

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission
Monday, January 10, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green;
J.R. Rigby; Judy Riddell; Kirk Milam; Michael Johnson; Paul Watkins; Robert Baxter

Remote Attendance

Joseph Murphy; Reanna Mayoral

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. January Planning Commission Memorandum

1. Call to Order

Commissioner Murphy has technical issues joining remotely.

2. Approval of the Agenda

Move: Harry Alexander Second: Kirk Milam Status: Passed

3. Approval of minutes from the December 13, 2021 Meeting

Move: David Spragins Second: Harry Alexander Status: Passed

4. Staff Report

Planning Director Requet reminds Commission of PC Training on January 20; and states Building Official Report delayed until next month due to illness.

a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2819-A – Burroughs Restaurant Group has filed a request for Site Plan Approval for 'Guthrie's' for property located at 1506 University Avenue. (PPIN #8039)

C. **Public Hearings**

1. Public Hearing for Case #2818 – Jeff St. Romain has filed a request for a Variance from Section 3.8.8 Restaurants: Parking for property located at 1735 University Avenue. (PPIN #7995)
(Postponed from December)

Commissioner Murphy has joined the meeting remotely.

Planning Comments:

The subject property is the University Shopping Center (shopping center containing Alice & Company, UPS Store, Social Wine & Whiskey House, Don and Dale's Barbershop, etc.) located at the northwest corner of the University Avenue and Bramlett Boulevard intersection. The center was recently acquired by the University Shopping Center, LLC. (David Blackburn), and improvements to the buildings and parking lot facilities have been installed. The applicant, Jeff St. Romain, would like

to install an outdoor patio immediately adjacent to the Walk On's Sports Bistreaux (located in the former Mustard Seed Antique Mall).

The architect for University Shopping Center, LLC. provided parking calculations for the various uses in the shopping center and it was determined that a 14-parking space deficit, not including the patron area for the proposed Walk On's patio. As a result of this provided information, Staff informed the applicant that it could not authorize the construction of the patio unless the Planning Commission were to grant a variance. Additionally, since this variance ultimately applies to the entire shopping center, Staff did require permission from the property owner for the applicant to request this variance; permission was provided and a copy of the provided letter is included in the packet.

The applicant states that they are requesting this variance because the outdoor seating will activate a previously unsightly and under-utilized piece of property facing the prominent Bramlett Boulevard. The patio will provide an additional 38 seats to the restaurant but as a result, it requires an additional 6 parking spaces to a shopping center that currently has a 14-parking space deficit. The application notes that the Land Development Code was written before COVID has created impacts to businesses. As a result of COVID, the application states that every restaurant needs the ability to spread out and have outdoor seating to remain open during potential future outbreaks. It is also noted that a benefit to granting this variance is that it would reduce the amount of pavement in the City, thus, allowing more green and active spaces for the citizens of Oxford to enjoy. The applicant believes that the outdoor seating without increasing the parking has no negative impact and brings added value to everyone.

Staff certainly acknowledges the impacts of COVID to all businesses, especially the restaurant industry. During COVID, the City worked to provide temporary outdoor dining opportunities to support the businesses under emergency orders by the Mayor and the Governor but they have since ended. The applicant states that they believe that there is not a negative impact to allowing the proposed outdoor patio without requiring the additional parking but the adjacent business owners at Chaney's Pharmacy (Brent and Laura Smith) have expressed concerns about the impacts of the restaurant to their business, particularly to their parking lot.

While much of the parking in the University Shopping Center is shared parking between all of the businesses, Chaney's Pharmacy owns the parking along Bramlett Boulevard. The Smith's are concerned the restaurant patrons/employees will park in the Chaney's Pharmacy parking lot resulting in an impact to their business. Staff has encouraged the owners of the shopping center and Walk On's to contact the adjacent business owners about securing a shared parking easement. As of the writing of this report, an agreement has not been secured to Staff's knowledge.

Staff does also acknowledge some of the businesses in the shopping center have peak hours that differ than the Walk On's peak hours. For example, the newly constructed Origin Bank is likely open 8-5pm during the week but even though Walk On's is open during lunch hours, it is also likely that most of its business is generated after 5pm.

Staff (Ben Requet, Robert Baxter and Hollis Green) met on-site with the Walk On's development team on Friday, November 19th. Staff learned that approximately 40 employees work a typical Walk On's shift. This is concerning because the quantity of parking required for the restaurant is 42.

Given all of the circumstances in this request, Staff is not able to support the request.

Recommendation: Staff recommends denial of the requested parking variance (20 spaces) to facilitate the outdoor patio.

Summary of Discussion:

Chair requests to know how parking requirements for this type of use are calculated. Planning Director Requet describes the system used, based on patron area. Commission Johnson asks clarification on the parking needed. That is described.

Benjamin Bradford (applicant's design team) and Stuart Povall (architect for development owner) speak representing applicant. Chair Rigby notes the parking deficiency is across the entire shopping center. He restates the deficiency issues, noting the statement that staff includes 40 employees. Bradford states that it is not that high. Chair Rigby states that employees have declined since that statement.

Bradford acknowledges the problems the first week. Chair Rigby notes that it appears that up to three-fourths of existing parking could be taken up just by employees. Povall notes that is speculative; and he thinks parking should be calculated differently with a specific standard for employees. Chair Rigby notes this is not a site plan but a Variance; and that the concern about parking needed for weekends did not seem to be accounted for. Povall states that the thinking was that other businesses in the center would be closed on weekends.

Commissioner Milam asks if there are any parking restrictions in the lease. Povall states that there are not, and all parking is fully shared by all tenants, and with the new bank. No spaces are assigned. PD Requet notes the bank (Origin Bank) is on a separate property, with a shared parking agreement with the center. Commissioner Riddell asks if the UPS Store is on a separate property. PD Requet states that the UPS is part of the center, but the Burger King is not; and does not have a shared use agreement with the rest of the center. Povall goes on to state that his calculations indicate that 30 spaces that should be available between businesses closed at night or have light use during the day. He acknowledges that the calculations are conceptual.

Commissioner Riddell asks if the goal is to be light at lunch and heavier use in the evening. Bradford notes that is how it generally works out, and goes on to note that the center was vacant for a while and a belief that change can be difficult for existing tenants. He states that it has not again been as full as it was the first week.

Chair Rigby asks if others wish to speak. Chris Watson, representing the owners of Chaney's Pharmacy presents a written report to distribute to the Commission. He states his expertise. He describes his perspective on the technical issues surrounding the proposal, including the proximity of the Chaney's parking area to the entrance of the restaurant and the problem that causes. He describes the various requirements of the zoning ordinance regarding a variance; and why the proposed variance does not meet those requirements. He disputes that outdoor dining is not the only way to address any Covid restriction. He states that the outdoor dining is desired but is not a necessity. He states that the variance would convey a right not enjoyed by others. He concludes that the reason for the variance is a caused by a desire of the applicant. He describes the findings required for a variance, and why the application does not meet those standards.

He then describes how the Chaney's property has been negatively affected by the restaurant, and their need to now employ a security guard to reserve their parking spaces for their customers. He further notes that there seems to be an imbalance between spaces required for employees vs. customers. He states a belief that the zoning ordinance does not require enough parking spaces. He notes that the Chaney's lot has long been used to provide extra parking for the Library and the Pavilion; and that is also being negatively affected.

Chair Rigby then summarizes the points made by Mr. Watson: insufficient existing parking, the minimum remedy would make the situation worse, the Chaney's lot is not available for this use. Mr. Watson outlines what he sees as a problem in the ordinance, and the situation will be made much worse by the variance.

Attorney Ann Taylor, representing the Chaney's Pharmacy owners speaks to the photos in a handout given to the Commission, which indicate how the Walk On's has caused problems. This included a Sunday with no security guard, when there were no parking spaces for Chaney's patrons. Other photos indicate other problems being caused. The cost of the security guard was also presented.

Ross Boatwright; father of the owner of another business in the center, a hair salon points out that many of his daughter's elderly patrons cannot park far away from the entrance. He also states that the salon has evening hours. He indicates how another business soon to open will make the situation even worse. He indicates that the owner of the center has not been helpful. He requests

that the variance be denied.

Bradford returns, and notes that they acknowledge there is an issue of parking convenience; and they would help with signage indicating cars would be towed.

Motion to Deny.

Move: Harry Alexander Second: Michael Johnson Status: Passed

2. Public Hearing for Case #2820 – St. John the Evangelist Catholic Church has filed a request for a Variance from Section 5.8.4.3 for property located at 403 University Ave. (PPIN #24175)

Planning Comments: The subject property is located on the north side of University Avenue adjacent to the University. The property is +/- 2.13 acres and is located in a TNR District, the Neighborhood Conservation Overlay (NCO), as well as the South Lamar Historic District. A site plan for the church was approved in October 2005 (Case #1244) and has been amended three times (2007, 2010 Case #1555, & 2017 Case #2147). The applicant is requesting a variance to exceed the maximum lot coverage so that a church residence may be constructed. Any new construction will require a COA from the Historic Preservation Commission as well as a site plan amendment. A Special Exception would also be required for the use of a residence in association with a religious assembly use.

The NCO requirements in Section 5.8.4.3.a have two subsections that govern NR lot coverage:

- i. 40 percent for properties zoned SMF or NR
- ii. 50 percent for lots with detached dwellings in an SMF or NR district

Despite the fact that this would be a detached dwelling, the residence would be directly associated with the church and is located on a parcel that is currently used for church activities (sidewalks). Staff's position is that the entire site should be considered as a whole and that the 40% lot coverage maximum should apply.

The site as it currently exists has coverage of 52.69% which is over the 40% requirement. This site has been in excess of the 40% requirement since at least the 2010 Site Plan Amendment. This request is for the expansion of an existing non-conformity.

The plan proposed by the applicant indicates impervious coverage for the entire site to be 53.74% which is roughly 1% greater than existing conditions.

The criteria for a variance are:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. 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;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. 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.

The applicant states that strict application of the 40% standard would create an undue hardship for the church and its congregation as well as the priest serving the church and congregation, because this is an essential function of the use of the church. The residence is intended to be constructed in a way that will be in harmony with adjacent homes making it part of the existing neighborhood.

The applicant has minimized their request by making the driveway for the proposed residence out of pervious pavers. Additionally, the area dedicated to the residence has impervious coverage of

+/- 26.6% according to staff calculations.

Recommendation: Staff recognizes that the proposed residence furthers the mission of the church and that the variance request has been minimized, but Staff does not see the required hardship in the materials as presented. Should the Commission wish to grant this request, Staff requests the following conditions be added:

1. Approval is for the plan as submitted.
2. A site plan amendment for the entire site is required.
3. A Special Exception for the use of a residence in association with a religious assembly use is required.
4. A Certificate of Appropriateness for the design of the residence is required.

Commissioner Riddell asks how the lot coverage could only go up 1% if they are building a house. Planner Baxter describes how by removing some existing sidewalk it will offset. Chair Rigby notes it would be about 2.2% if the sidewalk were not removed.

Paul Koshenina, representing the church, speaks to the request; indicating that some of the driveway would be changed to create a pervious surface. He also indicated that the priest submitted other elements, in that the Catholic Church encourages the priest to live on or very near the property. They believe this an important addition, for about a 1% increase in impervious area. He compares it to what is required for residential uses.

Chair Rigby states the unusual position for a church; and that this is a church providing affordable housing for its staff. Commissioner Milam notes that there used to be two homes on the site. Koshenina notes that there will still be open green space along the street, with setback like the existing houses on the street.

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2821 – Pettey Hardin has filed a request for Preliminary and Final Plat Approval for 'GoShine Express Car Wash Subdivision' for property located on Hwy 6 Eastbound near CR 305. (PPIN #7686)

Planning Comments: The subject property is located on the South side of Highway 6 between Waller Funeral Home and Centerpoint Energy. The applicant was granted a Special Exception to allow the proposed use of a car wash at this location (Case #2778). A site plan for a car wash with vacuums is currently under review. In this case, the applicant is requesting Preliminary and Final Plat approval. The subject property measures approximately +/- 1.77 acres. The proposed subdivision consists of a single lot. The proposed lot meets the dimensional requirements of the underlying zoning. Subdivision covenants have not yet been received, and will be required prior to the issuance of permits.

