requirement waived since it is located in the grass intramural field. The request to waive the co-location requirement is consistent with the requirements of the ordinance and the applicant has proofed the need for the new facility. However, co-location must be permitted in the future on the

requested facility. The applicant has provided documentation that no existing tower or structure can accommodate the applicant's needs and provided technical requirements that limit placement of the tower in other areas in order to provide coverage.

If the Special Exception is granted the following conditions are recommended:

1. The applicant has requested a waiver from the landscaping and co-locating on an existing facility which can be granted.
2. That approval of the special exception for a 150 foot tall cell tower be conditioned upon receipt of a letter committing the owner to allow shared use of the tower facility. If the permit for the tower is not issued within 12 months from the date of approval, the special exception shall be voided.
3. Fencing shall allow for the pass through of water since this area is subject to flooding.

Andy Rotenstreich, was present before the Commission requesting a special exception to permit a cell tower at 2530 Jackson Avenue West. Mr. Rotenstreich stated that the cell tower will be on the intermural fields that are owned by the University of Mississippi. The proposed plan is to remove one (1) existing poll and replace with a one hundred fifty (150') foot pole that will include lighting at eighty two (82') feet six (6") inches and AT & T equipment at the one hundred forty five (145') foot level. The equipment needed along with the shelter to house it will be on a platform because the property is located in a flood plain. Mr. Rotenstreich stated that there is a buffer of trees between the proposed tower location and residential dwellings. He informed the Commission that the days of larger towers to cover expanded areas is over and now smaller towers in multiple locations are being placed to cover capacity issues as well as provide the needed coverage. Mr. Rotenstreich stated that now cell towers are being camouflaged and are done to look like trees, flagpoles, and light poles.

Chairman Harmon asked for further question or comments from the Commission, with none he made a motion for approval of Case #1841 because it does not have an adverse effect on the public as a whole. The approval will be only for the plan as submitted and with the stated conditions. Commissioner Bradley seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**14. Public hearing for Case # 1842 – Variance to Section 157.01 (2) of the Land Development Code regulating fence height in the front yard for property located at 1792 Johnson Avenue Extension in a (RA) Single Family Residential zoned district (Board of Adjustment)**

**Planners Comments:** The subject property is a regularly shaped lot located on the southwest corner of Johnson Avenue Extended and South 18<sup>th</sup> Street. Measuring approximately the property 16,500 square feet and locate in Haley’s subdivision circa 1960’s. In addition to the primary structure there is a garage located in the front (east) yard. In recent years, with the increase in student rentals, vehicular traffic along South 18<sup>th</sup> Street has increased as well as the pedestrian traffic. Consequently, security has become a concern for the applicant.

Section 157.01(2) Open Space/Setback Requirements states:

*Fences, walls and hedges in residential district may be permitted in any required yard or along the edge of any yard provided that **no** fence, will hedge which is also a screen located in front of any yard building line shall exceed thirty (30) inches in height and shall not exceed eight (8) feet in height on side or rear yards. However, fences, which allow for visibility, such as wrought iron fences, may be four (4) feet high in the front of the front building line... ”*

By definition, a corner lot consists of two front yards and two side yards. A front yard setback for homes in this zoning district is thirty (30) feet.

For security purposes, the applicant is seeking a variance to Section 157.01(2) to construct a six (6) foot wooden fence in the front yard.

A variance request may be granted under the terms of the Ordinance after the applicant can demonstrate the following:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable in to other lands, structures, or buildings in the same district;

- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant; and
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**Recommendation:** Due to the increase in traffic and concern for safety and security, staff recommends the following condition:

- 1. Variance request is for the attached site plan proposed fence.

Matthew Moore was present before the Commission on behalf of Ms. Donna Mason requesting a fence height variance. Ms. Mason's lot has two (2) front yards and two (2) side yards because it is a corner lot and she would like to have a six (6') foot wooden fence in one of the front yards (side yard) Ms. Mason is wanting to construct the fence for privacy and security.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1842. Commissioner Kellum made a motion to approve Case #1842 as presented for a fence height variance on the property located at 1792 Johnson Avenue. Commissioner Alexander seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**15. Public hearing for Case #1843 – Variance to Section 157.01 (2) of the Land Development Code regulating fence height in the front yard for property located at 903 Maplewood Drive in a (RE) Residential Estate zoned district (Board of Adjustment)**

**Planners Comments:** The subject property is an irregularly shaped lot located in the Maplewood Cove cul-de-sac in the Woodlawn Subdivision on a 1.8 acre lot. By definition this lot is referred to as a '*Double Frontage* "lot and is: 'a lot, other

than a corner lot, which has frontage on more than one (1) street”. The north front of the residence faces Maplewood Cove while, the south front faces Anderson Road.

Section 157.01(2) Open Space/Setback Requirements states:

*Fences, walls and hedges in residential district may be permitted in any required yard or along the edge of any yard provided that **no** fence, will hedge which is also a screen located in front of any yard building line shall exceed thirty (30) inches in height and shall not exceed eight (8) feet in height on side or rear yards. However, fences, which allow for visibility, such as wrought iron fences, may be four (4) feet high in the front of the front building line... ”*

In recent years, with the development of Wellsgate and the new Goose Creek Swim and Tennis Club vehicular traffic on Anderson Road has increased. With a concern for safety the applicant is seeking a variance to Section 157.01(2) to construct a six (6) foot wooden fence in the (south) front yard.

The applicant has submitted, for the record a list of signatures from neighbors in support of the request.

A variance request may be granted under the terms of the Ordinance after the applicant can demonstrate the following:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable in to other lands, structures, or buildings in the same district;
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant; and
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**Recommendation:** Due to the increase in traffic and concern for safety, staff recommends approve of the variance request to erect a six (6) foot fence with the following condition and findings:

1. Variance request is for the attached site plan proposed fence.

Brandon Emerson was present before the Commission requesting a fence height variance for his property located at 903 Maplewood Drive. Mr. Emerson's property is a corner lot with two (2) front yards and two (2) side yards. He stated that with the increase in traffic on Anchorage Road from the addition of several developments, he would like to have a fence for privacy and to buffer the noise.

The Planning Department received letters of support from neighboring property owners.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1843. Commissioner Bradley made a motion to approve Case #1843 as presented for a fence height variance on the property located at 903 Maplewood Drive. Commissioner Alexander seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved

**16. Public hearing for Case #1844 – Variance to Section 126.15 regulating retaining wall heights for property located on 1034 Zilla Avent Drive in a (RE) Residential Estate zoned district (Board of Adjustment)**

**Planners Comments:** The subject property is an irregularly shaped lot located on the west side of Zilla Avent Drive and measures approximately 3.9 acres. Located on the west side of Park Drive; Zilla Avent Drive is a relatively short, dead end street containing seven (7) large residential lots. This area of Oxford is particularly hilly and mature vegetation has been preserved and is well established. The applicant, after recently purchasing the property removed the original structure with a desire to construct a new residence. Currently existing on the property is a ten (10) foot retaining wall that was built by the previous owners. Removal of the primary structure rendered the retaining wall non-conforming.

Section 126.15 of the Land Development Code regulating retaining walls states:..."*In all single family residential districts, retaining walls shall not exceed*



*six (6) feet in height except when located in the front building setback then the height shall not exceed four (4) feet.....”*

In addition to correcting the status of the existing retaining wall; the applicant, seeking to remove as few existing trees as possible is requesting a variance to construct two (2) additional retaining walls over the allowable height limit. One wall is proposed to be twelve (12) feet at its highest point and the other wall is projected to reach a height of nine (9) feet.

For the record the applicant has receive in writing support from all adjacent neighbors.

A variance request may be granted under the terms of the Ordinance after the applicant can demonstrate the following:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable in to other lands, structures, or buildings in the same district;
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant; and
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**Recommendation:** Due to the severe topography and the preservation of existing trees, staff recommends approval of the variance request to erect a two (2) new retaining wall and correct the status of a third existing wall with the following condition:

1. Variance request is for the attached submitted site plan.

William and Barbara Turner were requesting approval to construct two (2) new retaining walls on their property at 1034 Zilla Avent Drive and to repair an existing one in order to build a new single family home on the property and save as many of the existing trees on the property as possible.

The Planning Department received letters of support from the surrounding property owners.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1844. Commissioner Whittington made a motion to approve Case #1844 as presented for a retaining wall variance for the property located at 1034 Zilla Avent Drive. Commissioner Kellum seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved

**17. Public hearing for Case #1845 – Special exception to allow residential in a business zoned district for ‘1200 Harrison’ a mixed use development for property located at 1200 and 1210 Harrison Avenue located in a (DB) Downtown Business zoned district (Board of Adjustment)**

**Planner’s Comments:** The property is located mid-block at 1200 Harrison Avenue and bounded to the south by Tyler Avenue. The area is partial vacant but also contains the commercial establishment known as Frank and Marlee’s which will be demolished.

In 2004, a special exception was granted to allow for residential usage in a commercial zone on the portion of the property currently owned by It’s Time Oxford, LLC. **Since this special exception was under the previous Ordinance staff would recommend you approve a special exception for 1200 Harrison including the whole site.**

Please find referenced below the previously approved conditions for a special exceptions on a portion of the site:

The following conditions were required:

- 1. Special Exception for residential usage is allowed with the provision that commercial usage is also required on the ground floor of the project.*

**Recommendation:** Approve the request for a Special Exception for property known 1200 Harrison with the following conditions:

1. Special Exception for residential usage is allowed with the provision that commercial usage is also required on the ground floor of the project.
2. No permits, including demolition, be issued until the storm water calculations are approved by Public Works.

Cory Alger was present before the Commission requesting a special exception to allow residential in a commercial zoned district for the property located at 1200 and 1210 Harrison Avenue. Mr. Alger stated that this development would be mixed use of commercial space on the ground (street level) floor and residential units on the upper floors. He stated that the grade change from one side of the property to the other is twenty four (24') feet which will allow for two (2) street levels. The parking will be an underground garage and will have ingress/egress only onto Tyler Avenue. Mr. Alger stated that this proposed development had been submitted previously in 2004 and 2007 but no changes have been made on the current submittal from the original ones.

Chairman Harmon asked for further question or comments from the Commission, with none he made a motion for approval of Case #1845 as presented, with the stated conditions, for a special exception to allow residential in a commercial zoned district for the property located at 1200 and 1210 Harrison Ave. Commissioner Bishop seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**18. Public hearing for Case #1846 – Two foot building height variance for property located at 1210 Harrison Avenue for ‘1200 Harrison’ a mixed use development located in a (DB) Downtown Business zoned district (Board of Adjustment)**

**Planner’s Comments:** The property is located mid-block and fronts Tyler Avenue. The area contains the commercial establishment known as Frank and Marlee’s which will be demolished.

In 2004, a height variances was granted for the other portion of the development known as 1200 Harrison. Please find referenced below the previously approval:

*Special Height variance is from 35 feet to 45 feet.*

**Recommendation:** If a hardship is proven for the two foot height variance for a portion of the property known 1200 Harrison the variance should be considered with the following conditions:

1. Height variance is granted from 38 feet to 40 feet to enable the continuous uniform top floor and roof height at 1200 Harrison.
2. No permits, including demolition, be issued until the storm water calculations are approved by Public Works.

Cory Alger was present before the Commission requesting a two (2') foot height variance for the proposed '1200 Harrison' development located at 1210 Harrison Avenue. He stated that the two (2') foot height variance is needed to maintain the same level due to the starting grade because the street falls and it would allow for the floors to be the same level.

Lisa Howorth inquired about the reason the proposed development was so high.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1846. Commissioner Bishop made a motion to approve Case #1846 as presented for a two (2') foot height variance for the property located at 1210 Harrison Avenue. Commissioner Bradley seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Huelse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**19. Public hearing for Case #1847 – Site plan approval for '1200 Harrison' a mixed use development for property located at 1200 and 1210 Harrison Avenue in a (DB) Downtown Business zoned district (Planning Commission)**

**Planner's Comments:** The total site area is approximately a half an acre and known as the 1200 Harrison development. The property is located mid-block and contains 1200 and 1210 Harrison Avenue and bounded to the south by Tyler

Avenue. The site as proposed is currently vacant paved area as well as the structure known as Frank and Marlee's which will be demolished.

The proposed building will have underground parking area containing thirty-six parking spaces. The parking spaces are sufficient for the residential units and the commercial tenants. The previous requirement for commercial usage on the ground floor as been met. The remaining uses in the building are 22 residential condominiums on multi-floors. If you review the plans there are approximately 13,341 square feet on the first floor and 13,445 on the 2/3<sup>rd</sup> floor.