Engineering Comments: The applicant proposes to subdivide a single lot containing 1.77 acres from an existing tract containing approximately 5.28 acres. Said tract being owned by Heritage Developments, LLC, and being identified as Lafayette County Tax Parcels 147W-25-177.00 and 179.00. The tract is bound on the north by Mississippi Highway 6 and on the south by Lafayette County Road 305, which is also known as Howell Loop. The tract currently has access to the eastbound lanes of Highway 6 via a private drive entering the site at the most northeastern corner of the property. Access for any future development will be determined based on the use, consideration of any required traffic impact studies and after consultation with the Mississippi Department of Transportation. Cross access easements and shared access will be required. The property is vacant except for a small, currently unoccupied office building situated in the northeast corner of the site. The current owner has cleared the property and performed a considerable amount of dirt work to raise the site in elevation over the top of an existing 12" (twelve inch) water

main. Because of the elevation of the site, the water main is now considerably deep and not maintainable. The City notified the owner (Larry McAlexander) of the requirement to raise the water line approximately 2-3 years ago. A bond will be required for this work and the City must review and approve the plans for relocation. The proposed subdivided tract as shown on the plat lies in the northeast corner of the existing tract.

Recommendation: Staff recommends approval of the Preliminary and Final Plat for 'GoShine Express Car Wash Subdivision' with the following conditions:

1. Approval of the Preliminary and Final Plat for 'GoShine Express Car Wash Subdivision' by the Mayor and Board of Aldermen is required. (Planning)
2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting. (Planning)
3. Prior to the case being heard by the Board of Alderman, the plat needs to show cross access easements to the east and west through the subdivided tract. (Engineering)
4. The aforementioned 12" water main needs to be raised to a minimum depth of 36" (top of pipe) so that is accessible for use and maintenance. Construction plans must be approved by the City prior to beginning the work. (Engineering)
5. Prior to the case being heard by the Board of Alderman, a performance bond needs to be provided ensuring the relocation of the water main will be performed prior to any future development. A cost estimate of the work needs to be submitted to the City Engineer for approval and the performance bond provided to ensure final signature approval of the final plat. (Engineering)
6. Prior to the case being heard by the Board of Alderman, the plat needs to show a dedicated utility easement along the route of the existing 12" water main and note that the easement will be provided 10' on each side of the water main as it lies on the ground. (Engineering)
7. Any future developments within the subdivision will be required to meet the regulations of the most current City of Oxford Storm Water Management Ordinance. (Engineering)

Summary of Discussion:

Chair Rigby asks about one element of the proposal related to direct access from Hwy 6. He asks if condition #3 can be changed regarding the cross access easement to include the potential for access north and south, as well as east and west, which would allow access to CR 305. City Engineer Reanna Mayoral indicated no objection to the request.

Motion to approve subject to Staff conditions with condition 3 amended to include cross access easements to the north and south.

Move: Michael Johnson Second: David Spragins Status: Passed

4. Public Hearing for Case #2822 – David Blackburn has filed a request for Final Plat Amendment for 'Magnolia Park Subdivision - Lot 5' for property located at 1801 West Jackson Avenue. (PPIN #18640)

Commissioner Milam has recused.

Planning Comments:

The subject property seeking an amendment is Lot 5 of the Magnolia Park Subdivision. Lot 5 measures approximately +/- 7.6 acres and it is zoned Traditional Neighborhood Business. This property has frontage towards West Jackson Avenue, Allison Cove and Anderson Road. Much of the property is already developed; a portion of the property (with frontage towards Anderson Road) is developed with storage units (Seeker Storage), while the remainder of the property (with frontage towards West Jackson Avenue) is developed with the Highland Court shopping center.

The applicant is requesting an amendment to the Magnolia Park Subdivision to divide Lot 5 into three separate lots. The property with the storage units fronting Anderson Road will become Lot 5 measuring +/- 3.315 acres, the property with most of the developed Highland Court shopping center will become Lot 6 measuring +/- 3.868 acres and the southeast corner of the Highland Court shopping center will become Lot 7 measuring +/- .418 acres. The proposed lots to comply with the dimensional requirements of the Land Development Code. Because this property was originally developed as part of a single lot, there is a need for cross access easements and a

shared parking agreement to be indicated on the plat prior to it being heard by the Mayor and Board of Aldermen. Also, subdivision covenants are required to be provided prior to it being heard by the Mayor and Board of Aldermen.

Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.

Engineering Comments:

Cross access easements will be required for each lot. Utility services for Lots 6 and 7 were planned and provided for as part of the Highland Park site plan (Case 1826) and most of the shopping center infrastructure is in place. Stormwater requirements for lots 6 and 7 were provided for as part of the Highland Park site plan provided that the building size for any new construction on lot 7 does not exceed 4,830 square feet (building C area shown in original construction plans, Case 1826). The shopping center has been under phased construction for a number of years and the completion of a building on proposed Lot 7 will complete the center.

Recommendation: Staff recommends approve of the requested subdivision modification with the following conditions of approval:

1. Prior to this item being heard by the Mayor and Aldermen, a copy of the covenants for this subdivision shall be provided to the Planning Department Staff.
2. Prior to this item being heard by the Mayor and Aldermen, a shared parking easement shall be provided to the Planning Department Staff.
3. Prior to this item being heard by the Mayor and Aldermen, cross access easements shall be noted and shown on the plat.
4. A building area on Lot 7 larger than 4,830 square feet will require new stormwater management accommodations. Otherwise, stormwater management has been addressed with the original approval for the shopping center.

Summary of Discussion:

Chair Rigby notes that new lots #6 and #7 have different owners from lot #5, so the proposed lot line follows a metes and bound description? Paul Koshenina, representing the applicant, notes that the original intent was just to carve out a new lot from the remaining vacant parcel. In doing that they discovered that the old commercial subdivision of Magnolia Park had never been modified to separate the area facing Anderson from the area facing West Jackson. This modification request will clean up that situation.

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

5. Motion to Adjourn

Commissioner Milam returns

Move: Kirk Milam Second: David Spragins Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
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Monday, February 14, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green;
J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Robert
Baxter

Remote Attendance

Paul Watkins; Reanna Mayoral

Not In Attendance

Michael Johnson

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. February Planning Commission Memorandum

1. Call to Order

Commissioners Riddell and Johnson not present.

2. Approval of the Agenda

Move: David Spragins Second: Kirk Milam Status:

3. Approval of minutes from the January 10, 2022 Meeting

Move: Kirk Milam Second: David Spragins Status: Passed

4. Staff Report

Planning Director Requet noted the new online digital map for the cases. Helpful for the public with links to the staff reports, with archive accessible. GIS Analyst, Lesley Rakestraw has done a great job in putting this map together.

a. Building Official's Report

5. Map of Cases this Month

[https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?
appid=ff8873ac54dc47a481c5f2c8a64d4be1](https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1)

B. Consent Agenda

Commissioner Milam recused.

Move: David Spragins Second: Joseph Murphy Status: Passed

1. Public Hearing for Case #2823 – Sayle Oil Company has filed a request for Site Plan Approval for 'Dipstix Lube and Tire: Colonnade Crossing' for property located at Lot #2 of Colonnade Crossing Subdivision. (PPIN #4515)

Planning Comments: The subject property is Lot 2 of the Colonnade Crossing Subdivision. The property is located in a TNB District and is +/- 1.06 acres. The applicant is proposing to build an oil

change and vehicle repair facility that measures +/-7,991 sf. This project was approved for the use of a Vehicle Repair or Maintenance Facility in a TNB District at the October 2021 Planning Commission Meeting (Case #2802). At that same meeting the use of single-story building at this location was denied (Case #2803). The proposed building has a second story that is +/-68% of the square footage of the first floor and will be used as office space.

Use and Parking Requirements – Vehicle Repair and Maintenance Facilities are Special Exceptions in TNB Districts. A SE for the use was granted in October 2021.

The parking standard for Vehicle Repair is one space for every 300 sf of patron waiting area and the standard for office space is one space for each 300 sf of gross floor area. There is 1,994 sf of patron waiting area (6.6 spaces) and 3,241 sf of office space (10.8 spaces). The applicant has provided 19 spaces, two of which are ADA accessible.

Coverage and Setbacks – Uses in the TNB District are allowed to have up to 80% coverage. This use has 51.6%.

This use meets the setback requirements for the district.

Other Review Elements

- Landscaping and Tree Mitigation – The proposed landscape design meets all standards related to parking lot trees, edge buffers, foundation plantings and street trees. Mitigation for this site was handled at the time of the subdivision plat, no mitigation is required for this site.
- Access – This property takes primary access from James Kimmons Drive. Cross access easements have been provided for the properties to the north and south. A complete streets plan has been provided that indicates pedestrian routes from the sidewalks to the building.
- Building Materials – The building materials will be primarily a brick façade with a metal roof. There are second story dormers with hardi-plank siding.
- Signage - A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:

Access

Access to the site is from the newly constructed James Kimmons Drive in the Colonnade Crossing Subdivision.

Water and Sewer

Water and sewer service to this site will be by newly installed water and sewer mains along James Kimmons Drive pending approval in consideration of the water model. As has been noted in previous case reports for this development and the subdivision plat, the location of the water service connection is dependent on impacts to the water model. The developer and project engineer have not been able to provide estimates of the type and number of development and units within this development and therefore it is not possible to input the development into the water model. A single use, such as this particular site plan, will not have a negative impact and can connect with the understanding that changes may be required in the future to where the water connection is made.

Storm Water

Storm water runoff from this site will be collected and conveyed to a regional detention facility constructed as part of the Colonnade Crossing Subdivision.

Recommendation: Staff recommends approval of the site plan for 'Dipstix Lube and Tire: Colonnade Crossing' with the following conditions:

1. Approval is for the plan as submitted.
2. Public Hearing for Case #2824 – Brit Boatright has filed a request for Site Plan Approval for 'Paragon Bank – South Lamar' for Property located at the southeast corner of South Lamar

Boulevard and Belk Boulevard. (PPIN #8854)

Planning Comments: The subject property is +/- 0.66 acres located at the Southeast corner of South Lamar Boulevard and Belk Boulevard roundabout. This property was recently rezoned from Institutional and un-zoned right-of-way to TNB (Case #2816). The applicant is proposing to build a 6,400-sf bank with a drive-thru lane.

Use and Parking Requirements – Banks are Special Uses in TNB Districts. The only additional standard for this use is a requirement that there be adequate stacking room for drive-thru lanes. There is space for 4 cars in the queuing lane and there is additional space inside the parking lot for overflow before the cars would reach the road.

The standard for parking is one space for every 300 sf of gross floor area. 22 spaces are required and 22 spaces are provided. One van accessible ADA space is provided.

Coverage and Setbacks – Uses in TNB districts are allowed 80% lot coverage; this use proposes 59.2%.

This lot has three fronts and one side. The primary structure complies with the front build-to lines on all three fronts. The dumpster and generator are accessory structures that are located in a front yard because there is no real opportunity to locate these in rear or side yard. The side towards Jeff Davis Extended is the least visible and most appropriate place to locate these structures.

Other Review Elements

- Landscaping – The proposed landscape design meets all standards related to parking lot trees, edge buffers, foundation plantings and street trees. The site was previous graded, so no tree mitigation is required.
- Access - This property takes access from both South Lamar and Jeff Davis Extended. Sidewalks are provided along the east and west fronts that will connect this lot to the existing sidewalk system and will provide future connections when the system is extended along South Lamar and Jeff Davis Extended.
- Building Materials – The building materials are a primary brick façade with architectural metal paneling and glass panels as secondary materials. Louvered aluminum rooftop screens are included to hide rooftop mounted equipment.
- Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments: Staff comments were provided to the engineer on February 1 and they have not had time to respond as of the writing of this case report. Comments are technical in nature and should be easily resolved by the design engineer.

Access and Sidewalks

Access to the site will be on both South Lamar and Jefferson Davis. The ability to access the site from South Lamar was determined prior to the City sale of the property based on the low traffic uses. Staff permitted the use provided it was the same distance from the roundabout as the FNB Bank on South Lamar near Highway 6 at a minimum. Staff has requested that the plans show the driveways at Phillips Grocery and Harlan Drive so that the exact driveway location can be confirmed. The expectation is that the Paragon Bank driveway will be directly in line with the Phillips Grocery Drive or Harlan in accordance with Section 4.5.5.7 of the Land Development Code. Staff has requested the access to the private helicopter pad on Jefferson Davis be shown as well.