Please note that green space is being provided as required in the Development Ordinance and shown on sheet A2.0. This "green space" will be supplemented with window boxes and climbing ivy and foliage. Structures in this zoning district are permitted to build to the property line. Sidewalks will be provided.

Please find the documentation and references below for the previous approvals for the development known as 1200 Harrison:

The following conditions were required:

1. *Special Exception for residential usage is allowed with the provision that commercial usage is also required on the ground floor of the project.*
2. *Height variance is from 35 feet to 45 feet.*

**Recommendation:** Approve the request for site plan approval for the proposed development known as 1200 Harrison with the following conditions:

1. No permits, including demolition, be issued until the storm water calculations are approved by Public Works.
2. Applicants agree to comply with the new storm water management and erosion control measures recently passed by the Mayor and Board of Aldermen.

Cory Alger was present before the Commission requesting site plan approval for '1200 Harrison' a mixed use development located at 1200 and 1210 Harrison Avenue. Mr. Alger stated that one (1) parking space per one (1) bedroom unit is proposed and two (2) spaces per three (3) bedroom units is proposed. The commercial units will also have one (1) parking spaces per six hundred seventy five (675) square feet. He stated that more parking to commercial versus residential.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1847. Commissioner Whittington made a motion to approve Case #1847 as presented, with the stated conditions, for site plan of '1200 Harrison' located at 1200 and 1210 Harrison Avenue. Commissioner Hulse seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Bradley, Hulse, Alexander, Kellum, and Harmon voting aye.

With unanimous affirmative vote the motion was approved.

**ALL STATEMENTS FROM THE APPLICANT AND ALL PARTIES IN OPPOSITION, AS WELL AS COMMENTS FROM THE MEMBERS OF THE PLANNING COMMISSION AND CITY OF OXFORD PLANNING STAFF/CITY ATTORNEY ARE ATTACHED TO THESE MINUTES VIA TRANSCRIPTION WHICH WAS PROVIDED TO THE CITY BY LIBBY A. FURR, CCR 1724 FOR THE FOLLOWING CASES:**

**CASE #1848**

**CASE #1849**

**CASE #1850**

**CASE #1851**

**CASE #1852**

**ACTUAL MOTIONS OF THE PLANNING COMMISSION AND HOW EACH COMMISSION MEMBER VOTED IS SHOWN UNDER EACH INDIVIDUAL CASE.**

**20. Public hearing for Case #1848 – Preliminary and Final Plat for a 4-lot subdivision for property located at 1701 Jackson Avenue East in a (RB) Two-Unit Residential zoned district (Planning Commission)**

**Planner’s Comments:** The subject property is an unusually shaped lot located on the north side of E. Jackson Avenue on approximately 5.18 acres of land.

Access to the site occurs at E. Jackson Avenue with a secondary access located where Madison Avenue terminates and turns to the north becoming N. 16th Street.

The topography of this site varies tremendously throughout. The most level area occurs at the Madison Avenue entry to the interior portion of the property around the historic home and barn. From this peak it drops considerably and in some areas severely to the outer limits of the site and levels off in the southeast portion of the property. Vegetation on the subject property is well established with many mature, significant trees throughout. Understory trees are aplenty as well as unmaintained underbrush and weeds in the outlying areas.

The proposal to subdivide four lots is in keeping with the surrounding development pattern and is a suitable transition between the existing single-family homes developed on RB and RC zoned property and the historic Shaw House.

The applicant is seeking to subdivide the property into four lots. Lot 1 will contain the Shaw House on one acre of land. The second lot known as Kennedy Cove is a 1.14 acre tract slated for four custom homes to be sold as condominiums. Lot 3 contains one single-family home on 1.5 acres. Lot 4 is planned to contain Shaw Place a project for six custom homes to be sold as condominiums.

The development team met with the Site Plan review in June, and this request meets the requirements of the City’s Codes and Ordinances.

**Recommendation:** Approve the preliminary plat and final plat for the Shaw property four lot subdivision with the following customary conditions:

3. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 will be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project must be approved by the Engineering Department prior to the issuance of any permits.

3. A stamped copy of protective covenants for Kennedy Cove and Shaw Place, condominium complexes, as recorded by the Lafayette Country Chancery office to be submitted to Oxford city planning office prior to issuance of a (CO) Certificate of Occupancy.
4. The bonds are received prior to the Board of Alderman hearing for the final plat and approved by Public Works.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1848. Commissioner Alexander made a motion to approve Case #1848 as presented, with the stated conditions, for the Preliminary and Final Plat for a 4-lot subdivision for property located at 1701 Jackson Avenue East. Commissioner Huelse seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Bishop	Aye
Commissioner Alexander	Aye
Commissioner Huelse	Aye
Commissioner Harmon	Aye
Commissioner Bradley	No
Commissioner Kellum	Abstain
Commissioner Whittington	Abstain

With majority affirmative vote the motion was approved.

**21. Public hearing for Case #1849 – Special Exception to permit condominiums in a (RB) Two Unit Residential zoned district for property located at 1701 Jackson Avenue East (Board of Adjustment)**

**Planner’s Comments:** The existing neighborhood consists of a mixture of condominium developments (both detached and attached units), rental apartment development (both detached and attached units), rental houses and owner occupied homes.

**Please find Section 134. 7. below:  
Sec. 134. R-B Two-Unit Residential district**



134.02 *Uses permitted by special exception.*

7. Residential condominiums (three or more units).

The planning staff has worked for several months to find the best developable use for this property with the development team. The concept of custom homes sold as condominiums would allow a private shared drive. This would be the best way to preserve the heritage trees and minimum grading and land disturbance. The home will be development when sold and the house pads will need to be cleared for the building footprints.

**Recommendation:** Approve the request for a Special Exception for property known as Shaw Place with the following conditions:

1. Special Exception for six residential condominiums

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1849. Commissioner Alexander made a motion to approve Case #1849 as presented, with the stated condition, for a Special Exception to permit condominiums in a (RB) Two Unit Residential zoned district for property located at 1701 Jackson Avenue East. Commissioner Huelse seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Alexander	Aye
Commissioner Huelse	Aye
Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Whittington	Aye
Commissioner Bradley	No
Commissioner Bishop	Abstain

With majority affirmative vote the motion was approved.

**22. Public hearing for Case #1850 – Site plan approval for ‘Kennedy Cove’ a 4 unit condominium development located at 1701 Jackson Avenue East (Board of Adjustment)**

**Planner's Comments:** The subject property is a +/- 1.14 -acre tract located off of Jackson Avenue.

Seeking site plan approval the applicant met with the site plan review committee in June and on June 25<sup>th</sup> the proposed development was found be in compliance.

**Recommendation:** Approve the Site Plan for Kennedy Cove a 4-unit condominium development with the following condition:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 will be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project must be approved by the Engineering Department prior to the issuance of any permits.
3. A stamped copy of protective covenants for Kennedy Cove and Shaw Place, condominium complexes, as recorded by the Lafayette Country Chancery office to be submitted to Oxford city planning office prior to issuance of a (CO) Certificate of Occupancy.
4. The bonds are received prior to the Board of Alderman hearing for the final plat and approved by Public Works.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1850. Commissioner Huelse made a motion to approve Case #1850 as presented, with the stated conditions, for Site plan of 'Kennedy Cove' a 4 unit condominium development located at 1701 Jackson Avenue East. Commissioner Huelse seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Alexander	Aye
Commissioner Huelse	Aye
Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Bradley	No

With majority affirmative vote the motion was approved.

**23. Public hearing for Case #1851 – Special Exception to permit condominiums in a (RB) Two Unit Residential zoned district for property located at 1701 Jackson Avenue East (Board of Adjustment)**

**Planner’s Comments:** The existing neighborhood consists of a mixture of condominium developments (both detached and attached units), rental apartment development (both detached and attached units), rental houses and owner occupied homes.

**Please find Section 134. 7. below:**  
**Sec. 134. R-B Two-Unit Residential district**  
*134.02 Uses permitted by special exception.*

7. Residential condominiums (three or more units).

The planning staff has worked for several months to find the best developable use for this property with the development team. The concept of custom homes sold as condominiums would allow a private shared drive. This would be the best way to preserve the heritage trees and minimum grading and land disturbance. The home will be development when sold and the house pads will need to be cleared for the building footprints.

**Recommendation:** Approve the request for a Special Exception for property known as Kennedy Cove with the following conditions:

1. Special Exception for four residential condominiums

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1851. Commissioner Alexander made a motion to approve Case #1851 as presented, with the stated condition, for a Special Exception to permit condominiums in a (RB) Two Unit Residential zoned district for property located at 1701 Jackson Avenue East. Commissioner Bishop seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Alexander	Aye
Commissioner Huelse	Aye
Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye

Commissioner Bradley            No

With majority affirmative vote the motion was approved.

**24. Public hearing for Case #1852 – Site plan approval for ‘Shaw Place’ – a 6 unit condominium development located at 1701 Jackson Avenue East in a (RB) Two Unit residential zoned district (Planning Commission)**

**Planner’s Comments:** The subject property is a +/- 1.52 -acre tract located off of Jackson Avenue.

Seeking site plan approval the applicant met with the site plan review committee in June and on June 25<sup>th</sup> the proposed development was found be in compliance.

**Recommendation:** Approve the Site Plan for Shaw Place a 6-unit condominium development with the following conditions:

1. The requirements of the erosion control standards and storm water standards adopted by the City of Oxford on July 1, 2014 will be met prior to the issuance of any permits.
2. All storm water and erosion control designed for the project must be approved by the Engineering Department prior to the issuance of any permits.
3. A stamped copy of protective covenants for Kennedy Cove and Shaw Place, condominium complexes, as recorded by the Lafayette Country Chancery office to be submitted to Oxford city planning office prior to issuance of a (CO) Certificate of Occupancy.
4. The bonds are received prior to the Board of Alderman hearing for the final plat and approved by Public Works.

Chairman Harmon asked for further question or comments from the Commission, with none he entertained a motion for approval of Case #1852. Commissioner Huelse made a motion to approve Case #1852 as presented, with the stated conditions, for Site plan approval of ‘Shaw Place’ – a 6 unit condominium development located at 1701 Jackson Avenue East. Commissioner Alexander seconded the motion.

Chairman Harmon called for a vote and the results were as followed:

Commissioner Alexander    Aye  
Commissioner Huelse        Aye

Commissioner Harmon	Aye
Commissioner Kellum	Aye
Commissioner Whittington	Aye
Commissioner Bishop	Aye
Commissioner Bradley	No

With majority affirmative vote the motion was approved.

The meeting was adjourned by Chairman Harmon at 9:00 p.m.