Sidewalks will be constructed along the frontages of South Lamar and Jefferson Davis. Cross slope of the driveways cannot exceed 2% in the pedestrian path.

Utilities

There is an existing sewer easement for a City sewer main through this site that needs to be

shown on the construction plans. The construction plans will need to confirm that there is no conflict between the existing sewer line and the stormwater detention system. Sewer service to the site will be provided through a private sewer connection to the existing City main previously noted. There are also existing private utilities on the that were located within the public right-of-way. These utilities have easements within the site. The water service connection is presently shown on South Lamar but the connection will most likely be made from Jefferson Davis to avoid cutting South Lamar and to provide a direct route to the building. The lines within the site will be private. This may require the fire hydrant to be located in a different location and may require further evaluation by the Fire Department.

Grading, Drainage and Stormwater Management

Stormwater management for this site plan will be handled by an underground basin located on the south side of the site, beneath the driveway, consisting of 42-inch diameter corrugated metal pipe in six rows of 80 feet in length. At the time this report is being written, staff has not received a response to their comments and the stormwater management plan has not been approved. Staff anticipates that all comments can be addressed as the system has been designed to meet the ordinance requirements and with additional capacity. There are some small technical details that are to be addressed such as a detail for a trash rack for example. An easement will be required from the adjacent property for discharge of the detention system. Execution of the easement and approval of the stormwater management plan shall be conditions of approval of the site plan. Staff has asked for confirmation of the grading of the detention system relative to grades of the existing inlets for confirmation that there will be positive drainage out of the system. There are a number of existing privately owned and maintained storm drain pipes throughout this site that were located within the former right-of-way. Ownership of these pipes was transferred with the sale of the property. Staff has noted that there may be some conflict between the existing pipes and the construction of the building foundations. Staff has requested additional grading details to confirm if a retaining wall will be required adjacent to the sidewalk.

Recommendation: Staff recommends approval of the requested site plan for 'Paragon Bank – South Lamar' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
 2. All comments related to the proposed site plan submittal dated February 1, 2022 must be addressed to the satisfaction of the City Engineer. (Engineering)
 3. Final approval of the storm water management plan. (Engineering)
 4. An easement is required from the adjacent property owner for discharge of stormwater. (Engineering)
 5. If the location of the fire hydrant is changed, final placement requires approval from Oxford Fire Department. (General)
3. Public Hearing for Case #2825 – Oxford Commons Lots, LLC has filed a request for a Special Exception under Section 3.11.3 Gated Entries for property located at 327 Lakewood Hill Drive. (PPIN #40179)

Planning Comments: The applicant is requesting a Special Exception as provided in Section 3.11.3. In this instance, the applicant is requesting the ability to install a gated entrance for the service drive located to the west of the house that is under construction; the main driveway to the house will not be gated.

According to Section 3.11.3.2, a gate across a driveway to an individual residence requires a Special Exception. As part of the Special Exception, additional design standards exist for all gated entries. They are as follows:

- a. Gates should be constructed of decorative, ornamental metal. – The proposed gate will be constructed of ornamental metal.

- b. Style and color of gates and other enclosures should be coordinated with nearby structures. – The style of this gate will be consistent with the ornamental metal fence that is proposed, although it has not been approved. It should also be noted that the fence in the exhibit exceeds the height requirement of 4' when located in a front yard.
- c. Gates should operate so that they do not obstruct sidewalks, streets, bike paths, parking spaces, and similar facilities. – This proposal complies with this provision.
- d. Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway. – This proposal complies with this provision.
- e. Sliding gates are discouraged. – This is not a sliding gate.
- f. Unobstructed vertical clearance should be at least 13 feet 6 inches. – This proposal complies with this provision.
- g. Gates shall be designed to allow vehicles to turn around in the driveway, without backing into the street (except on local streets). – This proposal complies with this provision.
- h. Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities. – This proposal complies with this provision.
- i. Gates shall be designed to provide 24-hour access by authorized maintenance and service providers (such as public works, utilities, mail and postal delivery). – This proposal complies with this provision.
- j. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, public works and utility departments. – The gate complies with this provision. The Fire Department did also note that the gate should not restrict the current width of the driveway.
- k. One pedestrian access gate shall be provided at each gated driveway entrance. – This standard is more likely applicable to commercial and larger residential developments. This request is for a single-family residence and not for public or community use and pedestrian access into the fenced area is provided at other locations on the property to accommodate the homeowner.
- l. “Anti-directional” devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited. – This proposal complies with this provision.
- m. Protective covenants shall be established and recorded for the gated development. The protective covenants shall identify, and always keep in effect, a legal entity responsible for maintaining the gates and associated features. – Since this gate will be on an individual residence, the homeowner is responsible for maintaining the gate.
- n. The gate shall be activated by an emergency siren. – This proposal complies with this provision.
- o. Gates and the emergency operation of the gates shall be maintained at all times. Two instances reported to the planning office within a 12-month period of inaccessible gates by the city police, fire or public works shall result in the revocation of the permit. – The applicant understands this provision.
- p. Entrances must meet the following width requirements unless otherwise approved by the fire department. Dual gates should have an unobstructed clearance of least ten feet wide on each side; single gates should have an unobstructed clearance of least 20 feet wide. – This proposal complies with this provision. The applicant’s engineer met with the Fire Department onsite to discuss the proposed gate. The Fire Department indicated the width as proposed was acceptable as long as the swing gates do not block any portion of the proposed drive.

q. Gated development should not be approved for developments that provide necessary connectivity for access and safety reasons. No gated development with private roads can be considered for acceptance as public streets until and unless the roads are brought to current city standards by the pertinent property owners association. – This provision is not applicable to this request.

Recommendation: Considering that the proposed gate services a single residence for a service drive, Staff recommends approval of the requested Special Exception with the following conditions:

1. The special exception is for the plans as submitted, however, the fence as indicated on the plans does not comply with the Land Development Code regulations. If the indicated fence is desired by the applicant, a fence height variance is required.

4. Public Hearing for Case #2826 – The Kroger Company has filed a request for a Site Plan Amendment for 'Kroger – Liquor Store' for property located at 2013 University Avenue. (PPIN #9267)

Planning Comments: The subject property is located to the north of University Avenue and is the current site to Kroger measuring approximately +/- 16.69 acres. Beginning in 2018 and completed in 2020, Kroger remodeled and expanded the original store and also constructed a new fueling center. This is a request to construct an attached building that measures approximately +/- 5,000 sf. to be used as a liquor store.

Use Requirements: An indoor retail sales use is permitted in the UCN zoning district when they do not exceed 20,000 sf. In this instance, the proposed building addition will comply with this provision as it is approximately 5,000 sf. The entire Kroger development requires 360 parking spaces and the development complies with this requirement by providing 380 parking spaces.

Other Review Elements

- Building Façade and Materials – The architectural design of the proposed building is consistent in style and material with the existing Kroger building.
- Lighting – There will not be any substantial modifications to the lighting plan resulting in more lighting on the site.
- Signage – The Wine and Spirits logo is shown on the building elevation drawings, but signage approval is not requested. Signs will be requested in the future. Signage that meets code standards will be a condition of approval.
- Landscaping – Foundation plantings are indicated on the south and east portions of the building.
- HVAC Location – HVAC equipment will be located on the building; however, the parapet is included on all sides of the building to screen the rooftop mounted equipment.

Engineering Comments:

Water and Sewer & Utility

The project requires no new services from the City of Oxford. The City of Oxford provides water and sewer for the main building. The site plan does not show any exterior water or sewer service lines. From the site plan, any water or sewer will tie internally to the main building.

Traffic/Access

There is no change in traffic access from University Avenue as previously approved as part of Case 2400 – Site Plan Kroger Expansion. The addition will take away parking space and change some traffic aisles.

Stormwater Management

The addition is located on the southeast corner of the building. The location is currently paved

parking so there is no net increase in impervious surface area. In the approved stormwater management plan for Case 2400 – Site Plan Kroger Expansion, this area drained to the west detention basin. The runoff from the addition will continue to drain there. An existing storm drain pipe is being relocated so that it does not lay under the addition. No changes or updates to the approved stormwater management plan are required.

Recommendation: Staff recommends approval of the site plan amendment for ‘Kroger’ with the following conditions:

1. The site plan is approved as submitted. (Planning)
2. Any proposed signage shall be submitted for review & approval to the Planning Department. (Planning)
5. Public Hearing for Case #2836 – Melissa Williams has filed a request for a Variance from Section 2.6.4 Suburban Residential: Rear Yard Setback Line, Minimum for property located at 423 N 15th Street. (PPIN #6160)

Planning Comments: The subject property is located on the west side of North 15th Street, the property is zoned Traditional Suburban Residential, but located in the Neighborhood Conservation Overlay District and it measures approximately +/- 6,687 SF. The applicant presented a Certificate of Appropriateness to the Historic Preservation Commission (HPC) on December 20, 2021 to demolish the existing home and construct the proposed home that is the subject of this case. The dimensional requirements for this property are governed by the requirements of the Neighborhood Conservation Overlay District, but of interest is the rear setback requirement.

The rear setback requirement is 20’ but the applicant is requesting a 10’ variance from this requirement. The application notes that this property is a non-conforming lot due to its size, even after acquiring additional property from the adjacent property owner (south). The depth of this lot is certainly shallow (approximately 80’), and it appears that nearly half of the lot was sold many years ago to the adjacent property owner (west). It is also worth noting that this site is limited to 50% lot coverage, which provides another limitation for this site.

The HPC determined that the siting, scale and design of the proposal were appropriate for the historic district, and for this street. The proposed home would be aligned similarly to the home on the property to the north. Staff acknowledges the challenge with historic properties near the core of Oxford, especially when non-conformities exist. The applicant has acquired additional property to bring this site into better compliance with the current requirements. The HPC has determined that the design proposal is appropriate for this neighborhood, and Staff supports this request.

Recommendation: Staff recommends approval of the requested variance with the following condition:

1. Approval is for the application as submitted.

C. **Public Hearings**

Commissioner Milam returns.
Commissioner Riddell is present.

1. Public Hearing for Case #2827 – West Jackson, LLC has filed a request for a Variance from Section 98-112 - Applicability of the Stormwater Ordinance for property located at 208 S Lamar. (PPIN #6046)

Staff Comments: The subject property is located at the northwest corner of South Lamar and Harrison Avenue and was the former site of several restaurants over the years. The previous building was demolished in March 2020 and the site has been vacant since. The applicant has proposed a new building at that site and the site plan is currently under review by staff. This request is for a variance from the applicability standards of the Stormwater Ordinance.

Stormwater Management

The application for variance is for relief from all of the City of Oxford's Stormwater Management Ordinance. The stormwater management requirements are triggered by Section 98-112.

Section 98-112. APPLICABILITY

A. Development and Redevelopment. The standards found in this article apply to any new development or redevelopment site that meets one or more of the following:

1. Any development which requires a Site Plan Review according to the City of Oxford's Land Development Code; or
2. Any new commercial development that involves the creation or addition of any impervious cover greater than 2000 square feet; or
3. Any new development that involves land development activities of one disturbed acre or more; or
4. Any Commercial Redevelopment that includes the addition or creation of 500 square feet or more of impervious cover.

B. Exemptions. The City Engineer, in conjunction with the Planning Director, may exempt from any requirements of this article any minor project(s), that in the engineer's professional judgment, an exemption would be in the best interest of the City of Oxford. Examples of minor work include but are not limited to:

1. Installations or modifications to existing structures to accommodate Americans with Disability Act (ADA) requirements, including elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits;
2. Installation of hardscape less than 2,000 square feet, such as uncovered parking, pedestrian, or patio areas, which utilize pervious pavement or other appropriate infiltration techniques; and
3. Construction of a new driveway or the replacement of an existing driveway to access a single-family residential development.