OXFORD PLANNING COMMISSION MEETING

<p>1 OXFORD PLANNING COMMISSION 1</p> <p>2 CITY OF OXFORD, MISSISSIPPI</p> <p>3</p> <p>4</p> <p>5 RE: SHAW PROPERTIES, CASES 1848 THROUGH 1852</p> <p>6</p> <p>7 *****</p> <p>8</p> <p>9 Meeting of the Oxford Planning Commission</p> <p>10 regarding the cases listed above, taken on July 14, 2014 in</p> <p>11 the City Hall courtroom, 107 Courthouse Square, Oxford,</p> <p>12 Mississippi, with the following members present:</p> <p>13 Hayden Alexander</p> <p>14 Watt Bishop</p> <p>15 John R. Bradley</p> <p>16 Michael Harmon</p> <p>17 Mark Huelse</p> <p>18 Gloria Kellum</p> <p>19 Darryail Whittington</p> <p>20 Andrea Correll, City Planner</p> <p>21 Katrina Hourin, Assistant City Planner</p> <p>22 Reanna Mayoral, Assistant City Engineer</p> <p>23 Randy Barber, Building Official</p> <p>24 Paul B. Watkins, Jr., City Attorney (Mayo Mallette)</p> <p>25 Leigh Norris, Executive Assistant with Planning Dept.</p> <p>26 Reported by: LIBBY A. FURR, CCR 1724</p> <p>27</p> <p>28 LIBBY A. FURR, CCR, LCR, RPR</p> <p>29 POST OFFICE BOX 852</p> <p>30 OXFORD, MS 38655</p> <p>31 (662)801-8082</p>	<p>1 (On the record at 7:26 p.m.) 2</p> <p>2 MR. HARMON: The next case, I think, is</p> <p>3 1848.</p> <p>4 MS. CORRELL: Just a minute. Counsel wants</p> <p>5 to say something.</p> <p>6 MR. WATKINS: I should have caught this when</p> <p>7 you--all were amending your agenda. Mr. Chairman, I think,</p> <p>8 if I'm looking at this correctly, the next five items on</p> <p>9 the agenda are all related to the same project. I think</p> <p>10 No. 1850 and No. 1852 should switch places, and the reason</p> <p>11 for that is these are two separate condominium</p> <p>12 developments. Each of them requires a special exception.</p> <p>13 So that would place the special exception approval before</p> <p>14 the site plan approval for each of the condominiums. So</p> <p>15 then it would go 1848, 1849, 1852, 1851, 1850.</p> <p>16 MR. HARMON: Okay.</p> <p>17 MR. WATKINS: Does that make sense?</p> <p>18 MR. HARMON: Yes. 1848.</p> <p>19 MS. CORRELL: Yes, sir. I'll introduce the</p> <p>20 case. Case 1848 is consideration of a preliminary and</p> <p>21 final plat approval for a four-lot subdivision known -- for</p> <p>22 Shaw Properties. The subject property is an unusually</p> <p>23 shaped lot located on the north side of East Jackson Avenue</p> <p>24 and contains approximately 5.18 acres of land. Access to</p> <p>25 the site occurs at East Jackson Avenue with a secondary</p>
<p>1 access where Madison Avenue terminates and turns into North 3</p> <p>2 16th. This topography of this site varies tremendously</p> <p>3 throughout. The most level area occurs at Madison Avenue</p> <p>4 at that entry point to the interior to the historic home</p> <p>5 and barn. From this peak, it drops considerably and in</p> <p>6 some areas severely to the other side of the lot.</p> <p>7 Vegetation on the subject property is well established with</p> <p>8 many mature significant trees throughout. The understory</p> <p>9 trees are aplenty as well as unmaintained underbrush and</p> <p>10 weeds in the area. The proposal to subdivide the four lots</p> <p>11 is in keeping with the surrounding development pattern and</p> <p>12 is a suitable transition between the existing single-family</p> <p>13 homes developed on RB and RC zoned property and the</p> <p>14 historic Shaw House.</p> <p>15 The applicant is seeking to subdivide the</p> <p>16 property into four lots. Lot 1 will contain the Shaw House</p> <p>17 on an acre of land. The second lot known as Kennedy Cove</p> <p>18 is a 1.14 acre tract slated for four custom homes to be</p> <p>19 sold as condominiums. Lot 3 contains one single-family</p> <p>20 home on 1.5 acres. And Lot 4 is planned to contain Shaw</p> <p>21 Place, a project for six custom homes to be built. The</p> <p>22 development team met with the site plan review team in</p> <p>23 June, and the request meets the requirements of the City</p> <p>24 Codes and Ordinances except we need the storm water and</p> <p>25 erosion control conditions that you've added to the other</p>	<p>1 two cases. And, I'm sorry, with 30 cases today I tried 4</p> <p>2 really hard, and I dropped the ball. Okay?</p> <p>3 MR. KOSHENINA: I'm Paul Koshenina with</p> <p>4 Precision Engineering representing Shaw Properties, LLC. I</p> <p>5 think Andrea has done a pretty good job of outlining our</p> <p>6 request. This case is simply for a subdivision of land.</p> <p>7 There's no infrastructure proposed with this request. All</p> <p>8 the existing infrastructure that's required is in place,</p> <p>9 the roadway, the utilities. Simply drawing the property</p> <p>10 lines on paper. Although, it is a precursor to the future</p> <p>11 cases we have on the agenda. I'll be happy to answer any</p> <p>12 questions. And I can clarify that our client has agreed to</p> <p>13 comply with the newly -- it's not adopted yet, but with the</p> <p>14 moratorium that was placed this morning. We are intending</p> <p>15 to comply with the erosion control and storm water</p> <p>16 detention requirements on all the projects that we have on</p> <p>17 the agenda tonight.</p> <p>18 MR. BRADLEY: Katrina, this is a request, as</p> <p>19 I understand, for a subdivision, a four-lot subdivision.</p> <p>20 MS. HOURIN: That's correct.</p> <p>21 MR. BRADLEY: Could I get you to read out</p> <p>22 loud for our benefit the provision in the Land Development</p> <p>23 Code, Section 161.2, about the role of the Planning</p> <p>24 Commission when there's a request for a subdivision.</p> <p>25 MS. HOURIN: Policy -- it's -- the heading</p>

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<p>1 is: "Policy of the Oxford Planning Commission. During<sup>5</sup> its  2 examination of any plat, preliminary or final, the Planning  3 office shall consider the proposed subdivision in the light  4 of its ultimate use and relation of that use to the public  5 welfare and neighborhood development of the area in which  6 it is located. All plats shall be examined in the light of  7 existing plans, including the general land use plan, zoning  8 ordinance, major street plans, major utility plans, other  9 public facility plans, and the character of the local  10 community. Attention shall be given to the need for parks,  11 play areas, schools, public building sites, major streets,  12 the efficiency of the street pattern, and the suitability  13 of the land development. Due regard will be shown for the  14 preservation of outstanding natural and cultural features  15 such as scenic spots, water courses, and historic sites.  16 The Planning Commission shall consult other agencies and  17 confer with the developer from time to time during the  18 course of its examination in order to ensure carrying out  19 the purposes of the subdivision regulations and the orderly  20 growth and development of the city.</p> <p>21 MR. BRADLEY: Paul, could I ask -- Paul,  22 could I ask you a question?</p> <p>23 MR. WATKINS: This Paul.</p> <p>24 MR. BRADLEY: Yeah, you Paul. 161.2 about  25 approval of a subdivision is quite different from the role</p>	<p>1 of the Commission in approving a site plan, as I<sup>6</sup>  2 understand. 161.2 appears to me to say to the Planning  3 Commission you have to use your discretion. For example,  4 to protect the public welfare of the neighborhood and  5 cultural amenities and such as that. Is that your  6 understanding of 161.2?</p> <p>7 MR. WATKINS: No, sir, Professor, it's not.  8 My understanding of the subdivision ordinance is that it  9 contains a pretty finite list of technical requirements  10 that you have to comply with, including infrastructure,  11 roads, lot setbacks, all those kinds of things. And while  12 this section does say the policy of the Planning Commission  13 and gives some vague considerations that you should take  14 into account, I don't see anything specific in this section  15 that makes approval of the subdivision plat discretionary,  16 more so than a site plan when all the technical aspects of  17 the subdivision ordinance have been complied with.</p> <p>18 MR. BRADLEY: So what does that mean in the  19 land development code when it refers to the public welfare  20 and protection of a neighborhood and cultural -- cultural  21 things?</p> <p>22 MR. WATKINS: I don't have any idea.</p> <p>23 MR. BRADLEY: It's my view that it gives the  24 Planning Commission -- it not only gives but it requires  25 the Planning Commission to use its discretion to see that a</p>
<p>1 subdivision plan comports with those things including the<sup>7</sup>  2 public welfare of the neighborhood.</p> <p>3 MR. WATKINS: Well, I -- Professor, you're  4 certainly entitled to your opinion. I just don't see  5 anything in this section that is specific enough, the words  6 public welfare, to relate to any of the subdivision  7 requirements that are contained throughout the ordinance.  8 I just don't -- I'm sorry, I just don't get there.</p> <p>9 MR. HARMON: Any other questions coming from  10 the Commission? Any from the audience? If not I entertain  11 a motion for 1848 --</p> <p>12 MR. WHITTINGTON: wait. I think you've got  13 somebody coming --</p> <p>14 MR. TOM FREELAND: I have some --</p> <p>15 MR. HARMON: I'm sorry.</p> <p>16 MR. TOM FREELAND: I want to start by  17 explaining who I'm appearing for. I'm appearing for a  18 slightly different group than I was last time. I still  19 represent the wheelers who own the property on these parts  20 of the north boundary of the property. I also represent  21 the Fountain Church which joins to the east all the way  22 from the back down to Jackson Avenue. I've also got  23 permission to tell the Commission that the property owner  24 at 1704 East Jackson, which is directly across from the  25 Shaw House at the corner of South 11th joins in our</p>	<p>1 objection and position. And the property owner at 1728<sup>8</sup> and  2 1730, who are down here, two doors down from 1704 also  3 joins in the position I'm taking here. So essentially, I'm  4 here representing the position of property owners virtually  5 surrounding the property on this side.</p> <p>6 And I want to take exception to your counsel's  7 description of what this ordinance says. This ordinance  8 says that you shall consider the ultimate use of the  9 property. And I want to talk about that one first because  10 you've got a big clue about ultimate use that I think you  11 need to hold this developer to. If you look at the  12 description of Case 1848, it says that the applicant is  13 seeking -- and it describes the lot. One of the lots is  14 the Shaw House. That's Lot 1. And then Lot No. 3 contains  15 a single-family home, it says, on 1.5 acres. And what they  16 appear to be telling you is that their plans are to have a  17 one-acre Shaw House property and a 1.5-acre single-family  18 home property. And what I'm going to suggest that this --  19 in considering this ordinance provision about the ultimate  20 use, you should take this developer at his word, that  21 there's going to be a single-family use back there. And  22 the way you take him at his word and you hold him to it is  23 to impose conditions for the approval of this subdivision  24 plan. I've got -- I've got one that I'd like to make a  25 part of the record and I'd like to pass around to the</p>

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<p>1 Commissioners, if I may. <span style="float: right;">9</span>                  2 (Marked as Exhibit 1.)                  3 MR. TOM FREELAND: Of course, I've heard                  4 today through this hearing you-all make conditional                  5 approvals, and what I'm asking this Commission to do                  6 tonight is to make a conditional approval that will hold                  7 the developer to what he's doing -- hold this developer to                  8 the proposal he's making, that he really does mean to have                  9 a single-family residence. Now, I did not mention in this                  10 condition the Shaw House itself. You might want to                  11 consider a condition there, also. But what this condition                  12 is designed to do is to require that a protective covenant                  13 be placed in the land records of Lafayette County that will                  14 run to the benefit of adjoining property owners, and that                  15 will include the existing adjoining property owners, and                  16 the people that -- whoever ends up with Lot 2 and 4 who buy                  17 in reliance on this, they'll be filed in the land records                  18 and it will say that Lot 3 shall only be used for a                  19 single-family residence with a setback and other rules                  20 required to land zoned for such residence. And the second                  21 thing it says -- and this -- if you look at the                  22 considerations that you're required to consider, efficiency                  23 of the street pattern, suitability of the land development,                  24 major street plans, existing plans, one of the issues                  25 you've got to face is -- you look back here where it comes</p>	<p>1 back toward Madison and North 16th -- and you-all know <sup>10</sup>                  2 narrow that street is. That street is not designed to                  3 empty out from it any substantial amount of traffic. And                  4 this meets that issue by saying that the easement from Lot                  5 3 through to Madison Avenue shall only be used as a                  6 driveway for that single-family resident, and neither it                  7 nor any other public or private roadway or drive to Lot 3                  8 will be used to connect through to the other lots on the                  9 Shaw property. In other words, this will bind the                  10 landowner that he's going to be using Lot 3 just like he                  11 says, as a single-family residence, that he's going to have                  12 access to it through Madison Avenue, and all the access                  13 there is going to be a single-family residence. And so we                  14 don't face the possibility of a bait and switch where he                  15 gets this approved and then comes back at a later date and                  16 says, "Oh, the ultimate use that you-all were supposed to                  17 consider tonight under this policy in the land development                  18 code is something different than I told you. I'm not going                  19 to do a single-family residence back there." I say this                  20 Commission should hold them to it. Make sure that this                  21 property is used as he said it would be used under these                  22 considerations.                  23 And another reason I want to point out to the                  24 Planning Commission, that you need to look to this                  25 ordinance, this ordinance, yes, it -- I mean, I understand</p>
<p>1 why Professor Bradley spoke in terms of discretion, but <sup>11</sup>                  2 this ordinance has mandatory language in it. It requires                  3 that this Commission shall consider these issues in making                  4 this approval. Now, I don't know how you write mandatory                  5 language out of a land development code. This requires                  6 you-all to make these considerations, and I'm -- and it --                  7 and there may be instances where the phrase "ultimate use"                  8 might be a vague one, but it's very concrete here. There's                  9 a very concrete issue before this Board that this plan                  10 doesn't tie them to using the property at the back the way                  11 they say they're going to. And we're asking that this                  12 Planning Commission do that at this stage by casting these                  13 conditions as a part of the site plan, site approval.                  14 Could you-all indulge me for a moment while I ask my                  15 co-counsel if I missed anything?                  16 MS. JOYCE FREELAND: Commissioners, rather                  17 than trying to talk through my husband, I'll just make my                  18 point myself. Lawyers all can give a range of opinions,                  19 and I'm somewhere between Mr. Watkins and discretion. I                  20 think that the way to make this stick, the way to support                  21 your decision is to make a brief finding that's consistent                  22 with the principles in the comprehensive plan. The                  23 ordinances tell the Planning Commissioners that every                  24 private proposal you look at, you judge against the                  25 yardstick of those principles, and one them is the historic</p>	<p>1 ways the town has grown. You're dealing with the Shaw <sup>12</sup>                  2 House. There's not much that historic in town. There's no                  3 excuse to say that the condos that are creeping up the hill                  4 from University is historic town building. You get to say,                  5 if you decide to -- you get to consider it -- we want to                  6 protect the historic town building. The third principle is                  7 we want to protect drainage. We want to have -- we want to                  8 protect the landscape, the hill nature of Oxford on the                  9 hill. All you have to do is say, whoever makes the motion,                  10 say, "Consistent with considering the public interest, we                  11 note that there are these three factors to be considered,                  12 and we would not approve this unless it was approved on                  13 conditions that would protect the site in this way," and                  14 that would tie the two positions. Thank you.                  15 MR. TROUT: Ladies and gentlemen, may I                  16 respond? I'm Thomas R. Trout. The first thing I want to                  17 point out to you is I'm not sure exactly what the -- what                  18 the opponents are concerned about. They -- they proposed a                  19 -- a restrictive covenant which I don't really think they                  20 have the authority to -- to seek. But in any event, the                  21 your own ordinance -- they're concerned about a subdivision                  22 of the lot, further subdivision of the lot. I'm not sure                  23 exactly what they're concerned about. But your own                  24 ordinance, in my opinion, prevents any further subdivision                  25 of the lot, if that's what they're complaining about. Your</p>