Generally, stormwater management ordinance variance requests seek relief from a specific element involving construction issues that have led to the inability to meet performance criteria or related to design elements such as slopes or wall height. These requests are supported with engineering analysis that can be reviewed. There has also been some amount of stormwater management provided on site as well with these previous requests. The variance considered in this particular case seeks exemption from the entire stormwater management ordinance on the primary basis that the site is small and that there has never been stormwater management on site.

The City's stormwater management ordinance has never been retroactive. Rather, the intent has been to bring properties into compliance as they are redeveloped. This property is no exception. Regarding the site size, the City required the Funky's expansion at 1012 Jackson Avenue to do stormwater management and that project was only 1,285 square feet. The exemption available under Section 98-112.B was added in the most recent stormwater ordinance revision with the intent of allowing consideration for minor additions to existing sites for small parking additions, covered walkways, small building additions, etc. without requiring additional demolition or construction for a stormwater management system for the entire site. This exemption considers square footage (which this project exceeds) among other factors and is not automatic for any construction smaller than 2,000. Exemptions granted by the City for additions smaller than 2,000 square feet have also still required some effort be made to provide stormwater benefit, typically via a reduction in stormwater runoff through the decrease in impervious area. This site has not offered any reduction in the impervious area.

There are known flooding issues on Tyler and Harrison Avenues that runoff from this property contributes to. An engineering analysis to quantify the amount of runoff generated by the proposed project and how that compares to predevelopment requirements has not been provided. Additionally, a list or narrative of what stormwater management methods were considered and why they were rejected has not been provided. It is staff's opinion that there are viable options to do at least some stormwater management, if not full compliance with the ordinance. The applicant states that the existence of underground utilities and the lack of immediately adjacent storm sewer pipes are hardships. However, there are other examples of sites within the City that discharge stormwater outside of a storm drain in a way that does not create maintenance or other issues for users of the public right-of-way. The Shaw House property is one example where the water discharges from what appears to be a curb inlet and runs along the gutter pan until it reaches an actual inlet. Staff feels that an efficient and appropriate engineering solution to the conflicts or

hardships stated exists.

Staff has not received an engineering analysis regarding stormwater and has no engineering evidence to support the requested variance at this time. To the contrary, Staff is aware of similar projects that provided stormwater benefits and existing flooding issues in the area and therefore does not support the requested variance.

Summary of Discussion:

Corey Alger spoke first on behalf of Tim Smith. Presented cover letter regarding why variance warranted, with summary of why site remains vacant. Have architectural approvals, but need variance to stormwater detention requirements, as no stormwater currently exists on the site. Nearest inlet is 160 feet to the south near prior Soulshine Restaurant, 26" deep. Underground are various vaults for other utilities – electrical, communications, gas, water, sewer – all right there. But because of their shallow elevation it is impossible to install stormwater detention facility to avoid those installations and get to the inlet.

Propose that the ordinance poses an unnecessary hardship, with no practical solution. Most existing buildings on the Square have no stormwater detention. Original intent was to renovate the building, but then it was condemned and removed. Understand the underlying concern that if start granting variances, too many others will want them. Very unique situation.

City Attorney Watkins noted to Mr. Alger that the building was not condemned by the City. The Owner petitioned and was allowed to tear it down due to safety conditions. The building design has not been approved, and the site plan is still under review. Mr. Alger asked if it was not condemned, what happened to the building? Chairman Rigby noted that a demolition request made by owner, was approved. Mr. Alger stated that he has a letter from the building inspector saying building was unsafe. City Attorney Watkins emphasized that condemnation is a specific legal proceeding, that did not happen here. Mr. Alger said "ok".

Chairman Rigby asked Mr. Alger if the City had told the owner that they have to discharge underground, to tie into the stormwater? Were they told they could not discharge at street level? Mr. Alger stated that is why the variance is requested, they said we have to stormwater detention onsite. Chairman Rigby again asked: They did not tell you that you had to tie into the stormwater system on-site? Have you explored engineering options that would allow you to discharge at street-level? Mr. Alger stated they had not and asked what would they be?

Chairman Rigby asked confirmation that they have an engineer working on the project. Mr. Alger stated that he did not understand the question. He described the building, and the proximity to the city right-of-way, so changes would have to be in the City ROW and would modify the city ROW. Chairman Rigby noted that changes would modify the building design. Mr. Alger asked: To do what? Chairman Rigby noted that the change would be to detain stormwater. Mr. Alger asked when we discharge the stormwater where would it go?

Chairman Rigby asked: Has the City told you that you cannot discharge to the street? Mr. Alger stated: No, they told me we had to discharge it, and the only place to discharge it is below grade. Chairman Rigby stated: No, you can discharge to street level and you have not presented a design showing that method. Mr. Alger stated: We have no problem with the detention, we just cannot get to the inlet. Chairman Rigby asked: Have you asked the city if they require you to tie into a subsurface stormwater drain? Mr. Alger stated: No, because we cannot get to it.

Chairman Rigby suggested that they discuss with the City Engineer what the discharge requirements are. And then he stated that right now there is no variance request because there is no design proposed; and he sees nothing that would prevent full application of the stormwater requirement.

Mr. Alger stated that the existing conditions do not allow us to retain stormwater on-site. Chairman Rigby asked if Mr. Alger understood the difference between stormwater detention and retention; and then explained the difference. He repeated that they do not have to keep the stormwater onsite, do not have to discharge underground, just have to slow it down to reduce peak flows

before releasing it.

Chairman Rigby restated that if Mr. Alger presents a design that slows down stormwater flows, the Commission can look at a variance if that design does not fully meet the standards. Mr. Alger stated that applicability is not a separate issue, that they are asking for a variance.

Chairman Rigby again noted that the variance request only says you cannot discharge into a subsurface stormwater drain; but the City does not require that. Mr. Alger then stated that a variance is needed given the design of the building.

Chairman Rigby again stated that there is no City requirement to tie into a subsurface drain. Mr. Alger again stated his request based on the depth of where a subsurface drain would have to tie into the city stormwater. He said the letter states why this is a unique situation. He then asked if the Chair had said that you could take it onto the street if you do something different. What?

Chairman Rigby stated that there are engineering solutions that would slow down the runoff and then discharge it to the street; and if you cannot present one of those solutions, there is no need for a variance. He asked if the project engineer had been asked to consider solutions that would allow discharge to the street?

Joey Moore (engineer for the project) spoke. He asked for more information about the idea of shrinking the building footprint. Was this about putting storage above ground so it can be discharged into the street; or putting it underground and pumping it up to the street? He did not think these would be good ideas.

Chairman Rigby stated that either one could be proposed but right now we have no proposal for a variance that addresses the potential to release into the street, rather than an underground drain. Whether such a proposal would be viable for the project is another question and can be considered when it is presented. Moore again stated that he did not believe that these were viable solutions; but did not explain why he believed they are not viable.

Chairman Rigby stated that if they are ruling out all potential engineering solutions, then the question is about the applicability of the stormwater code to this site and that is what Mr. Alger said they are not doing. He asked again that the Commission be presented with a design to consider as they can only consider a design in the context of requesting a variance from the standards, not full exemption from the standards.

Mr. Moore asked about the rule that says they have to be 40 feet from the property line; and Chair Rigby states that issue had not come up since a solution has not been proposed. Mr. Alger then again describes why he believes a variance is warranted, noting a difference of opinion on design based on the design of the building. Chair Rigby notes that the project engineer said there are engineering solutions; and whether they are viable or not for this project is yet to be determined.

Mr. Alger states that he is telling the Commission as the design professional that they are not viable. Chair Rigby states that Mr. Alger told us he has the math and so far he has only presented geography. Mr. Alger then again describes the inlet, and utilities, and uphill, so viability is the problem for the building design to discharge onto the street. They cannot detain it onsite and let it out.

Chair Rigby thanks Mr. Alger for his comments and asks if other Commissioners have questions.

Commissioner Milam asks if they are doing anything on the site now, as it seems to remain just a big hole. He asks if rainwater is just sitting there now? Mr. Alger states that the water goes into the hole and seeps into the earth.

Commissioner Riddell states she is not a water expert, but to discharge it at street level the water would have to be retained higher than street level. She understands that they don't want to redo the building design, but that might have to happen.

CROSSING CONVERSATIONS BETWEEN COMMISSIONER RIDELL AND MR. ALGER ON

THIS TOPIC. COULD NOT DISCERN.

Mr. Alger states that it would be a practical difficulty to hang a 30 inch pipe from the ceiling of the first floor of the building, and an unnecessary hardship. And that is why they are here.

CROSSING CONVERSATIONS BETWEEN CHAIRMAN RIGBY AND MR. ALGER ON THIS TOPIC. COULD NOT DISCERN.

Chair Rigby describes nature of a variance; and asks if there is a way to slow water on the site; and Mr. Alger states that will not work. Chair Rigby states they should show the Commission a design and they will consider the minimum variance to make that design work.

Commissioner Milam asks if they have looked at other buildings around the Square that just discharge to the street. Mr. Alger confirmed that.

Commissioner Riddell states that the Code says we will get better with new buildings. This is not the smallest parcel on the Square. Something to think about going forward, if we want viable buildings on The Square, can we force them to take a big chunk out of the size of the building in order to fully meet the stormwater requirements? Something to think about, but she cannot be in favor of their not trying to do any of it.

Mr. Alger states that he does not know what to say, and tries to again explain his position. Then he states that he will see how much of a variance he needs, and how much stormwater they can discharge onto the street while having a viable building.

Chair Rigby confirmed that they would expect a design where the water will go onto the street. Mr. Alger then confirmed that they would look at how much of a variance they would need for a design that would slow down and hold water and gradually release it onto the street at street level. City Attorney Watkins notes that this was the correct path forward.

There were no further questions and there was no further discussion; and Chair Rigby suggested a motion to postpone this item until the March meeting.

Motion to Table

Move: Harry Alexander Second: Kirk Milam Status: Passed

2. Public Hearing for Case #2828 – Corey Alger has filed a request for Site Plan Approval for ‘Grand Oaks Office Park – Building One’ for property located at the Southeast corner of Grand Oaks Boulevard and Barron Street. (PPIN #8911)

Planning Comments:

The subject property measures approximately +/- 23 acres of commercial property located in the original Grand Oaks Planned Unit Development. This development proposal is for a two-story office building located on approximately 1 acre. The Grand Oaks PUD master plan indicated that the portion of property along Highway 7, Grand Oaks Boulevard, and Barron Street shall be developed with neighborhood scale commercial. In December 2019, a site plan was approved for an office building on this property but at a different location; that site plan has since expired.

Use Requirements: An office use is permitted in the SCO zoning district. The proposal requires a total of 33 parking spaces and the development complies with this requirement by providing 37 parking spaces.

Other Review Elements

- Building Façade and Materials – The building presents itself to Grand Oaks Boulevard with the parking lot shielded by the building. The north elevation indicates doors at the ground level and a second-floor balcony. The proposed building will be constructed with a mix of glass (windows and doors), stone veneer, and wood siding.

- Lighting – The proposal does not include a photometric survey or lighting plan. Staff has requested a plan/survey to be provided; this is a condition of approval.
- Signage – The plans do not indicate any building or monument signage. Any signage proposals will be reviewed separately by Staff prior to their permitting.
- Buffer – A 50' buffer is required along the east portion of this property because it abuts a single-family residential use. The development plans indicate that required buffer and there will be no construction work, other than landscaping, in the buffer. The landscaping plan indicates that the existing evergreens will remain and additional evergreens will be planted to supplement the existing plants in order to achieve an 80% screen.
- Landscaping – Foundation plantings are indicated on the north elevations and a heavy edge planting is indicated along the north, east and west portions of the site. This planting contains a mix of grasses, shrubs, flowering plants and trees
- HVAC Location – HVAC equipment will be not located on the building.
- Dumpster Enclosure – The dumpster for this site is located in an atypical location. In most development proposals, the dumpster is located in the parking lot for the development, and typically at its rear to minimize its visibility. The applicant does not want the garbage truck in the parking lot of this site; therefore, the dumpster is located off of a separate drive that is adjacent to the parking lot. Because Barron Street is a private road through this portion of property, the dumpster enclosure (also an accessory structure) is located in the side yard. Should the developer wish to make Barron Street a public road, Planning Staff would require the dumpster enclosure to be relocated.

Engineering Comments:

A site distance analysis needs to be performed for the curb cuts proposed, in particular for the dumpster drive, including from the point of view of the garbage truck itself backing out of the drive. The current layout will require the garbage truck to be broadside of the roadway at times when backing out of the roadway and the driver may be blind to cars approaching due to the horizontal and vertical conditions.

Grading, Drainage and Stormwater Management

Stormwater management for this site plan will be handled by an underground basin located on the south side of the site, beneath the driveway, consisting of 84-inch diameter corrugated metal pipe in a single row 170 feet in length. Staff cannot approve the stormwater management because it does not meet the design requirements of the City's stormwater management ordinance. Staff anticipates providing significant additional comments that will have to be addressed and may require a variance. Approval of the stormwater management plan shall be a condition of approval of the site plan.

Staff requested additional grading information on the drive to the dumpster. Staff has expressed concerns with the potential for tipping of the City garbage truck when emptying the dumpster due to the grade of the existing road. The design engineer has noted that the "cross slope elevations match the drive which is standard protocol according to solid waste. Elevations have been added." However, staff has not yet been able to locate the point elevations at the drive and four corners of the dumpster pad.

All stormdrains within the property are privately owned and maintained.

Utilities

There should be existing water and sewer stub out connections provided to this property that would have been constructed at the same time as the roadway. Staff has requested that these be located and used. The design engineer has noted that a new water connection will still be required for the fire hydrant. The extension of a main across Barron will require an easement from the original owner of the roadway.

After comments for this report was written, the applicant's engineer provided a modified drawing site plan that provides a longer driveway to the dumpster with the ability for the garbage truck to turn around. This is still under evaluation by Staff and is a condition of approval.

Recommendation: Staff recommends approval of the site plan for 'Grand Oaks Office Park – Building One' with the following conditions:

1. The requested approval is for the site plan as submitted with any required changes by Staff based on the conditions of approval. (Planning)
2. Prior to the issuance of any permits, a lighting plan and photometric survey shall be submitted for review and approval by Planning Staff. (Planning)
3. Approval is contingent upon the final approval of the modified drawing for the dumpster enclosure by Environmental Services.
4. All comments related to the proposed site plan submittal dated January 14, 2022 must be addressed to the satisfaction of the City Engineer, including those provided upon completion of the review of the resubmittal. (Engineering)
5. Approval is contingent on final approval of the storm water management plan. (Engineering)
6. Building permits will not be provided until conditions noted above are completed to the satisfaction of the City Engineer. (Engineering)

Summary of Discussion:

Commissioner Murphy asks city staff about the proposed corrugated pipes used for stormwater; are they required to be rustproof? City Engineer Reanna Mayoral states that City does not have requirement for what materials are used on their property, but must use rustproof on city streets.

Chair Rigby asks PD Requet if the placement of the dumpster enclosure is dependent on Barron Street remaining a private road? PD Requet notes that the City would have a difficult time accepting this as a city street, and maintenance will be with building owners.

CE Mayoral notes that while this is a private street, but it may become public eventually. Chair Rigby notes that could happen and if happens eventually, what would city do? CE Mayoral states that the City would ask for an engineering certification that it was correctly built. There is some history about how this street was built and its materials. But since it has been there so long, the City would likely look at it differently, since the road seems to be in good shape.

Chair Rigby asks if the City is "setting itself up" in allowing something that we would not allow on a City street, if we think it may eventually be proposed to be a city street?
A street that would be ok with Engineering, but Planning would be stuck with a dumpster enclosure in a side yard? PD Requet stated that situation would have to be part of the discussions related to a proposal to accept the street.

There were no further questions or discussion.

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2829 – Andy Callicutt has filed a request for Site Plan Approval for 'Oxford Farms Senior Living Cottages' for property located at Farm View Drive. (PPIN #35714)

Commissioner Milam recused.

The subject property measures approximately +/- 6.5 acres and is located in Oxford Farms, south of Farmview Drive. It is located on Lot 2 of the Oxford Farms, Phase II Subdivision. Lots 1 & 3 (located to the north of the subject property) contain a residential development called Creekside

Condominiums, which was approved by the Planning Commission in 2015. Directly east of the subject property is the currently under construction three-story Oxford Farms Assisted Living facility that was approved in December 2019 (Case #2561).

The applicant is now proposing additional senior living in the form of twenty-six (26) single-story duplex and triplex cottages. Architecturally, the cottage facades will be consistent in character with other developments in Oxford Farms with a mixture of brick and painted wood siding.

Use Requirements: A special exception was granted by the Planning Commission at the September 2021 meeting for an all residential (ground-floor residential) development for this site. The development will consist of 26 attached one-story residential units that are age restricted. This is also a Residential Common Interest Development (RCID) which is allowed by Special Use.

The proposal requires a total of 70 parking spaces and the development complies with this requirement by providing 73 parking spaces.

Other Review Elements

- **Building Façade and Materials** – Architecturally, the cottage facades will be consistent in character with other developments in Oxford Farms. The proposed residences will be constructed with a mix of painted brick and hardie board siding, while utilizing tapered wood columns, wood beams and wood brackets as additional architectural elements. Several of the proposed units will be rear loading units (garages located at the rear of the building) either fronting towards the main drive into the development, or to a proposed community green space. Every unit contains at least one garage but some do have two.
- **Signage** – The plans do not indicate any building or monument signage. Any signage proposals will be reviewed separately by Staff prior to their permitting.
- **Tree Mitigation** – The submitted tree survey and mitigation calculations indicate a total of 172 2-inch caliper trees are required for mitigation on this site. The proposal indicates that they are planting all 172 trees on-site.
- **Buffer** – A 50' buffer is required along the southern portion of this property because of an existing blue line stream. The development plans indicate that required buffer and there will be no construction work, other than landscaping, in the buffer.
- **Landscaping** – Foundation plantings are indicated on all of the residences and a heavy edge planting is indicated along the east portion of the site. This planting contains a mix of grasses, shrubs, flowering plants and trees. Staff has determined that the landscaping plan sufficiently meets the LDC requirements.

Engineering Comments:

Water and Sewer & Utility

All sewer within this site will be privately owned and maintained by the common interest development. Sewer will be gravity flow and tie to an existing manhole located on the Senior Living property.

The water will be owned and maintained by the City up to the meters and an easement will be required. Water service will tie to an existing 8-inch diameter water line located within the property boundary. A portion of the existing 8-inch diameter water line will be relocated to accommodate building footprints and some portions of a previous easement may have to be abandoned. The 8-inch diameter water line will still form a looped line tying back to South Lamar Boulevard and Farm View Drive. Each unit within the development will be individually metered. The covenants for the common interest development will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sewerage utilities.

Traffic/Access

A privately owned and maintained road (currently unnamed) will connect the development with Farm View Drive. There is no dedicated right of way to the city for this private road. The covenants

for the common interest development will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the road. The original traffic impact study for this development has not be updated. That study noted the future need of a traffic light at the intersections of Oxford Way and Farm View. The Staff has previously stated, and again reaffirms, that we do not support the installation of a traffic signal at Farm View due to the proximity of the signals at Azalea and Oxford Way. The completion of those signals will not provide for additional gaps in traffic at Farm View or residents may choose to exit via the signal at Oxford Way. A left turn lane from South Lamar onto Farm View was previously constructed as part of another development within Oxford Farms as well.

Sidewalks

There are existing and proposed sidewalks along the frontage of the private road. The covenants for the common interest development will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sidewalks.

Retaining Wall

There is extensive linear footage of proposed retaining walls within the development. The covenants for the common interest development will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the retaining walls.

Stormwater Management

Stormwater management for this subdivision will be handled by a detention basin located on the south side of the property. This detention basin also provides stormwater management for the previously approved Senior Living and Memory Care properties. The pond will discharge to an existing stream that flows to the east. The stormwater management plan has not been approved. The developer has addressed Staff's first round of comments with a second submittal. Staff has additional comments in regards to the second submittal. Staff anticipates that additional comments can be addressed. Approval of the stormwater management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the site plan amendment for 'Oxford Farms Senior Living Cottages' with the following conditions:

1. The site plan is approved as submitted. (Planning)
2. Prior to the issuance of building permits, a copy of the covenants shall be provided to Planning Staff for review. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants shall be provided to Planning Staff. (Planning)
3. Approval of the stormwater management plan prior to the sale of water and sewer connections. (Engineering)
4. Receipt of an easement for the water mains to be owned by the City. (Engineering)
5. Execution of any easements, maintenance agreements or other documents as determined necessary by Engineering staff for the shared use of the detention pond if those documents have not already been provided. (Engineering)

Motion to approve subject to Staff conditions.

Move: Joseph Murphy Second: David Spragins Status: Passed

4. Public Hearing for Case #2830 – Lee Harris has filed a request for a Variance from Section 98-118 – Performance Criteria for Stormwater Management of the Stormwater Ordinance for property located at 1012 Jackson Avenue East. (PPIN #5950)

Commissioner Milam returns.

Engineering Comments:

Stormwater Management

While the information provided on the application for variance form is vague, the specific request is for relief from the City of Oxford's Stormwater Management Ordinance: Section 98-118.

PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT.

C. Storage Capacity. Stormwater management facilities shall be designed with sufficient capacity to accommodate all runoff caused by the development more than that runoff which would occur from the site if left in its natural, undeveloped condition. This storage shall accommodate excess runoff for the 2, 10, 25, and 100-year storms of 24-hour duration.

And

D. Discharge Rate. The peak flow (Q_{year}) shall be calculated for the 2, 10, 25 and 100-year storms. The cumulative peak flow for the development, runoff captured by stormwater management facilities plus uncaptured runoff, must be less than or equal to the cumulative peak flow for the site if left in its natural condition. The peak flows shall not be increased at any discharge point, including areas of uncaptured runoff, for any storm, up to and including the 100-year storm (Q_{100}).

It must first be noted that this project was a first of its kind to attempt stormwater management by using the building's roof for the stormwater management facility. As with many first attempts they do not always go as planned. However, the root cause for this variance request is that the stormwater management facility was not constructed per the engineer of record's design and the site plan (Case # 2705-A) that was approved by the Planning Commission. During the construction process changes were made by the project architect without consulting with the engineer of record.

The overall storage capacity was reduced by the addition of various pieces of external equipment and access hatch within the area of storage. The size and locations of the external equipment and access hatch were not provided to the engineer of record for the stormwater management to allow resizing of the storage volume at the time of the original design or afterwards.

The post construction discharge rates for the 2-, 10-, and 100-year storms exceed the pre-construction discharge rates. A different drain was installed that allows more flow than what was approved. Again, the engineer of record for the stormwater management plan was not consulted regarding this sizing change.

It is staff's opinion that had the design submitted by the engineer of record been followed that the stormwater management facility would have functioned as intended. Staff recognizes that since this is building roof, there are no reasonable options to correct the issues without risking the integrity of the roofing material. While the stormwater management facility does not function as designed and approved it does still offer some benefit since the previous iteration of the site had no stormwater management. Staff will take the lessons learned from this project and apply them when reviewing future designs of this type to ensure that they function as approved.

Summary of Discussion:

Architect for Project, Tom Howorth talks about the problems managing stormwater where there are older buildings. They are requesting variance because of the technical difficulties. They tried retaining the water on the rooftop, but the proposal done with the site plan had not yet been reviewed by engineers. There were many changes to adjust to concept of retention on the roof; basically, treating a portion of the roof as a "bathtub", releasing at a reduced velocity.

The engineer showed a drainage hole for water; but they needed a controlled flow roof drain to slow the flow rate. However, a roof hatch (code requirement) had to be added later in the design; and mounting an exhaust fan – affected the intended design. So, there is now a degree of failure to completely comply. But since the building is already built, it would be overly fiscally burdensome (reconstruction of the roof system) to his client to achieve the prior intended compliance. Also, might run into too much roof pressure.

He then discussed his belief that (and reasons why) the issue of stormwater for buildings on The Square should be a city effort in the Courthouse Square area, not property by property.

Chair Rigby notes the two issues raised. First the potential need for the City to start work on a joint solution for stormwater around the Square, as Commissioner Riddell mentioned. That is something we can consider in the future.