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<p>1 Section 148.07 of the -- of the ordinance -- and there<sup>13</sup> a  2 Paragraph 9 down there that talks about access. And if you  3 look -- I think Mr. Freeland mentioned that the -- the  4 access, the easement which is -- on this screen in the  5 upper left-hand corner to Lot 3, every lot has to have  6 frontage and access. That's all the access it's got.  7 That's all the access that lot has. And there's no way to  8 further subdivide it. It -- you can see yourself how  9 narrow the access is, and you can see yourself how narrow  10 the lot is. That's all the access it's got. It can't be  11 further subdivided, by your own ordinance. And what the --  12 what the opponents seek is -- is a limitation on property  13 where they -- where they join themselves to the north.  14 They're not offering to put similar restrictions on their  15 property. And the -- the development plan is to -- is to  16 develop Lot 1, 3, and 4. I don't know how many years that  17 will take before anything happens up on Lot No. 3. And --  18 and when something does happen up on Lot No. 3, assuming it  19 does, as I've said, the -- the ordinance itself prevents  20 further subdivision of the lot, and there's no access for  21 that lot from anywhere but -- I guess is that -- what is  22 that? North 16th? It's barely off the left-hand side.  23 MR. HOWORTH: North 16th.  24 MR. TROUT: And so I really wish I knew --  25 and I'm asking, what are they -- what are they trying to</p>	<p>1 protect against? I mean -- 14  2 MR. BRADLEY: They're not trying to  3 subdivide their lot. I mean, you said they weren't -- they  4 weren't willing to do something to their lot, but they're  5 not asking to subdivide their lots. But as I understand,  6 somebody is asking to subdivide into four lots this Shaw  7 property.  8 MR. TROUT: We are asking for that, Mr.  9 Bradley. But I'm trying to find out what they're objecting  10 to. What are they objecting to? I mean, are they afraid  11 that we're going to -- that No. 3 is at some time in the  12 future going to be further subdivided? It can't be further  13 subdivided, at least unless there's some amendment to the  14 ordinance, because it -- I mean, they're -- you've got to  15 have access, and the only access is on the left and in the  16 northwest corner. That's it. And the lot is -- is what it  17 is. It's a lot. Okay.  18 MR. TOM FREELAND: I can answer his  19 question, what we're objecting to. He doesn't have to  20 subdivide it to drop another condo on Lot 3, just like he  21 was doing back in March. That doesn't require further  22 subdivision. And he's got access on the Shaw driveway,  23 which he owns, and he's got access through that road to  24 South 16th. And that's not a subdivision. He's -- he's  25 dropping condos on Kennedy Cove on Shaw Place without</p>
<p>1 subdividing because you're not required to under your<sup>15</sup>  2 ordinance. So the -- my other answer to why we're  3 objecting, what we're asking is to hold him at his word.  4 If he thinks he can't ever subdivide and if he thinks it  5 will never happen, it's no cost to him to give us these  6 conditions that this Commission can --  7 MR. TROUT: The plan is to do 3, 4, and 1  8 which I don't know how long it's going to take. I hope  9 you-all understand that every -- every structure -- every  10 structure that's proposed in 3 and 4 is a custom built  11 structure which will require individual authority from the  12 HPC in each instance. The -- every structure will have to  13 come back before the historical body, and they will have to  14 review the plan for the considerations that are applicable  15 for the historical district to make sure that the  16 single-family home meets those requirements. There will be  17 an individual tree mitigation plan in each case. There  18 will be individual drainage and erosion in each case. So  19 every time any structure is built on either Lot 3 or Lot 4,  20 it has to come back and be prior approved.  21 We've got a court reporter here tonight. We're  22 making a record about it. I don't think that -- that this  23 body is going to forget what we're saying here tonight.  24 And at the same, asking for a -- asking for a restrictive  25 covenant is an extreme request which, as I say, I don't</p>	<p>1 think that the body has the right to require it. I'm<sup>16</sup> not  2 aware of any authority for it, anyway. And the --  3 basically what they're trying to do is change the zoning on  4 the property. The zoning is RB, the same thing that their  5 property is zoned. And certainly, I'd entertain any kind  6 of questions and try to answer them about what the purpose  7 or intent of the subdivision is, but there's no present  8 plan to -- there's no present plan to build anything up  9 there yet on 3. The proposal is for a single-family  10 structure, but there's no intent to build one right now.  11 We're trying to -- we're trying to sell -- the developer is  12 trying to sell the -- 3 and 4 and restore the Shaw house.  13 That's quite an undertaking. It's going to take quite a  14 time to accomplish those things. And this is more, it  15 seems to me, of a diversion than anything else. But I'd  16 entertain any kind of question you've got about what the  17 intention is and how the plan is supposed to work to  18 develop.  19 MR. BRADLEY: Mr. Trout, are you familiar  20 with the fact that an engineering study was done on the  21 topography and drainage of this property?  22 MR. TROUT: Yes, sir.  23 MR. ALEXANDER: I believe that was done on  24 15 acres, though, wasn't it?  25 MR. BRADLEY: Pardon?</p>

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<p>1 MR. ALEXANDER: I said I believe that that<sup>17</sup>  2 drainage study, wasn't it performed on all the areas around  3 the Shaw Property including the Shaw Property and not just  4 the Shaw Property?  5 MR. BRADLEY: I thought the person who spoke  6 to -- authored the project said it was on the Shaw  7 Property.  8 MR. ALEXANDER: I believe it was -- don't  9 quote me, but I believe it was 14 or 15 or 16 acres,  10 somewhere around there, and not the five to the Shaw  11 Property.  12 MR. TOM FREELAND: May I respond, Mr.  13 Alexander?  14 MR. ALEXANDER: Yes, sir.  15 MR. TOM FREELAND: There was a mistake in  16 the engineer's letter that was corrected. It didn't change  17 the calculations as to the storm drainage calculations or  18 what water is running off this property. It did not change  19 from an iota. And I've got an updated letter from him  20 tonight that I'm going to bring up later when we hit the  21 later approval. But that letter was corrected, and it  22 didn't change the allocations that --  23 MR. ALEXANDER: Paul, have you done any  24 calculations like that?  25 MR. KOSHENINA: Well, of course, my</p>	<p>1 understanding is we are hearing a case on subdivision. 18  2 We're not proposing any infrastructure with the case that's  3 before you right now.  4 MR. ALEXANDER: Sure. Right now.  5 MR. KOSHENINA: There would be no change in  6 runoff from the site. Now, whatever drainage study was  7 done previously, I haven't seen anything updated. But the  8 previous study would not be applicable to the plan we're  9 currently reviewing now. It would not be applicable to the  10 next couple of cases that are -- development on each of the  11 Lots 2 and 4 of the subdivision that we're actually  12 discussing right now. But I haven't seen any updated plan.  13 They haven't chosen to share that with us. It's more  14 gotcha kind of.  15 MR. TROUT: My understanding, Professor  16 Bradley, is that -- that we don't -- we're committed to do  17 whatever the City requires us to do. We're not sure what  18 the new ordinance is going to be with respect to drainage.  19 But as I understand it, the plan has been submitted to you  20 on the condition that we comply with the ordinance when  21 it's adopted, which we're prepared to do.  22 MR. BRADLEY: Mr. Trout, I understand that  23 this drawing -- I'm not sure if it's that version of the  24 drawing that's on the screen. But the one I have in front  25 of me shows the contours.</p>
<p>1 MR. TROUT: Yes, sir. 19  2 MR. BRADLEY: It shows a very steep drop  3 toward the north part of this property. And that's one  4 thing the -- that's one thing that engineering study, the  5 drainage study, commented on was the contours, and that  6 shows it's not changed. I mean, the contours still are  7 very steep on there.  8 MR. TROUT: They are. But I'll let -- Mr.  9 Koshenina can talk to that better than I. But he has  10 already, you know, calculated a detention structure to take  11 care of the water upon completion of the driveway. And  12 then as structures would be -- would be built, additional  13 drainage would be created to comply with each one. And,  14 again, we -- again, we don't have the authority to build  15 any structure until we come back and get that authority.  16 And that -- that's a -- that's a structure by structure  17 authority. And in each case, you'll be presented or the  18 the HPC would be presented with the necessary engineering  19 plan to accomplish that. And, Paul, can you speak to that?  20 MR. KOSHENINA: Sure. I think I need to  21 repeat. We're here -- this case that we're hearing right  22 now is for a four-lot subdivision with no infrastructure  23 proposed. There is no change in runoff by drawing these  24 lines on a piece of paper. I don't know how else to  25 explain that. Now, when we get to the next cases where we</p>	<p>1 are proposing infrastructure improvements which would 20  2 create new impervious areas, new rooftops, those plans  3 would require storm water detention, and the submittals  4 that we made along with those plans will now be moot  5 because this morning the Board of Alderman voted to require  6 us to follow new storm water requirements, so we will now  7 have to redesign those systems, which we will. It will go  8 through the Engineering Department. We'll have those  9 approved. Again, this case is for a four-lot subdivision  10 with no proposed -- no proposed infrastructure. No  11 proposed infrastructure with this request, zero.  12 MR. ALEXANDER: Hey, Paul one question. How  13 -- what is the access going to the actual Shaw House right  14 now?  15 MR. KOSHENINA: It's off the existing  16 driveway that is accessing off Jackson Avenue directly to  17 the south. I think it's shown on the plat. That access  18 would not change under this proposal.  19 MR. HARMON: Any other questions from the  20 Commissioners? Do you have a comment?  21 MR. HOWARTH: Thank you, Mr. Chairman. I'm  22 Richard Howarth, and Lisa and I live at 310 North 16th  23 Street, and the property that's directly to the north of  24 the Shaw Property and runs along -- all alongside Lot 3.  25 And while we're not represented by the Freelands, we and I</p>