Second, he believes the applicants made a best effort to resolve the stormwater issue, but things were added during construction process, and it no longer meets code, and is fully constructed - which is a hardship for the owners. CE Mayoral confirmed Chair Rigby's assessment and summary. Chair Rigby states this seems very different from the prior case as there was clear effort to meet the Code, there was an approved design; not ideal – but all else in spirit of the Code.

Commissioner Riddell asked how far off they are now. Mr. Howorth said he is not sure and asked CE Mayoral, who states it meets 100% for 25 year storm requirement, but off by 1/100 cubic foot per second for 100 year storm. Also off by small amounts for other measures. This is due to the need to use the control flow drain. Faster for 2 year and 10 year flood.

Commissioner Riddell asks for a percentage measurement. John Granberry, project comments on the request. 100 Year is 99% compliant. 25 year is 100% compliant. The 10 Year is 75% compliant, and the 2 year is 36% compliant.

Chair Rigby notes that it gets more compliant as the storms get larger. Mr. Howorth notes the frequency of the various storm types, concluding that their contribution to a problem will be very minor.

Commissioner Milam asks how the problem was discovered? Mr. Howorth states that the City required the owner to provide a post construction survey, and the problem was discovered. Commissioner Milam states that he hopes this does not become a pattern of approving designs that are changed during construction due to other requirements, and then asking for forgiveness after they are completed.

Commissioner Riddell notes the 99% was good, but concerned about the two year storm amount. Can anything be done incrementally to make this better now? Mr. Granberry states that the control flow drain could be replaced with the original drain type. Chair Rigby asks Mr. Howorth how much hardship is in that? He does not know. CE Mayoral asked. She states this rooftop system is a first, but expect to see more. But also looking into regional opportunities. Have learned some things from this, such as coordinating more with other Department requirements. The site is better than it was before, and it is improved.

Chair note that he is very interested in stormwater requirements. In this case, the effort was made to meet the requirements, so anything is an improvement. In the interest of incrementalism, he does not believe we need strict compliance.

Commissioner Riddell asks about the change Mr. Granberry suggested. Mr. Howorth notes his concern about the impact of any changes to the roof warranty.

Commissioner Milam notes that this is the first time this has been done for a building on The Square. So how big a problem can it be to put water on a roof? Mr. Howorth notes that it is a bad idea. Reiterates the need for a community solution. CE Mayoral speaks generally about the larger issues of stormwater on The Square. Mr. Granberry speaks to other alternative roof water retention options that could be considered.

Motion to approve.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2831 – LT2, Inc has filed a request for Preliminary Plat Approval for 'The

Grove at Grand Oaks, Phase 8' for property located at the Grand Oaks PUD near Morris Drive. (PPIN #26136)

Planning Comments: This request is for a preliminary plat for Phase 8 of the Grove at Grand Oaks. This subdivision is located in the Grand Oaks PUD south of Morris Drive near the intersection of CR 403/Bell River Road. The proposed subdivision would be +/- 20.81 acres with 57 lots sized between 0.22 acres and 0.5 acres.

The proposed lots comply with the dimensional requirements of the underlying zoning and the density is appropriate to this area of the PUD. The applicant has provided a Complete Streets plan that indicates a sidewalk network that will connect all lots to the existing sidewalks on Morris Drive. Tree mitigation is required for this development. 348, 2" trees will need to be planted for mitigation purposes. A planting plan for mitigation is still being prepared as of the writing of this report.

Engineering Comments: The Grove at Grand Oaks, Phase 8 is a proposed residential development within the previously approved Grand Oaks PUDII. The development consists of 57 lots on a 20.81-acre tract and lies adjacent to the Oxford Country Club golf course and The Grove at Grand Oaks, Phase 5.

Access

Access to the development will be by a connection to Morris Drive, which was constructed previously as part of Phase 5. New streets with sidewalks will be constructed within the development to city standards and are proposed to be accepted as public infrastructure and right-of-way. Temporary cul-de-sacs will be constructed at temporary termination points until the time of future expansion.

Water and Sewer

New water and sewer infrastructure will be built to city standards, which includes water and sewer mains with all appurtenances and a new sewer lift station, which will be sized to serve this phase in addition to future phases in areas 8A, 8B, 9A and 9B as shown on the Grand Oaks PUD II. All water and sewer facilities installed on this project are proposed to be accepted as public infrastructure. The lift station will remain private until the flow rate from occupied units reaches the minimum threshold for City acceptance.

Storm Water

Storm water management for this subdivision will be handled by two basins. An existing retention basin(pond) was previously approved and built as part of the Grove at Grand Oaks Phase 5. The pond is located west of Lot 107. The pond has extra storage capacity and will receive runoff flows from the majority of the subdivision except for lots 110 – 124. This pond's existing control structure will be replaced with a new structure to manage the combined runoff flows from Phases 5 and 8. Runoff flows from lots 110 – 124 will be managed by a temporary detention basin located at the south end of Pine Hurst Loop. This pond will be sized to manage runoff flows for all regulated storm events. Runoff flows will be conveyed to the retention and detention ponds by a network of storm drainage pipes. Pipes will be located within City right of way (ROW) and within private property. Only drainage pipes located within ROW shall be City maintained. Drainage pipes located outside of City ROW will be maintained by the developer and homeowners association.

The storm water management plan has not been approved. The developer has addressed Staff's first round of comments with a second submittal. Staff has additional comments in regards to the second submittal. Staff anticipates that additional comments can be addressed. Approval of the storm water management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the requested preliminary plat for the 'Grove at Grand Oaks – Phase 8' with the following conditions:

1. Approval of 'The Grove at Grand Oaks - Phase 8' by the Mayor and Board of Aldermen. (Planning)
2. Approval is for the plan as submitted. (Planning)

3. A planting plan for tree mitigation shall be provided to staff prior to the issuance of permits. (Planning)

4. Final approval of the storm water management plan. (Engineering)

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: Kirk Milam Status: Passed

6. Public Hearing for Case #2832 – LT2, Inc has filed a request for Preliminary Plat Approval for 'The Grove at Grand Oaks, Phase 7' for property located at the Grand Oaks PUD near Morris Drive. (PPIN #8949)

Planning Comments:

This request is for a preliminary plat for Phase 7 of the Grove at Grand Oaks. This subdivision is located in the Grand Oaks PUD North on Morris Drive past the intersection Fazio Drive. The proposed subdivision would be +/- 14.38 acres with 18 lots sized between 0.62 acres and 0.97 acres.

Lots 102, 103, and 104 are partially located outside of the City limits. Water and sewer service will be provided from within the City limits and extended into the portion of property that is outside of the City limits. There are complications that exist because of the portions of the lot outside the City limits (taxing, voting, emergency services, garbage pickup) that must be addressed prior to final platting of lots 102, 103 and 104. The applicant intends to immediately begin the process for a petition for including of these properties into the City limits. Until this has been approved, a final plat for lots 102, 103 and 104 will not be approved.

The proposed lots comply with the dimensional requirements of the underlying zoning and the density is appropriate to this area of the PUD. The applicant has provided a Complete Streets plan that indicates a sidewalk network that will connect all lots to the existing sidewalks on Morris Drive. Tree mitigation is required for this development. 5, 2" trees will need to be planted for mitigation purposes. A planting plan for mitigation is still being prepared as of the writing of this report.

Engineering Comments: The Grove at Grand Oaks, Phase 7 is a proposed residential development within the previously approved Grand Oaks PUDII. The development consists of 18 lots on a 14.38 acre tract and lies adjacent to the Oxford Country Club golf course and The Grove at Grand Oaks, Phase 5.

Access

Access to the development will be by a connection to Morris Drive, which was constructed previously as part of Phase 5. New streets with sidewalks will be constructed within the development to city standards and are proposed to be accepted as public infrastructure and right-of-way. Temporary cul-de-sacs will be constructed at termination points until the time for future expansion according to the overall PUD plan.

Water and Sewer

New water and sewer infrastructure will be built to city standards, which includes water and sewer mains with all appurtenances and a new sewer lift station, which will be sized to serve this phase in addition to future phases in areas 1, 2, 3A, 3B, and 4 as shown on the Grand Oaks PUD II. All water and sewer facilities installed on this project are proposed to be accepted as public infrastructure, though the lift station will not be accepted until such time as the daily flow rate from occupied units meets the minimum requirement for City acceptance.

Storm Water

Storm water management for this subdivision will be handled by a detention basin located at the northwest end of the subdivision at the end of Morris Drive. The pond will discharge to an existing stream that flows to the northwest, under Majestic Oaks Drive, and to the golf course.

A portion of the existing stream will be channelized within a 60-inch diameter pipe that will be beneath the cul-de-sac of Morris Drive and within the City's right of way (ROW). This pipe is a private pipe, it will be maintained by the developer and homeowners association. Except for the

aforementioned pipe, only drainage pipes located within ROW shall be City maintained. Drainage pipes located outside of City ROW will be maintained by the developer and homeowners association.

The storm water management plan has not been approved. The developer has addressed Staff's first round of comments with a second submittal. Staff has additional comments in regards to the second submittal. Staff anticipates that additional comments can be addressed. Approval of the storm water management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the requested preliminary plat for the 'Grove at Grand Oaks – Phase 8' with the following conditions:

1. Approval of 'The Grove at Grand Oaks - Phase 8' by the Mayor and Board of Aldermen. (Planning)

2. Approval is for the plan as submitted. (Planning)

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Kirk Milam Status: Passed

7. Public Hearing for Case #2833 – David Blackburn has filed a request for Preliminary Plat Approval for 'The Oaks at Oxford Commons, Phase 7 & 8' for property located in the Oxford Commons PUD near Lakewood Hill Drive. (PPIN #4502)

Planning Comments: This request is for a preliminary plat for Phases 7 & 8 of the Oaks at Oxford Commons. These phases of the subdivision are located in the Oxford Commons PUD on the east side of the power cut on an extension of Lakewood Hill Drive. The proposed subdivision would be +/- 13.6 acres with 15 lots sized between 0.29 acres and 0.52 acres and +/- 6.0 acres of common area, +/- 5.3 acres of which is dedicated to conservation.

The proposed lots comply with the dimensional requirements of the underlying zoning and the density is appropriate to this area of the PUD. This phase is in Tract N of the PUD and is allotted 386 lots. 371 lots will remain in Tract N if this plat is approved. Sidewalks are indicated that would connect all lots to future phases of the Oaks. Tree mitigation and open space is governed by the 2016 Tree Mitigation Variance and 2019 PUD plan that requires at least 14% land preserved for tree mitigation as well as at least 20% open space. Areas are designated for both common area and conservation on the plat.

Engineering Comments: Due to the holidays and impacts of COVID, Engineering staff did not provide formal written comments for the Oaks at Oxford Commons. Instead, staff met with the design engineer team on January 25th and 28th to discuss staff comments. A resubmittal has not been received at the time of this case report being written but staff has had follow up conversations with the design engineer team and believe all technical comments will have a satisfactory resolution.

Access and Streets

Phases 7 and 8 of the Oaks at Oxford Commons will immediately connect to Lakewood Hill Drive in the Preserve Phase 5 subdivision. The construction plans and plat currently show a bulb at the intersection of the two subdivisions, although the bulb will likely be converted to a typical roadway section. It is staff's understanding that the bulb was shown prior to confirmation that gates are not allowed on City streets. Permanent access will eventually also be available from a future extension of F.D. "Buddy" East Parkway (referred to on the current plat and plans as Grand Road) to the north and south. This permanent access point is required for compliance with Section 4.5.9.3 of the code which states that no permanent dead-end streets shall be longer than 800 feet in length. This connection has been shown in previous preliminary plats for multiple subdivisions within the Oxford Commons PUD. A haul road currently exists from the intersection of Sisk Avenue to F.D. "Buddy" East Parkway that will receive additional treatment for compliance with requirements from the Fire Department and can be used as an additional access in the event of emergencies.

The construction plans currently note the use of a "6' by 16' Aluminum Box culvert bottomless

design by others” to cross the blue line stream. The use of a bottomless culvert to avoid stream impacts will be permitted, but the design must be completed by an engineer licensed in the state of Mississippi and the City must approve the construction plans prior to its construction. A similar box was installed by the County on Industrial Park Road in Grand Oaks prior to that area being annexed. The plans also show a storm drain discharging at the top of the slope above the ditch that will require modification to prevent degradation of the stream bank at that point discharge location. Other storm drain alignments will be reworked to eliminate diagonal street crossings.

Street lights will be required though they are not currently shown on the plans.

In areas where the vertical slope of the roadway exceed 5%, a resting place for ADA use will be required.

The traffic impact requirements for new development within Oxford Commons have been fulfilled for the foreseeable future by the recently completed roundabout improvements on Sisk Avenue and F.D. “Buddy” East Parkway.

Water and Sewer & Utility

Water for the development will be obtained by connecting to an existing 8” City of Oxford water main that is capped at the current terminus of Lakewood Hill Drive and The Preserve, Phase V. Sewer from the site will not be as shown in the current plans along the rear of the lots in the buffer zone of the stream. The proposed sewer would be difficult, if not impossible, for engineering staff to access for maintenance. During the January 25th meeting, it was discussed that the sewer will be routed in the street as normal and to a temporary lift station, which will be privately owned and maintained and will pump the sewer up Lakewood Hill Drive. Staff will review and comment on the revised plans once received.

Grading and Stormwater

A number of retaining walls are show at the right-of-way line. These walls must be located off of public right-of-way and will be privately owned and maintained. A profile of the finished roadway must be provided.

A novel approach to stormwater management is being presented for this subdivision. The developer is proposing to use a previously approved detention basin, that has excess storage capacity, to offset the stormwater discharge from this subdivision. What makes this approach novel is that the detention basin is located upstream of this subdivision. Staff has previously allowed a similar approach on another project (Case 2804 – Site Plan for ‘Grand Oaks Village’) but at a smaller scale. Because of the scale of this project, staff has requested additional engineering analyses be performed and reviewed before approval. Approval of the stormwater management plan shall be a condition of approval of the site plan. In the event that the proposed approach is approved, it is anticipated that the stormwater management requirements would be fulfilled within the buffer area of the stream.

Recommendation: Staff recommends approval of the requested Preliminary Plat for ‘The Oaks at Oxford Commons, Phases 7 & 8’ with the following conditions:

1. Approval of ‘The Oaks at Oxford Commons, Phases 7 & 8’ by the Mayor and Board of Aldermen. (Planning)
2. Approval is for the plan as submitted. (Planning)
3. There is a large amount of “Common Area” shown on the plat. Who will own this “Common Area” and how it will be maintained need to be specified in the final plat before approval will be granted. (Engineering)
4. Before construction of infrastructure such as water, sewer, and roadway can begin, all Engineering comments pertaining to the submitted construction drawings will need to be met. (Engineering)
5. Final approval of the storm water report and an approved Operation and Maintenance Plan. (Engineering)

Summary of Discussion:

Chair Rigby notes question received about construction traffic. Project Engineer Paul Koshinina

states that a new construction road is now available, and it will be improved enough to use as the primary construction access until a city street replaces it.

Chair Rigby asks if the neighborhood streets will continue to see construction traffic. Mr. Koshinina states that as homes are still under construction along those roads, there will be some continued construction traffic; but not as much.

Commissioner Milam asked about the conservation area; how it functions and what would keep the developer from using it for development. Mr. Koshinina describes the extensive background on the conservation requirements related to a variance to the Tree Mitigation requirements approved in early 2016, in which they must set aside a certain percentage of land with each plat. City Attorney Paul Watkins further describes the conservation areas and how they are encumbered, and confirms that an easement in favor of the City is recorded with each. Chair Rigby also notes the extensive complex history of this system.

Commissioner Murphy asks about the road system that will go north from Buddy East, temporary limestone, wondering who is paying for the pavement. Mr. Koshinina confirms that the developer will pay for the pavement on that construction road.

Commissioner Alexander asks about the “bulb” street in “The Preserve”. Mr. Koshinina states that it was originally a temporary gravel turnaround, but now it is more of a cul-de-sac; but not a dead end, and no restricted access. It will be a city street.

Motion to approve subject to Staff conditions.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

8. Public Hearing for Case #2834 – Shadrachs Oxford has filed requests for a) a Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, b) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height, and c) a Variance from Section from 2.6.7 Traditional Neighborhood Business: Front Yard Build-to Line, maximum for property located at 1801 Jackson Avenue West. (PPIN #18640)

Commissioner Milam recused.

Planning Comments: The subject property is located on the north side of Jackson Avenue West, and this site measures approximately +/- .42 acres. It is a part of the Highland Square development that measures approximately +/- 4.3 acres, and which is part of the Magnolia Park subdivision. The original developer, David Blackburn, was approved for a site plan to construct the Highland Court shopping center in 2014. Most of the buildings that were part of that original plan have been built.

At the January Planning Commission meeting, a modification to the Magnolia Park subdivision to create a new lot was recommended for approval, and was subsequently approved by the Mayor and Aldermen. This application is for a new coffee shop, Shadrachs, on that newly approved lot.

A) Special Exception for a restaurant with a drive-thru window
Restaurants with a drive-thru require a special exception in the TNB zoning district. In certain circumstances, a drive-thru restaurant may not be appropriate in a residential business context, however, in this particular instance Staff believes it is appropriate. Drive-thru restaurants are quite common along West Jackson Avenue, and the applicant has met with staff to discuss concerns regarding providing adequate stacking space for the drive-thru. The applicant is proposing two ordering lanes that will merge into a single lane after an order has been placed. Also, the applicant plans to provide a turn lane that will allow for additional queuing but will not impede on internal traffic circulation.

The popularity of Starbucks on Jackson Avenue has presented safety concerns when cars are backed into Jackson Avenue. The applicant believes that they have provided ample stacking space based on their experience with this franchise, however, should stacking impede on the flow of traffic along Jackson Avenue, the applicant shall be responsible for directing their customers to stack into the development. Otherwise, Staff supports the requested special exception.

B) Special Exception for a one-story building

Like the other buildings in this development, the applicant is proposing to construct a one-story building. Most of the Highland Court shopping center has been built out, and a one-story building was previously approved at this location. Staff believes that requiring a multi-story building at this late juncture of the development process will change the feel and rhythm of the development.

Staff does have a concern with the elevations for the proposed building. The materials and color scheme will be considerably different than any of the other buildings on the site. While the applicant expresses a desire to maintain the continuity of the building placement and building height, they do not seem to be concerned with maintaining the architectural and material connection between the existing buildings. If the proposed building were to incorporate the stone, cream color and/or a cornice from the existing shopping center development this building would be considerably more visually consistent with the other structures in the Highland Court development. Staff supports the requested special exception with this as a condition of approval.

C) Variance to the Front-Yard Build-To Line, Maximum Requirement

The applicant is requesting a variance of approximately 18' from the build-to line maximum of 58'. This means that if approved, the building will be situated approximately 76' from the property line. In this particular instance, Staff believes that granting this variance does make sense. If the applicant is required to comply with the 58' maximum, then it will potentially impact the parking and internal circulation for the entire development. Additionally, the rhythm of the of the proposed building with the existing buildings will be interrupted. Staff supports the requested variance.

Recommendation:

A) Staff recommends approval of the requested special exception for a drive-thru restaurant with the following conditions:

- a. The special exception is for plan as submitted.
- b. Should customer stacking impede on the flow of traffic along Jackson Avenue, the applicant shall be responsible for taking all necessary measures to direct their customers into the development.

B) Staff recommends approval of the requested special exception for a one-story building with the following condition:

- a. The building shall incorporate the stone, cream color and/or a cornice from the existing shopping center.

C) Staff recommends approval of the requested variance to the front yard build-to line maximum with the following conditions:

- a. The variance is for the plan as submitted.

Summary of Discussion:

Chair Rigby asks the applicant about the staff condition related to building design.

Applicant Josh White notes that he likes the building as proposed, but will try to incorporate changes. Understand the need to blend more, but don't want to look just like the shopping center, want to stand out somewhat. It is a chain, and have to work with the owners.

Commissioner Murphy ask if there will be a grass and patio area. Applicant White confirms that there will be patio area with a couple off tables.

Chair Rigby asks about their market research regarding concerns about stacking. Applicant White confirms that they believe their flow will work; as their line will move faster than the nearby Starbucks.

Chair Rigby asks CE Mayoral about the stacking, and she indicates they find the design acceptable. She states that if backup traffic becomes an issue, the City has the right to close access points. The applicant understands that and will change if needed.

Regarding: Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards: Motion to approve subject to Staff conditions - Commissioner Spragins; 2nd - Commissioner Alexander; All in favor.

Regarding: Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height: Motion to approve subject to Staff conditions - Commissioner Murphy; 2nd - Commissioner Alexander; All in favor.

Regarding: Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Front Yard Build-to Line, maximum: Motion to approve subject to Staff conditions - Commissioner Murphy; 2nd - Commissioner Alexander; All in favor.

9. Public Hearing for Case #2835 – 607 Molly Barr, LLC (Joseph Echols) has filed a request for Site Plan Approval for 'The Astoria' for property located at 607 Molly Barr. (PPIN #5635)

Commissioner Milam returned.

Planning Comments: The subject property is +/- 0.64 located on the west side of Molly Barr across from Stone Park. The applicant is proposing to remove an existing single-family residence to construct a residential common interest development (RCID) consisting of three detached residences and one duplex residence, all three-bedroom units. Each unit will be +/- 2,100 sf and two stories tall. Density requirements for the NR district allow up to 9 units per acre, which this development meets.

Use and Parking Requirements – Residential Common Interest Developments are Special Uses in the NR district when located outside of the historic districts, the conservation overlay and existing subdivisions. Additional standards include the requirement for RCID covenants. The applicant has not provided covenants at the time of this report.

Parking is provided by two-car garages for each unit with guest parking available in driveways. Parking in the private road will not be allowed due to fire access.

Coverage and Setbacks – Uses in the NR districts are allowed 60% impervious coverage; this use proposes 55%.

This use complies with the front yard build-to and side and rear yard setbacks.

Other Review Elements

- Landscaping and Tree Mitigation - The proposed landscape design meets all standards related to edge buffers, foundation plantings and street trees. Enough significant trees are being maintained on site that zero mitigation is required.
- Access – This development will take access off of Molly Barr by a private drive. Sidewalks are indicated that connect this development to the existing sidewalk network on Molly Barr.
- Building Materials – The building materials will primarily a brick façade with hardie-board details and an architectural shingled roof.

Engineering Comments: Staff comments were provided to the engineer on February 1 and they have not had time to respond as of the writing of this case report. Comments are technical in nature and should be easily resolved by the design engineer.

Access

Access to the site will be by a two-lane private drive constructed off of Molly Barr Road.

Water and Sewer

Water will be provided to the development via a new, private 6" water main with each unit being metered individually. Sewer from the development will be collected and conveyed to a new, private lift station which will pump effluent to an existing manhole in Molly Barr Road. Comments related to the proposed site plan were issued to the consultant on February 1, 2022.

Storm Water

Storm water management for this site plan will be handled by an underground basin located in

northwest of the site, beneath the private drive, consisting of 48-inch diameter corrugated metal pipe in three rows of 75 feet in length. Approval of the storm water management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the requested site plan for 'The Astoria' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. RCID Covenants shall be provided to Staff for review prior to the issuance of building permits. (Planning)
3. All comments related to the proposed site plan submittal dated February 1, 2022 must be addressed to the satisfaction of the City Engineer. (Engineering)
4. Final approval of the storm water management plan. (Engineering)

Summary of Discussion:

Chair Rigby asks Project Engineer Paul Koshinina if the sidewalks will actually tie in with other sidewalks. Mr. Koshinina confirms that there are currently no sidewalks on directly adjoining property; but they will construct the sidewalks to make it easy for the next property to tie in when redevelopment occurs.

Chair Rigby notes that were nearby community members with concerns about stormwater, but City Engineering staff met with them and resolved their concerns.