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<p>1 agree with and support all the points that he raised in<sup>21</sup>  2 that discussion. That's all.  3 MR. HARMON: Come forward, please. Make it  4 brief so we can go ahead --  5 MS. NAZARIO: I certainly will.  6 MR. HARMON: We've got a good understanding  7 of how you're feeling, so we need to go on and vote.  8 MS. NAZARIO: My name is Patsy Owens  9 Nazario. I live at 1712 Jackson Avenue directly across  10 from the Shaw Property. One major concern -- and I don't  11 understand all of this. Let me be honest with you about  12 that. We have some major concerns, though. One is  13 definitely the construction as it goes on. They're doing  14 some renovations on the Shaw House now, and when they bring  15 the big trucks up, the street is blocked until -- from both  16 sides in both directions. Also, the developer said  17 something to the effect of it fitting in with the  18 properties that have been done. There are only four or  19 five single-family homes still there. I live in the home  20 that my parents lived in when I was born. That's where I  21 live now. And the -- directly on either side of us there  22 are single-family homes and then one across 17th Street.  23 One of the lots looks like it's where the duplexes are  24 directly across from our house. Once again, all of that  25 development is definitely going to affect the traffic.</p>	<p>1 Jackson Avenue is -- East is a very, very busy street.<sup>22</sup> So  2 I just wanted to bring that to your attention. Thank you.  3 MR. BRIAN: I'm Sid Brian. I think it's  4 important that you have an appreciation for what Mr.  5 Freeland was pretty emphatic about trying to hammer home,  6 particularly as it being a promise from me. He kept  7 referring to the second paragraph of your Case 1848. And  8 if you look on the first page, it's pretty clear.  9 Those are not my promises. I didn't make any promises or  10 commitments whatsoever. That's the planner's comments.  11 And it doesn't say that there will be. It says it  12 currently contains one single-family residence. So I think  13 it's important that you understand that. Because certainly  14 with -- with the proposed conditions that he was -- he was  15 floating, it sure seemed that he wanted to indicate that I  16 had made some commitment. I will make one commitment. I  17 do not have a plan for developing Lot 3. There's no plan  18 for developing Lot 3. I know it seems that they're --  19 they're concerned about what we may or may not do. I've  20 made a huge concession in carving out 1.5 acres right here  21 in the middle of town of very valuable property to buffer  22 off the two neighbors that you stand here hearing tonight.  23 I do not understand what the concern is. But I do not have  24 any plans to develop it. It is deed restricted -- if this  25 plat gets approved, it's about as deed restricted as</p>
<p>1 anything can possibly be. Not only can we not subdivide<sup>23</sup>  2 it, conservation overlay, historic preservation, if we do  3 anything, it's got to go through the same exact process  4 that we've -- we've been drug through for the last seven  5 months.  6 MR. TOM FREELAND: I'll be real brief but  7 I'd like to say about two sentences since my name was  8 brought up. That was an odd speech because it started  9 with, "I'm making no commitments," and ended with trying to  10 sound like he might be making commitments. Well, he  11 started -- what he started with tells you that this is a  12 bait and switch. There's no buffer zone unless you-all put  13 a condition on it. He used the phrase "buffer zone." That  14 1.5 acres is worthless as a buffer zone unless his hands  15 are tied, and that's the purpose of the condition that's  16 Exhibit 1 that we proposed. And I just want to reinforce a  17 point that Professor Bradley made that I had a brief moment  18 of not understanding. The ordinance requires you to look  19 at the relation to the neighborhood, the suitability of the  20 land development, and the topography off the back, and how  21 steep it is greatly supports holding him to the conditions  22 we asked for, and that's among the reasons we've asked for  23 it.  24 MR. ALEXANDER: I move that we approve Case  25 No. 1848 with the three conditions that were stated by the</p>	<p>1 City staff. 24  2 MR. HARMON: Do I have a second?  3 MR. HUELSE: I'll second that.  4 MR. HARMON: All in favor --  5 MR. BRADLEY: Mr. Chairman, I make a motion  6 to amend the motion to approve by adding the following  7 condition. In order to protect the public welfare of the  8 neighborhood and the public interest as set out in the Land  9 Development Code, Lot 3 of the subdivision shall be subject  10 to a provision which shall have the effect of a protective  11 covenant that limits Lot 3 to one single-family residence.  12 The provision for the protective covenant shall run with  13 Lot 3 in favor of the owners of land adjoining Lot 3  14 including the owners of Lots 1, 2, and 4. Such protective  15 covenant shall be filed in the county land records prior to  16 the subdivision being fully approved. And further, that an  17 additional protective covenant shall restrict the driveway  18 from Lot 3 to Madison Avenue to being used only as a  19 driveway for the single-family residence, and neither it  20 nor any other public or private roadway or drive to Lot 3  21 shall be used to connect through to other lots on the Shaw  22 Property.  23 MR. HAYMANS: I'd like to address one thing.  24 My name is --  25 MR. BRADLEY: I think you're out of order</p>

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1 because there's a motion on the floor. I have made a <sup>25</sup>  
 2 motion to amend the motion that had been made just earlier.  
 3 MR. HAYMANS: I just want to bring a point  
 4 that I'm not sure that you can restrict someone's rights  
 5 who is not even represented. And first of all, the access  
 6 through Madison is not an easement. There's multiple  
 7 parties who have ownership in that parcel and could  
 8 potentially have public consequences as well. And I think  
 9 you're going down a very -- my name is George Haymans.  
 10 You're going down a very slippery slope by putting private  
 11 protections on people's property rights in a public  
 12 meeting, and I think you should understand that.  
 13 Furthermore, the folks that are here are asking for  
 14 something but not giving up anything in return. If Mr.  
 15 Brian puts a million dollar house on Lot 3 and then Mr.  
 16 Wheeler sells his property in three years, then all of a  
 17 sudden you've got residential non-single-family  
 18 condominiums there. So what's good for the goose is good  
 19 for the gander. So before you get down this slope, I  
 20 highly encourage you--all to consider have you ever done  
 21 this before? And why not? Because you are putting  
 22 protections and covenants on people's private property  
 23 rights. You have an effect of passing -- putting this  
 24 motion -- if you grant this motion, it is rezoning Lot 3,  
 25 5.8 units for an acre, down to a single-family residence.

1 3 to 2? <sup>27</sup>  
 2 MR. WATKINS: What was the vote?  
 3 MR. HARMON: The one that was for? Three?  
 4 Four?  
 5 MR. WATKINS: Mr. Chairman, I want to make  
 6 sure we -- the motion as I understood it that was on the  
 7 floor was to approve the preliminary and final plat  
 8 approval on Case 1848 with the conditions that were stated  
 9 in the staff report. Mr. Alexander, is that right? Mark  
 10 then seconded the motion. That's the motion that's on the  
 11 floor.  
 12 MR. HARMON: Yes. Yes.  
 13 MR. WATKINS: Okay. So all for.  
 14 MR. HARMON: All for.  
 15 MR. WATKINS: To approve that Case 1848.  
 16 (Four in favor.)  
 17 MR. WATKINS: Four, okay.  
 18 MR. HARMON: Now, who was against?  
 19 (One opposed.)  
 20 MR. HARMON: And who abstained?  
 21 (Two abstained.)  
 22 MR. WATKINS: Four to one.  
 23 MR. HARMON: Paul, that was with the  
 24 criteria that was already on and not what was added,  
 25 correct?

1 But nobody else wants to do that to any of their adjoining <sup>26</sup>  
 2 land.  
 3 MR. TOM FREELAND: Mr. Chairman, as I  
 4 understand Mr. Haymans, he just said that the actual owners  
 5 of this property are not before this Commission, that there  
 6 are owners that are absent that aren't here, and if the  
 7 owners aren't making this application, you should deny it  
 8 out of hand and all the rest.  
 9 MR. HAYMANS: You said it was an easement.  
 10 It's not an easement.  
 11 MR. HARMON: We had one motion, and we had  
 12 the motion to amend. Now, do we have a second on the  
 13 motion to amend? We don't have a motion for -- a second to  
 14 amend. Let's have a motion for the second that was already  
 15 given. Do we have a second for the motion already given?  
 16 MR. HUELSE: I'll second.  
 17 MR. HARMON: You second that motion?  
 18 MR. HUELSE: I do.  
 19 MR. HARMON: All in favor of that motion?  
 20 (Four in favor.)  
 21 MR. HARMON: Any opposed to that motion?  
 22 (One opposed.)  
 23 MR. HARMON: Any abstained to that motion?  
 24 (Two abstained.)  
 25 MR. TROUT: Mr. Chairman, the motion passed

1 MR. WATKINS: That was just Hayden's <sup>28</sup>  
 2 original motion. That's what I understood.  
 3 MR. HARMON: Next we can go to 1849.  
 4 UNIDENTIFIED: So 1848 passed.  
 5 MR. HARMON: Yes.  
 6 MS. CORRELL: I'd appreciate it if you'd  
 7 look at your special exception criteria that we handed out  
 8 from the ordinance again. I don't remember ever having  
 9 this many special exceptions in one meeting. The subject  
 10 property is the special exception under Section 134.02 7 to  
 11 allow condominiums, six units known as Shaw Place. The  
 12 existing neighborhood consists of a mixture of condominium  
 13 developments (both detached and attached units), rental  
 14 apartment development (both detached and attached), rental  
 15 homes and owner-occupied homes. Please find section 134.7  
 16 below: RB two-unit residential district. 134.02, Uses  
 17 permitted by special exception. No. 7, Residential  
 18 condominiums (three or more units.) The staff has worked  
 19 for several months to find the best development use for  
 20 this property with the development team. The concept of  
 21 custom homes sold as condominiums would allow a private  
 22 shared drive. This would be the best way to preserve the  
 23 heritage trees and minimize grading and land disturbance on  
 24 the property. The home will be developed when sold, and  
 25 the house pads will need to be cleared for the building

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<p>1 footprints only. Recommendation is approval of the request  2 for a special exception for the property known as Shaw  3 Place with the following exception, that six -- the special  4 exception is for six residential units. Thank you.  5 MR. KOSHENINA: Again, I think Andrea has  6 done a good job of outlining that. I do think it's  7 important to point out -- well, reiterate a couple of  8 things Andrea has already mentioned here. The reason we're  9 requesting this special exception is because these are  10 going to be sold as condominium ownership without a public  11 roadway that these units will front on. That's really the  12 only difference between these units and single-family  13 subdivision units. We simply cannot sell them as  14 single-family fee parcels -- fee simple parcels because  15 they don't front on the city street. So we're proposing  16 this concept -- which I guess you have in your packets;  17 it's not on the screen here -- this concept that has a  18 common drive that's a private drive. But each of the homes  19 would be single-family homes, detached homes, stand-alone  20 single-family homes. They would be custom built based on a  21 buyer that would come to Mr. Brian. He would work out a  22 home plan, go through the HPC process, go back to Randy's  23 department for an erosion control plan, go back to the  24 Engineering Department for an updated storm water detention  25 plan based on that specific home. I think it's also</p>	<p>1 important to be reminded that, as Mr. Brian pointed out  2 earlier, what Andrea just read, the bulk of that was the  3 planner's comments, not just our comments. We do feel that  4 this is the best development for this parcel, for this  5 property. This is the best concept development. We've  6 worked hard to get to this point. As you know, we've been  7 before you several times with more dense developments, with  8 different developments, and we've worked hard to get to  9 this point. So with that being said, I'm willing to take  10 any questions.  11 MR. HARMON: Questions from the Commission?  12 Questions coming from the audience?  13 MR. TOM FREELAND: As I understand it,  14 they're seeking the first of two special exceptions for --  15 to allow condos that will be on either side of the Shaw  16 Property. Under the applicant's filings, there's no  17 development shown on Lot 1 and a single-family home,  18 although that apparently may or may not be so, on Lot 3.  19 The Planning Commission sitting as a board of adjustment  20 can grant a special exception to allow condominium  21 development only if it makes a finding, quote, that the  22 granting of the exception will not adversely affect the  23 public interest, unquote. Under the Land Development Code,  24 the board of adjustment may prescribe appropriate  25 conditions and safeguards in conformity with the ordinance.</p>
<p>1 The applicants presented a piecemeal approach to developing  2 the Shaw tract, and insufficient evidence, information, as  3 I'll get to in a moment, is here to make a finding of the  4 development of the tract in stages if the applicant is not  5 required to commit to its proposal for limited development  6 on Lots 1 and 3. You can't tell what the impact of these  7 two that we're hearing about today if you don't know what's  8 going to happen on 1 and 3. And you don't know whether it  9 would adversely and dramatically affect neighboring  10 properties due to runoff, silt and sedimentation, and put  11 in an unrealistic tree mitigation plans and proposed  12 development that's inconsistent with the guiding principles  13 in the City of Oxford's Comprehensive Plan.  14 The Principles of the Planning Commission charge  15 the following: "To create a city of preferred choice and  16 not mere chance." The guiding principles are the yardsticks  17 against which private development proposals and projects  18 are to be measured. The applicant's applications for a  19 special exception do not recognize Oxford's historic ways  20 of town building and use those traditions to provide a  21 framework for future growth. They under -- they fail to  22 acknowledge or understand the Mississippi hill country  23 landscape -- these are all from your guiding principles --  24 the Mississippi hill country landscape and guide growth  25 responsibly within it by encouraging compact development</p>	<p>1 and using natural features to establish boundaries.  2 Protect natural drainage areas to preserve water quality,  3 provide open spaces, and reduce future storm management  4 costs.  5 And I want to add one more fact and then talk  6 about the legal standard a little bit. I'd like to offer  7 as a part of the record -- I don't have enough copies at  8 this time -- a letter, an updated letter from Shields  9 Engineering relating to the -- what you can tell from these  10 -- from the -- let's pass these down and see where we are.  11 I think there's enough -- what you can tell from the plans  12 we've got about the factors in the guiding principles. And  13 the answer, Mr. Shield says, is not very much and certainly  14 not enough. But the paragraphs I refer you to are the  15 third in particular, that -- the grading shows existing  16 topography, but the only changes in the grading that are  17 shown is the construction of the access streets. It  18 doesn't show you anything about how the ten planned  19 buildings are going to be constructed on this terrain  20 without more grading. The tree mitigation plans are  21 similarly unrealistic. And, I mean, the letter speaks for  22 itself. There is inadequate information to tell how the  23 this proposal meets the guiding principles.  24 And now I want to talk to you briefly about the  25 legal standard that you are to apply in dealing with the</p>

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1 request for a special exception. The Mississippi Supreme<sup>33</sup>  
 2 Court has said that a party seeking a special exception  
 3 must prove they're entitled to it by clear and convincing  
 4 evidence. Those are terms of art to lawyers. The usual  
 5 burden of proof you might hear is preponderance of the  
 6 evidence. If you tip the scale to 51 percent, it's a  
 7 preponderance of the evidence. Clear and convincing  
 8 evidence is much stronger than that. It's a lot higher, in  
 9 fact, the Court said. To quote the Mississippi courts,  
 10 "It's evidence so clear, direct, and weighting and  
 11 convincing that one comes to a clear conviction without  
 12 hesitancy." That's a case called Morren (spelled  
 13 phonetically) versus Fairley (spelled phonetically). And  
 14 in the case of Prentiss versus Jefferson Davis County is  
 15 the one that says you've got to apply that standard here.  
 16 You've got to look at this evidence and say, "We clearly  
 17 know here looking at this that the special exception should  
 18 be granted." You don't have that kind of evidence in front  
 19 you.  
 20 The Mississippi Supreme Court has also made clear  
 21 that the Board must make findings about the criteria, and  
 22 facts either must be in the findings or in the record that  
 23 are used to justify the variance. You don't have it here.  
 24 You don't have that kind of facts before you. Unless the  
 25 record before this Board clearly demonstrates facts that

1 and it is, quote, the best option for the property, the<sup>35</sup>  
 2 neighborhood, the historic district and for Oxford as a  
 3 whole, unquote. That's just salesmanship. That's --  
 4 that's not facts before this Commission. But what you've  
 5 got here is you've got a property that's been a spectacular  
 6 buffer zone for years with a residential -- single-family  
 7 residential all behind it, some right in front of it, and  
 8 they're trying to help -- trying to leap the single-family  
 9 residence that still exists on the south side of Jackson  
 10 Avenue across from the home, the single-family residence  
 11 that are behind it. They're trying to move into this new  
 12 area with a condo development without giving you-all facts  
 13 on which you can make a finding to support this special  
 14 exception that they're seeking. And for those reasons, the  
 15 special exception on both sides of the historic Shaw House  
 16 should be denied.  
 17 May I ask counsel if -- and I'd like the Shields  
 18 Engineering letter that I provided to be made a part of the  
 19 record.  
 20 (Marked as Exhibit 2.)  
 21 MS. CORRELL: I have an additional fact to  
 22 enter the record. My name is Andrea Correll. I'm the City  
 23 Planner of Oxford, Mississippi. I have 25 years  
 24 experience, a Master's degree in City Planning from Georgia  
 25 Tech, and I am an AICP, Institute of Certified Planners.

1 support the decision, the Mississippi Supreme Court will<sup>34</sup>  
 2 set the decision aside unless there's special facts and  
 3 findings about the criteria. That's a case called Harrison  
 4 vs. City of Batesville. It's 73 So. 3d 1145. It's a case  
 5 that Mr. Watkins won representing Harrison against the City  
 6 of Batesville.  
 7 MR. WATKINS: It wasn't about special  
 8 exceptions. But thanks. You probably read it more  
 9 recently than I have.  
 10 MR. TOM FREELAND: The ordinances require  
 11 that this Board make a finding that the granting of the  
 12 exception will not adversely affect the public interest.  
 13 What do the applicants say about this? On Page 2, explain  
 14 how the application is in harmony, they note that because  
 15 the property is in a conservation overlay district and  
 16 historic district, quote, it will receive much regulatory  
 17 oversight, unquote. In other words, he wants to kick the  
 18 can down the road on whether the application is in harmony  
 19 with the existing district. He doesn't want you to look at  
 20 that now, just like he doesn't want you-all to think about  
 21 what's on that back lot now. They note the owner of the  
 22 neighborhood has a mix of condominium development, rental  
 23 houses, and owner-occupied houses. That does relate to the  
 24 public interest, and I'll get back to it. They tout  
 25 themselves as making a, quote, premiere Oxford development,

1 The proposal that the staff received first was two<sup>36</sup>  
 2 cul-de-sac balls on this property to subdivide as  
 3 single-family residential. There would have been massive  
 4 grading and a change in the topography and a change in the  
 5 character of the area. In my staff report, I said this was  
 6 the best case. We had worked for several months together.  
 7 The reason this is the best case is I used as your planner  
 8 the six guiding principles of what was compatible. It's  
 9 more compatible in staff's opinion for them to put a  
 10 driveway to condominiums than it was for them to mass grade  
 11 a cul-de-sac ball to flatten the topography and to change  
 12 the landscape around the historic Shaw House. I resent  
 13 what Ms. Freeland implied with my staff recommendation, and  
 14 I'm here to clarify it.  
 15 MR. HARMON: You got anything to add, Paul?  
 16 MR. KOSHENINA: I do. We appreciate those  
 17 comments, Andrea. This letter from Mr. Shields, again,  
 18 this is the first I've seen of this. It's always  
 19 interesting to me as a professional, another professional  
 20 wouldn't have the common courtesy to review these  
 21 engineering concerns with me directly. I think there's  
 22 clear evidence of why they're doing that. It's not an  
 23 attempt to really work through engineering issues. It's an  
 24 attempt to confuse things at this meeting. That being  
 25 said, I've read this letter and I can comment on some of

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<p>1 these items. He has a significant concern about the <sup>37</sup>  2 development of Lot 3, a one-and-a-half-acre parcel to the  3 north. We're not here speaking about Lot 3. We just had  4 the subdivision approved that did subdivide out Lot 3 of  5 this parcel. We're not proposing any construction for  6 that. We have done no plans for Lot 3. Therefore, we have  7 no engineering data for Lot 3, just to be clear. Again,  8 this letter was written by someone who has not attempted  9 to, nor do they understand the concept of how we're  10 attempting to develop this property. It's a concept that  11 we've developed with a lot of care and a lot of attention,  12 a lot of time spent with the Planning Department and our  13 client. And if you'll entertain me, let me walk you  14 through that.  15 without the presentation equipment here, it makes  16 it a little more difficult. But I think all you have --  17 and this is, again, a little premature, but they've jumped  18 ahead, so I guess we can jump ahead. Again, we're -- we're  19 here on an item that's for a special exception. We're  20 supposed to next go to the site plan approval. But they've  21 kind of muddled that all up together, so I'm going to do  22 the same. If you look at your construction drawings for  23 the Shaw Property, the western portion, which is Lot 2.  24 I'm sorry, yeah, for Kennedy Cove which is the overall Shaw  25 Property. Kennedy Cove is Lot 2 which is the site for</p>	<p>1 which we are requesting a special exception to build <sup>38</sup>  2 condominiums in an RB zone. If you look at the sheet  3 toward the end of the -- if we can get that back up, maybe  4 she can show you.  5 Mr. Shield's letter, that, again, was written  6 without any understanding of the concept and without any  7 attempt to discuss the concept with us to further  8 understand why we're doing it the way we're doing it, he  9 has concerns about the minimal amount of information  10 related to the grading and the tree preservation for Lot 2,  11 Kennedy Cove. Now, the concept that we have brought before  12 you tonight proposes the construction of a common drive.  13 That is the common infrastructure that would serve the four  14 building areas of this project. And although this is,  15 again, premature because we're not actually discussing the  16 site plan as we speak, I'd like to make sure it's clear  17 that we're proposing some additional conditions on the site  18 plan approval should you grant this special exception. And  19 those conditions are, no clearing or grading can occur  20 outside the limits of construction for the common drive  21 until the following has occurred. This is the common  22 drive. We're proposing that a condition is placed on this  23 property that allows no construction outside the limits  24 required to construct this common drive until these  25 following conditions are met. A grading plan and an</p>
<p>1 erosion control plan should be approved for each building <sup>39</sup>  2 site prior to issuing a building permit for each custom  3 single-family home. What that means is that at the  4 absolute maximum, Mr. Brian would construct this common  5 drive and would only perform or install the infrastructure  6 that is proposed in this set of documents. If he wants to  7 go beyond that, he has to come before the Historic  8 Preservation Commission for each individual building site.  9 He would have to get the building plan approved by the HPC.  10 He would then have to follow that approval with a  11 submission to Randy Barber's office, the building official,  12 to get an erosion control plan approved for that specific  13 building area, whichever one it may be. And furthermore,  14 we would submit to the Engineering Department to ensure  15 that the construction of that home is consistent with the  16 storm water calculations we've already provided. No  17 building permit would be granted until that point. That  18 also goes for the tree mitigation plan. Before any  19 building permit is issued for each individual home, we  20 would return to Katrina's office, and we would present a  21 tree mitigation plan that shows only the trees that need to  22 be taken out from that specific building site. And, again,  23 this building footprint, the reason it's dashed is because  24 this is a simple concept of what could be constructed. But  25 the intent is for these to be custom homes that work with</p>	<p>1 the terrain, work with the trees that are on the site <sup>40</sup>  2 that we could come in and try to minimize the disturbance  3 to the land and maximum the retention of trees on the site.  4 So, again, those are the -- to be clear, the  5 conditions that we're proposing to add to the site plan  6 approval should we get this special exception granted are  7 that no clearing or grading can occur outside the limits of  8 construction for the common drive until the following has  9 occurred. A grading plan and an erosion control plan shall  10 be approved for each building site prior to the issuing of  11 the building permit for each custom single-family home, and  12 a tree mitigation plan shall be approved for each building  13 site prior to issuing the building permit for each custom  14 single-family home.  15 MR. ALEXANDER: I make a motion that we  16 approve --  17 MS. JOYCE FREELAND: Excuse me. Excuse me.  18 MR. ALEXANDER: Sure.  19 MS. JOYCE FREELAND: I'd like to explain  20 something specifically.  21 MR. ALEXANDER: Yes, ma'am.  22 MS. JOYCE FREELAND: And short.  23 MR. ALEXANDER: Fine.  24 MS. JOYCE FREELAND: I'm sorry. I don't  25 know your name.</p>

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1 MR. KOSHENINA: Paul Koshenina. 41  
 2 MS. JOYCE FREELAND: Paul --  
 3 MR. KOSHENINA: We've never met, but I'm  
 4 available. I work right here in town.  
 5 MS. JOYCE FREELAND: Paul, the reason why  
 6 Doug Shields did not call you earlier is because we were  
 7 led to believe we would be given plans printed by your  
 8 office, and by Friday we were told you would not provide  
 9 them, and so I obtained them from Ms. Correll's office, and  
 10 Doug Shields got them then. And what you're going to find  
 11 if you look in your packages is that there is a lot less  
 12 provided this time than last time because there's so much  
 13 problems with this site. It's steep. I think that Mr.  
 14 Whittington who probably has enough expertise to decide  
 15 whether or not he has enough in front of him to decide if  
 16 there's not going to be adverse impact here. You really  
 17 just can't tell. There's not enough.  
 18 Ms. Correll, I'm not sure how we cast aspersions  
 19 on you professionally and insulted you, but you have been  
 20 here several months. And the factors that you said you'd  
 21 consider are not set out in the report. And I think that  
 22 many people on this board have a context for them,  
 23 including that this site is probably in the McCrady  
 24 painting that's on the wall in the mayor's office, and each  
 25 one of them gets to decide how important that is to Oxford.

1 control plan, the ordinances that were just passed by the 43  
 2 mayor -- I mean, by the board will be met under this. I  
 3 don't know what his report says, but they can't develop  
 4 without meeting that ordinance, and it's our duty to make  
 5 sure that it is met. So I just want to assure you that --  
 6 don't know what's there but --  
 7 MR. HARMON: So we can move on, I need to  
 8 entertain a motion for this case.  
 9 MR. ALEXANDER: I motion to approve case No.  
 10 1849 with the conditions stated.  
 11 MR. HARMON: Do I have a second?  
 12 MR. HUELSE: I'll second.  
 13 MR. HARMON: All in favor?  
 14 (Five in favor.)  
 15 MR. HARMON: All opposed?  
 16 (One opposed.)  
 17 MR. HARMON: Any abstained?  
 18 (One abstained.)  
 19 MR. HARMON: Move to 1852 now. We'll go to  
 20 1852 and then come up to 51 and 50.  
 21 MS. CORRELL: Thank you, sir. Site plan  
 22 approval, in this case 1852, for Shaw Place. A 6-unit  
 23 condominium development. The subject property is 1.52-acre  
 24 tract located on Jackson Avenue. They're seeking the site  
 25 plan approval. The applicant met with the site plan review

1 And that's not a matter of -- it doesn't -- it's not an 42  
 2 insult to you. I don't care about a Georgia Tech Master's  
 3 degree. You each get to decide. That's what we're talking  
 4 about.  
 5 THE AUDIENCE: Here, here.  
 6 MS. JOYCE FREELAND: It's a very simple  
 7 test. Have they put evidence in front of you to prove that  
 8 condos here -- and we know how much Oxford wants more  
 9 condos -- condos here are in the public interest? And they  
 10 just haven't. Now, we have met, and we have tried to  
 11 communicate that we're willing to, if there's concessions  
 12 to create a buffer, that's fine. If the whole plan in  
 13 front of you is what's going to happen, we support it. But  
 14 if it's not, we ask you deny it because it doesn't meet the  
 15 standards. Thank you.  
 16 MS. MAYORAL: I would like to speak just as  
 17 far as -- for the engineering. And I haven't been provided  
 18 a copy, so I have no idea what his report says. But to  
 19 clarify, from the City of Oxford's Engineering Department.  
 20 We have reviewed the plan. We've got -- they have to now  
 21 resubmit the storm water plan to meet the 2, 10, 25 and 100  
 22 year events, and it's our duty as -- in the Engineering  
 23 Department to make sure that those are met. And I don't  
 24 know what his report is, but I can assure you that the  
 25 requirements for the storm water plan and the erosion

1 committee in June, and on June 25th, the proposed 44  
 2 development was found to be in compliance. Approval --  
 3 recommended approval of the site plan for Shaw Place for a  
 4 six-condominium development with the following conditions:  
 5 That the requirements of the erosion control standards and  
 6 storm water standards adopted by the City of Oxford on July  
 7 1st, 2014, will be met prior to the issuance of any  
 8 permits; all storm water erosion control designed for the  
 9 project will be approved by the Engineering Department  
 10 prior to the issuance of any permit; a stamped copy of the  
 11 protective covenants for Kennedy Cove and for Shaw Place,  
 12 condominium complexes, as recorded by the Lafayette County  
 13 Chancery Office to be submitted to the Oxford City Planning  
 14 Office prior to the issuance of the CO, certificate of  
 15 occupancy; that bonds are received prior to the Board of  
 16 Alderman hearing for final plat and approval by Public  
 17 Works.  
 18 MR. HARMON: Anything to add on that, Paul?  
 19 MR. KOSHENINA: Sir, I -- I tried to just  
 20 outline the concept by which we intend to develop this  
 21 portion, which is Lot 2 of the previously approved  
 22 subdivision. That is the intent. And, again, I can -- I  
 23 can reiterate our willingness to add additional conditions  
 24 to this site plan approval. If I need to read those, I  
 25 can. Or if you have any other questions prior to that,



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1 I'll be happy to try to answer those. 45  
 2 MR. BISHOP: What does it look like when you  
 3 come off of -- is it 16 that Ts off of East Jackson right  
 4 into the Shaw Property?  
 5 THE AUDIENCE: South 17th.  
 6 MR. BISHOP: Is it -- what's the street that  
 7 --  
 8 THE AUDIENCE: South 17th.  
 9 MR. BISHOP: 17th. And so the topography,  
 10 that's a really -- I mean it's a hill on Jackson, right?  
 11 And then you've got to go -- to open a driveway at the --  
 12 at the east of that hill. And the west of the hill, the  
 13 apex of the hill --  
 14 MR. KOSHENINA: Right. So this -- so this  
 15 case is -- is discussed in Kennedy Cove, the western  
 16 portion of the site.  
 17 MR. HUELSE: Actually, Paul, we're on Shaw.  
 18 MS. CORRELL: No, we're on Shaw Place.  
 19 MR. KOSHENINA: We're on Shaw?  
 20 MR. HUELSE: We're on 4.  
 21 MS. CORRELL: Yeah.  
 22 MR. KOSHENINA: So we're -- for the special  
 23 exception?  
 24 MS. CORRELL: We're on the site plan.  
 25 MR. HUELSE: We're doing the site plan for

1 there, how much -- that's -- 47  
 2 MR. KOSHENINA: It's in a range of 200 feet  
 3 separating the 17th intersection and intersection proposed  
 4 for the private drive -- private common drive that would  
 5 serve these six proposed single-family homes.  
 6 MR. BISHOP: And how much -- how much are  
 7 you going to have to grade, or what's going to be done and  
 8 what's that -- what's that going to look like to --  
 9 MR. KOSHENINA: Again, the concept that  
 10 we've proposed is that no grading or construction can be  
 11 performed beyond that required for the drive here, the  
 12 common drive, until and unless they come back for  
 13 individual approval on each site so --  
 14 MR. BISHOP: When you go in off of Jackson  
 15 --  
 16 MR. KOSHENINA: Right.  
 17 MR. BISHOP: -- those lots are not flat.  
 18 MR. KOSHENINA: They're not, right. And  
 19 this is -- again, this is the benefit of providing a  
 20 private drive that doesn't have to meet some of the slope  
 21 and width requirements of the city street. As Andrea  
 22 described before, we looked at this exact property with a  
 23 city standard cul de sac, which was a 30-foot wide street  
 24 with curb and gutter --  
 25 MR. BISHOP: You've got to turn the fire

1 4. 46  
 2 MR. KOSHENINA: Okay, for 4.  
 3 MR. WATKINS: I'm sorry. I might have  
 4 misspoke. When you said west, I was thinking east. I'm  
 5 sorry.  
 6 MR. KOSHENINA: Okay. You threw me off  
 7 there. Same concept. If you're driving up 17th, that is  
 8 directly across.  
 9 MR. BISHOP: How are you going to get into  
 10 the Shaw House?  
 11 MR. KOSHENINA: Where will you get into the  
 12 Shaw House?  
 13 MR. BISHOP: Lot 1. Where --  
 14 MR. KOSHENINA: At their existing driveway.  
 15 That will not change. Although, I'm sure the driveway will  
 16 be improved.  
 17 MR. BISHOP: You go -- the driveway goes up  
 18 the hill.  
 19 MR. KOSHENINA: Right.  
 20 MR. BISHOP: And then when you come into the  
 21 -- we're talking about the Shaw Place, right?  
 22 MR. KOSHENINA: Right.  
 23 MR. BISHOP: On the east?  
 24 MR. KOSHENINA: Yes.  
 25 MR. BISHOP: So the driveway that comes in

1 truck around. 48  
 2 MR. KOSHENINA: -- and a sidewalk on both  
 3 sides and a 100-foot turnaround again, which was so land  
 4 hungry. And the flat slope that Oxford would require for  
 5 that to be a city street would have required in the range  
 6 of six to eight foot of cutting right in the middle of this  
 7 thing. By doing what we're proposing here, we're literally  
 8 following the existing contour. I mean, these are proposed  
 9 contours and existing contours. Dr. Shields does not point  
 10 that out, maybe did not notice that. These are proposed  
 11 contours that are indicating that we will be cutting in the  
 12 range of one foot as we rise off of Jackson Avenue and into  
 13 the site.  
 14 MR. ALEXANDER: In the blue?  
 15 MR. KOSHENINA: I'm sorry?  
 16 MR. ALEXANDER: The blue ink?  
 17 MR. KOSHENINA: The blue are existing. The  
 18 solid black and the purple are proposed.  
 19 MR. BISHOP: So when -- when the people that  
 20 live there come in and out onto Jackson, which, again,  
 21 you're really dealing with some blind spots on that road.  
 22 Is that correct?  
 23 MR. KOSHENINA: Right. We've looked at the  
 24 site distance separation there, and it gives the minimums  
 25 required from the crest at -- at Jackson Avenue close to

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<p>1 17th Street to the access, and one of the reasons we have<sup>49</sup>  2 this thing pushed to the east as it is, trying to get as  3 much separation as we can.  4 MR. HUELSE: How close to that existing  5 house or driveway --  6 MR. KOSHENINA: The existing home is  7 literally sitting right in this spot right here.  8 MR. HUELSE: So that -- that proposed drive  9 is similar to --  10 MR. KOSHENINA: Right. Our -- our drive  11 follows as -- generally.  12 MR. HUELSE: Kind of that same --  13 MR. KOSHENINA: Same concept. Climbs the  14 terrain with the natural terrain.  15 MR. BRIAN: I think it's important to point  16 out to -- to your point. There's an existing driveway now  17 and has been for 25 or 30 years. That's where the duplex  18 driveway is. And the only reason we have that little turn  19 in it, because it's a nice oak tree there that we're  20 working around. But otherwise, it's -- it's almost exactly  21 in the same location of the driveway that's there.  22 MR. HARMON: Any other questions from the  23 Commission? Have we got some from the audience? Tom, be  24 brief, please.  25 MR. TOM FREELAND: Very briefly, we've</p>	<p>1 stated the facts and the law that we were traveling on,<sup>50</sup> and  2 I just want to reiterate the previously stated objection.  3 I'm not sure -- I thought you were going to do the two  4 special exceptions in a row, so I got a little bit lost.  5 But as I understand, this is one of the -- the site plan  6 adjoining the church property. And I -- I think we've  7 stated our position.  8 MR. TROUT: Mr. Chairman, I just wanted to  9 -- I want to get one thing clear, if I may, and then -- I'm  10 going to ask Ms. Correll about that, and that is, the same  11 work went into the planning on Lot 4 as you refer to on Lot  12 2 previously; is that correct?  13 MR. CORRELL: Yes.  14 MR. TROUT: And, ma'am, I'm sorry. I -- I  15 don't know your name.  16 MS. MAYORAL: I'm Reanna Mayoral, the  17 Assistant City Engineer.  18 MR. TROUT: All right. And, ma'am, the same  19 sort of engineering planning that you discussed earlier as  20 having gone into Lot No. 2, was that similar or as good a  21 planning as used on No. 4?  22 MS. MAYORAL: Yes.  23 MR. BRADLEY: What -- let me ask the  24 engineer, did you say the City had already done its  25 engineering study --</p>
<p>1 MS. MAYORAL: We had already --<sup>51</sup>  2 MR. BRADLEY: -- on Lots 2 and 4?  3 MS. MAYORAL: No, sir. We had already  4 received and we were in the process of reviewing the storm  5 water submittals that were submitted. All of the plans  6 tonight that were -- all of the cases heard tonight  7 submitted their plans, and we were in the process of  8 reviewing them all when the -- the moratorium issue came  9 up. And so we've been -- we realized that we were about to  10 have the one hundred year storm -- we were going to have  11 our new ordinance applied, so we stopped reviewing all of  12 those. So we have to -- we have to get them all submitted  13 to us and then review them.  14 MR. BRADLEY: So you -- the Engineering  15 Department has not completed --  16 MS. MAYORAL: We can't.  17 MR. BRADLEY: -- the studies for Lot 2 and  18 4.  19 MS. MAYORAL: Well -- well, we can't  20 complete any studies for any case you've heard tonight  21 because we haven't received them yet because the moratorium  22 just went in effect today. So what we have -- what we've  23 reviewed and were in the process of reviewing is not what  24 the Board of Aldermen now wants considered. So -- but it's  25 the same process, I think, we discussed two meetings ago</p>	<p>1 that because of the -- we're using a consultant and we<sup>52</sup>  2 taking -- to make sure that these are all thoroughly  3 reviewed, that the -- the process has taken longer. So  4 it's the same that we've been doing for the last several  5 months now that you won't have a storm water approval at  6 the meeting, most likely.  7 MR. WATKINS: And, Professor, the reason  8 that the -- that the Board set up the moratorium the way it  9 did was so that projects that were already in the hopper  10 that had complied with all of the other requirements of the  11 ordinance could go forward conditionally, and those  12 projects could be allowed to submit the plans under the --  13 under the new ordinance and not have to wait for this  14 Commission to consider their entire --  15 MR. BRADLEY: And who is the consultant that  16 you have engaged?  17 MS. MAYORAL: We use Steve Brunton.  18 MR. BRADLEY: Is that an Oxford engineer?  19 MS. MAYORAL: He is a resident of Oxford,  20 yes, sir, and engineer. But he is not affiliated with any  21 engineering firm in Oxford. He actually brings his  22 expertise from another area with much stricter storm water  23 requirements, which is why we chose to use him.  24 MR. HARMON: If not any more questions, I  25 entertain a motion for this case.</p>

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<p>1 MR. HUELSE: Just to clarify, we are on 53  2 1852?  3 MR. HARMON: 1852, yeah.  4 MR. HUELSE: I make a motion to approve Case  5 1852 with the recommendations of the Planning Department.  6 MR. ALEXANDER: Second.  7 MR. HARMON: All in favor?  8 (Six in favor.)  9 MR. HARMON: Any opposed?  10 (One opposed.)  11 MR. HARMON: Abstained?  12 (None.)  13 MR. HARMON: Next is 1851.  14 MS. CORRELL: 1851 is the special exception  15 to Section 134.027 to allow condominiums, four units, known  16 as Kennedy Cove. The property is zoned RB two-unit  17 residential. The existing neighborhood consists of a  18 mixture of condominium development -- sorry, I'm getting  19 tongue-tied -- condominium development (both detached and  20 attached units), rental apartment development (both  21 detached and attached), rental houses and owner-occupied  22 homes. The section is 134.7. 134.02, uses permitted by  23 special exception. No. 7 is resident condominiums, three  24 units or more. The staff has worked for several months to  25 find the best developmental use for this property with the</p>	<p>1 development team. The concept of custom homes sold as 54  2 condominiums would allow a private shared drive. This  3 would be the best way to preserve the heritage trees and  4 minimize grading and land disturbance. The home will be  5 developed with -- the home will be developed when sold, and  6 the house pads will need to be cleared for the building  7 footprints. Recommendation: Approval of request for a  8 special exception to allow the property known as Kennedy  9 Cove with the following condition, that the special  10 exception is for four residential condominiums. Thank you.  11 MR. KOSHENINA: Again, I think Andrea did a  12 good job of outlining that, and I think I spent a little  13 time describing this parcel, being confused with another  14 case a minute ago. So this is the exact same concept that  15 we proposed on the east side on Lot 4. This is now Lot 2.  16 Again, what we're seeking approval for tonight is a site  17 plan approval for four units on that parcel only to  18 construct a common infrastructure, a common drive, and  19 water and sewer infrastructure associated with that. And  20 again, we're willing to impose additional conditions on  21 this site plan approval that would require us to come back  22 individually for each unit for an erosion control, for a  23 tree mitigation plan, and for a storm water detention plan.  24 MR. HARMON: Questions from the Commission?  25 From the audience?</p>
<p>1 MS. NAZARIO: I just want to say one more 55  2 thing, and I'll be brief. I just want to make sure that --  3 that you are clear. That area of Jackson Avenue is one of  4 the probably last areas in this city that are still family  5 owned -- single-family owned places that -- and as I said,  6 I was away from here for a few years. My parents are  7 deceased now. My husband and I are living back in my  8 family home. There are just those few houses there. We  9 like that feel of -- that there still is community there  10 without having condominiums come in. I don't know where  11 you live. I don't know if you were in a neighborhood, and  12 then all of the building up -- I'm all for progress. I  13 mean, I think it's great. I'm an elementary school  14 teacher. I talk to my children every day about progress.  15 But we want to maintain a sense of community. And that  16 little area right there is all that's left in the Jackson  17 Avenue, in the Oxford Square area that is still a  18 single-family community.  19 MR. KOSHENINA: To be fair, we intend to  20 build some more family homes here. We're talking about  21 terminology of ownership. It's whether you own the lot  22 you're sitting on or you don't. This is going to be a  23 single-family home. All of these homes we're proposing  24 will be single-family homes. The difference is they own a  25 common drive and they commonly own the property they're</p>	<p>1 sitting upon. 56  2 MR. BRIAN: I'm not -- I'm not sure what the  3 difficulty is, and I -- listen, you're not the only one.  4 But people seem to have a really hard time understanding.  5 We're talking about custom single-family homes. It's  6 called condominium only because we're putting in a private  7 street. We're putting in a private street so we can do  8 great family -- single-family custom homes. There are  9 pictures in your applications of examples of renderings of  10 what we're going to be doing. It is going to be exactly  11 what you hope for and would like to see, actually even  12 more, but they are single-family custom homes.  13 MR. TOM FREELAND: I'll be very brief. I  14 only have one additional point to make because there's  15 something specific to this site plan. But first, I want to  16 make clear -- of course, I'm Tom Freeland -- that we're  17 raising the same issues about this part of the site plan  18 that we were raising previously. And we don't want to walk  19 through it all again because the -- the Planning Commission  20 has already heard that. Now, as I -- we're -- we're  21 looking at Kennedy Cove right now as I understand it.  22 There's an oddity about Kennedy Cove that -- of note that  23 suggests that there really is more to this plan than meets  24 the eye. The road goes up here. To access the driveway is  25 there and back here. But then there's a stub road out</p>

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1 here. 57  
 2 MR. WHITTINGTON: Excuse me. We're not --  
 3 MR. TOM FREELAND: What? We're not? Have I  
 4 got -- I got lost.  
 5 MS. CORRELL: Special exception.  
 6 MR. HARMON: We're on 51.  
 7 UNIDENTIFIED: We're on special exception  
 8 for Shaw.  
 9 MR. TOM FREELAND: Okay. We're -- you're on  
 10 Shaw Place, the other side? Okay.  
 11 MR. WHITTINGTON: Are we on the same page?  
 12 MS. CORRELL: We're on the special exception  
 13 --  
 14 (Unintelligible due to multiple speakers.)  
 15 MR. HARMON: 1851.  
 16 MR. TOM FREELAND: I got --  
 17 MR. WHITTINGTON: Okay. I'm sorry.  
 18 MR. TOM FREELAND: So am I -- am I -- am I  
 19 addressing the right --  
 20 MR. WATKINS: You're on the right --  
 21 MR. TOM FREELAND: Okay. All right. I got  
 22 lost for a few minutes, too. But there's -- the road goes  
 23 up to meet driveways there and there, and then it stubs out  
 24 here on that point. And I want to show you where it stubs  
 25 out. If you look on -- that's wrong. This is Kennedy

1 sole reason for that stub. 59  
 2 MR. HARMON: I think we've got a good  
 3 feeling and understanding of how both sides feel. I think  
 4 we can go ahead and entertain a motion for this -- this  
 5 case.  
 6 MR. TROUT: Mr. Chairman, I just wanted to  
 7 -- I'm going to be very brief, but I wanted to ask Ms.  
 8 Correll if the same sort of planning went into this special  
 9 exception as she testified to earlier in more detail on the  
 10 first special exception.  
 11 MS. CORRELL: Yes, sir, Mr. Trout.  
 12 MR. TROUT: And from the Engineering  
 13 Department, did similar engineering work go into the --  
 14 MS. MAYORAL: Yes, sir.  
 15 MR. TROUT: -- subject matter of the present  
 16 special exception as previously?  
 17 MS. MAYORAL: Yes, sir.  
 18 MR. TROUT: Thank you.  
 19 MR. HUELSE: I make a motion to approve Case  
 20 No. 1851 with the conditions set by the City.  
 21 MR. HARMON: Do I have a second?  
 22 MR. BISHOP: I second.  
 23 MR. HARMON: All in favor?  
 24 (Six in favor.)  
 25 MR. HARMON: Opposed?

1 cove. If you look -- there's where it stubs out. You see 58  
 2 this terrain line, and you see this one behind it that's  
 3 got these two little horns kind of coming out. Let's look  
 4 back to the original property. There's one of the horns,  
 5 and there's one of the horns. So you've got a road  
 6 stubbing out here pointed out in this direction, which is  
 7 another way in which he's asking you with these site plans  
 8 to buy into a pig in a poke. Where that road goes, what  
 9 his future plans are, he's not telling you. He's not  
 10 giving you enough information to tell what he's going to do  
 11 when he develops this out, and then he looks to the Shaw  
 12 House next and the property behind it after that. He's --  
 13 he's leaving options open, and you don't know where he's  
 14 going. And, again, I want to repeat my prior objections  
 15 from before.  
 16 MR. KOSHENINA: I can speak to that, and  
 17 it's far less sinister than he suspects. Reanna can  
 18 confirm this when we get on the right spot. All right, the  
 19 turnaround that he's describing is specifically and only a  
 20 requirement for a garbage truck to pull into the site, pick  
 21 up solid waste, individual pickup, door-to-door pickup as  
 22 you would always have in a single-family home, and so that  
 23 they can back out and not have to back into Jackson Avenue.  
 24 MS. MAYORAL: And fire.  
 25 MR. KOSHENINA: And fire truck. That's the

1 (One opposed.) 60  
 2 MR. HARMON: Abstained?  
 3 (None.)  
 4 MR. HARMON: Case 1850.  
 5 MS. CORRELL: Thank you. 1850 is site plan  
 6 approval for Kennedy Cove, a four-unit condominium  
 7 development. The property is zoned RB two-unit  
 8 residential. The subject property is 1.14-acre tract off  
 9 of Jackson Avenue. They're seeking site plan approval.  
 10 The applicant met with the site plan review committee in  
 11 June, and on June 25th the proposed development was found  
 12 to be in compliance. Recommendation to approve the site  
 13 plan for Kennedy Cove, a four-unit condominium development  
 14 with the amended conditions that include the storm water  
 15 and the erosion control ordinances that we've discussed  
 16 previously and, also, the protective covenants for Kennedy  
 17 Cove recorded in the Lafayette County Chancery Office to be  
 18 submitted to the Oxford City Planning Office prior to the  
 19 issuance of a CO. Thank you.  
 20 MR. HARMON: Anything to add, Paul?  
 21 MR. KOSHENINA: Other than that it's the  
 22 same concept we just described with the same conditions  
 23 we're willing to impose on the project in addition to those  
 24 that you already placed.  
 25 MR. HARMON: Questions from the Commission?

OXFORD PLANNING COMMISSION MEETING

1 Coming from the audience? 61  
 2 MR. TOM FREELAND: Just repeat what I've  
 3 raised earlier.  
 4 MR. HARMON: Entertain a motion for 1850.  
 5 MR. HUELSE: I also move to approve 1850  
 6 with the City's recommendation.  
 7 MR. ALEXANDER: I second.  
 8 MR. HARMON: All in favor?  
 9 (Six in favor.)  
 10 MR. HARMON: Opposed?  
 11 (One opposed.)  
 12 MR. HARMON: Any abstained?  
 13 (None.)  
 14 MR. HARMON: Anything else? Meeting  
 15 adjourned.  
 16 (The meeting was adjourned at 8:56 p.m.)  
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 25

1 CERTIFICATE OF COURT REPORTER 62  
 2 STATE OF MISSISSIPPI)  
 3 COUNTY OF LAFAYETTE)  
 4 RE: 7/14/14 OXFORD PLANNING COMMISSION MEETING,  
 SHAW PROPERTIES, CASES 1848 THROUGH 1852  
 5  
 6 I, Libby A. Furr, CCR 1724, a Notary Public within  
 7 and for the aforesaid county and state, duly commissioned  
 8 and acting, hereby certify that the foregoing proceedings  
 9 were taken before me at the time and place set forth above;  
 10 that the statements were written by me in machine  
 11 shorthand; that the statements were thereafter transcribed  
 12 by me, or under my direct supervision, to the best of my  
 13 ability and understanding, constituting a true and correct  
 14 transcription of the proceedings.  
 15 I further certify that I am not a relative or  
 16 employee of any of the parties, or of counsel, nor am I  
 17 financially or otherwise interested in the outcome of this  
 18 action.  
 19 witness my hand and seal on this 28th day of July,  
 20 2014.  
 21  
 22 My Commission Expires: CCR 1724  
 23 September 19, 2016 Notary Public  
 24  
 25