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

10. Motion to Adjourn

Move: Joseph Murphy Second: Harry Alexander Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission
Monday, March 14, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green;
J.R. Rigby; Joseph Murphy; Kate Kenwright; Kirk Milam; Michael Johnson; Robert
Baxter

Remote Attendance

Reanna Mayoral

Not In Attendance

Judy Riddell

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. March Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

Move: Joseph Murphy Second: David Spragins Status: Passed

3. Approval of minutes from the February 14, 2022 Meeting

Move: Michael Johnson Second: Kirk Milam Status: Passed

4. Staff Report

PD Requet noted there is a need to establish a new committee comprised of building experts and planning commissioners to consider appeals to decisions related to the Building Code. This is required in the Building Code, but it was never created. Consideration of officially creating it going to the Board of Aldermen this week. Additional information about Committee relayed by City Attorney Pope Mallette. There have not had prior requests, but now realize we are deficient in not having this Committee established and ready to operate when needed. When meetings are needed, they will be before the Planning Commission; and it will function like a sub-committee of the Planning Commission.

a. Building Official's Report

5. Map of Cases this Month

<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>

B. Consent Agenda

Commissioner Alexander recused.

Move: David Spragins Second: Joseph Murphy Status: Passed

1. Public Hearing for Case #2837 – Joel Reeves has filed a request for a Variance from Section 2.6.16.10.a Preexisting Planned Unit Developments: Grand Oaks PUD for property located at 124

Rosemont Loop. (PPIN #34339)

Planning Comments: The subject property is Lot 34 located in the Rosemont Subdivision of the Grand Oaks Phase I Planned Unit Development. This property is an irregularly shaped corner lot that measures approximately +/- .192 acres. The setbacks for this development were established when it was initially approved many years ago and later amended in 2013. Several of the lots in this development were approved as zero lot line but in 2013, the plat was amended to provide a 5' setback on the zero-lot line side. The setbacks for this particular lot are as follows: Front 15' (south & east), Side 5' (west) and Side 10' (north).

The applicant is proposing an addition to his existing home to accommodate more living space for an expanding family. Due to the irregular shape of this lot, there is a 15' section of the addition that is proposed to extend at most approximately 3'6" into the front (east) setback. The applicant believes that the two front setbacks, combined with the hardship of an irregular lot shape is presenting challenges in an addition that maintains the existing building line of the house.

Recommendation: Given the unique circumstances of the shape of the lot, Staff recommends approval of the requested variance with the following conditions:

1. Approval is for the site plan as submitted.
2. Public Hearing for Case #2838 – Richard Cross has filed a request for a Variance from Section 2.6.3 Estate Residential: Front Yard Build-to Line, Minimum for property located at 205 St Andrews Circle. (PPIN #17343)

Planning Comments: The subject property is located on the southside of St. Andrews Circle and east of Hickman Street. This property measures approximately +/- 1.5 acres and because it is located on a corner lot, the property has two front setbacks and two side setbacks. The applicant is proposing modifications to the existing two-story home that will include a detached carport (although connected by a breezeway) with a storage area, and a pool house, both of which are considered accessory structures.

Accessory structures are only allowed in a side or rear yard. In this instance there is already an accessory structure located closer to the street than the two proposed. Additionally, there are several mature trees located in the southeast corner of the site that the applicant wants to preserve. If the plans were to shift the proposed accessory structures, along with the other proposed elements, it could potentially threaten the existing mature trees that the owners would like to save.

Recommendation: Given the unique circumstances of this corner lot with an existing accessory structure located in the front yard, Staff recommends approval of the requested variance with the following conditions:

1. Approval is for the site plan as submitted.
3. Public Hearing for Case #2839 – University Sporting Goods, Inc has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential for property located at 215 South 17th Street. (PPIN #8001)

Planning Comments: The subject property is located to the east of South 17th Street, and the property measures approximately +/- 8,755 SF. In 2017, this property was rezoned to Traditional Neighborhood Business. This site is currently occupied with a single-family home that is need of repairs. This property is adjacent to single-family homes on both sides and is also confronted by single-family homes on the other side of South 17th Street. The applicant would like to demolish the building in order to construct a new residence. Therefore, the applicant is requesting a Special Exception to allow ground floor residential in the TNB district. A cottage with craftsman style influences will be proposed, which is similar to the other homes in the neighborhood.

Recommendation: Staff recommends approval of the requested Special Exception.

4. Public Hearing for Case #2840 – 9th Street, LLC (John Albriton) has filed a request for a Special Exception as provided in Section 3.5.8 Residential Common Interest Developments for property

located at 412 South 9th Street. (PPIN #6039)

Planning Comments:

The subject property is +/- 0.515 acres located on the Northwest corner of University and South 9th and is the site of a 6-unit, single-story, multi-family building. The applicant is requesting to change the ownership mechanism to a Residential Common Interest Development. The applicant plans to alter the existing building façade to include new gables, but the footprint of the building will stay the same. The applicant received a Certificate of Appropriateness from the Historic Preservation Commission for this design in February (HPC Case #666).

The property is overbuilt with regards to impervious coverage currently (+/-72%, allowed 50%), but the applicant is proposing to remove some pervious area that will bring the site closer (+/-68%), though not all the way, into conformance.

Staff has received draft RCID covenants that detail what portions of the property are owned in common.

Recommendation: Staff recommends approval of the requested Special Exception with the following conditions:

1. Approval is for the plan as submitted.
5. Public Hearing for Case #2841 – St. John the Evangelist Catholic Church has filed a request for a Special Exception as provided in Section 3.6.9.5 Religious Assembly Uses: Additional Standards for property located at 403 University Ave. (PPIN #2415)

Planning Comments: The subject property is located on the north side of University Avenue adjacent to the University. The property is +/- 2.13 acres and is located in a TNR District, the Neighborhood Conservation Overlay (NCO), as well as the South Lamar Historic District. A variance for impervious coverage was granted in January (Case #2820) to facilitate construction of a parsonage for the church. This application is a Special Exception for the use a residence in association with a religious assembly use.

The exterior design of the building will be heard by the Historic Preservation Commission at the March meeting. The footprint of the house is the same as what was approved by the Planning Commission in January. The house is of similar scale to the surrounding neighborhood and is intended for use by the priest.

Recommendation: Staff recommends approval of the request Special Exception with the following conditions:

1. Approval is for the plan as submitted.
2. Approval of the design by the Historic Preservation Commission.
6. Public Hearing for Case #2842 – Savannah Square Oxford, LLC has filed a request for a variance from Section 2.6.4 Suburban Residential: Side Yard Setback, Minimum for Property located on Pleasant Drive. (PPIN #38714)

Planning Comments: The subject property is one parcel in the Savannah Square development which is comprised of four parcels totaling +/- 10.22 acres which are located in TNB, NR and SR districts. This request is for a variance to the side yard setback to reduce the setback from 10 feet to 5.51 feet to facilitate construction of Unit 42. The side in question is interior to the Savannah Square development and the applicant owns the adjacent parcel. In previous iterations of Savannah Square, Unit 42 was located about 45 feet off of the road. The other units nearby are approximately 20 feet from the road. Bringing Unit 42 forward will help to maintain rhythm among the units.

This is a unique circumstance as this lot line is interior to a single development.

Recommendation: Staff recommends approval of the request variance with the following conditions:

1. Approval is for the plan as submitted.
7. Public Hearing for Case #2847 – The Grove on North Lamar, LLC (Jay Evans) has filed a request for Site Plan Amendment for ‘The Grove on North Lamar’ (Savannah Square) for property located at Pleasant Drive off of North Lamar Blvd. (PPINs #5116, #5118, #5119, & #5216)

Planning Comments: The original site plan for this property was approved in May of 2018. The subject property is comprised of four parcels on approximately 10 acres and it is located along the east side of N. Lamar just north of Williams Avenue up to a northern access off Ivy Road. The approved development consists of two mixed-use buildings on 1.82 acres in the TNB (Traditional Neighborhood Business) zoning district (combining first floor non-residential uses with two upper floors of apartments) and 40 single-family detached dwellings in the SR and TNR districts (Suburban Residential and Traditional Neighborhood Business).

The site plan was amended in 2019 to reduce the number of multi-family dwelling units and in 2020 to modify the layout and parking for three detached units.

The applicant is proposing to amend the site plan again to modify the layout and parking for Units 36-42. Retaining walls have been proposed to better utilize the space. Unit 42 is proposed to move closer to a lot line internal to the development and will require a side yard setback variance (Case #2842). A unit that was removed in the 2019 amendment (Case #2441) is being added back in. The overall density still meets the requirements of the underlying zoning. The applicant has stated that there will be no changes to utilities or any other parts of the development.

Engineering Comments: Reference is made to case reports 2300 and 2583 for previous comments regarding ownership of the water, sewer and streets. To date, there has not been a final inspection of the improvements made to the City maintained portion of Pleasant Drive. There were no bonds provided for these improvements as this area did not require a subdivision plat. Regardless, a final inspection must be held to confirm that all improvements to existing right-of-way are acceptable. A previous condition of approval for Case 2300 was that an easement be provided for the water and sewer that the City would own. A scan of this easement was provided, but the original has not been located. An original easement is required.

The site plan amendment proposes to add retaining walls in the area of proposed units 36-42 to better grade the site in preparation for building construction. Minor changes to parking area layouts are shown to accommodate the retaining walls. No existing or proposed utility installations or easements are affected by the proposed work. Storm water conveyance to existing management facilities is not hindered or altered, nor does the proposed work alter the parameters to which the management facilities were designed and built. The stormwater management plan was previously approved.

Recommendation: Staff recommends approval of the requested Site Plan Amendment for ‘The Grove on North Lamar’ (Savannah Square) with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. Drainage swales should be constructed along the top and bottom of the proposed retaining walls to help protect yards and parking areas from scour. (Engineering)
3. The sale of water and sewer taps to remaining units may be withheld until the final inspection has been conducted and the City owned infrastructure accepted for maintenance. (Engineering)
4. The sale of water and sewer taps to remaining units may be withheld until an original, signed easement for water and sewer mains to be owned by the City is provided. (Engineering)
8. Public Hearing for Case #2848 – Brian Development, LLC (Sid Brian) has filed a request for a Special Exception as provided in Section 3.10.3.2 Self-Storage Facility: Districts Permitted for property located at 16 Thacker Road. (PPINs #7509 & #7517)

Planning Comments: A Special Exception for a Self-Storage Facility was granted by the Planning

Commission in June 2018. The applicant is requesting a new approval for the same Special Exception that was previously approved. The applicant pulled a land disturbance permit and performed improvements to the site including the grading work, installation of retaining walls, installation of the stormwater detention system, the installation of curb, gutter and the asphalt drives but the building was never constructed as a result of the pandemic. Since that time, the building permits expired, as did the site plan.

The developer proposed a fully climate-controlled storage facility, with all access to the individual storage units from the interior corridors of the structure. There are to be no exterior access or stand-alone units. There is an existing building on this 1.2-acre site already in use with an office and warehouse space. Adjacent uses include a convenience store/restaurant/ liquor store, a restaurant, residential structures (multi-family and detached), auto sales, and a self-storage facility.

The special exception requirements for this use in this zoning district require at least four parking spaces near the leasing office; and 4 are proposed. Such a use may not be on a site of more than three acres. Certain types of use of storage facilities are restricted, and these are listed as a condition of approval.

A primary concern is the screening of the parking and loading areas from the adjoining multi-family residential structures to the south. The site plan proposes a healthy planted screen along the south property line that will minimize the parking and loading areas from the view of the residential structures; additionally, the existing building will also serve as a visual screen.

Recommendation: Staff recommends approval of the Special Exception to allow a Self-Storage Facility with the following conditions:

1. A planted visual screen of the parking and loading areas of the facility from the residential properties to the south.
2. No retail or wholesale uses, residential activities, and storage of hazardous material, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both.
3. No outdoor storage is to be offered at this location.
4. Approval is for the plan as submitted.

C. **Public Hearings**

1. Public Hearing for Case #2827 – West Jackson, LLC has filed a request for a Variance from Section 98-112 - Applicability of the Stormwater Ordinance for property located at 208 S Lamar. (PPIN #6046) **Tabled from February**

Commissioner Alexander returns.

Planning Comments: This item was tabled at the February 2022 Planning Commission meeting. Since then, the applicant has provided updated drawings that indicate rooftop detention. Any modifications to the exterior design, such as the indicated roof detention, must receive approval by the Courthouse Square Historic Preservation Commission.

Engineering Comments:

The application for a variance is for relief from two parts of Section 98-118 Performance Criteria for Stormwater Management of the City of Oxford's Stormwater Management Ordinance, more specifically:

D. Discharge Rate. The peak flow (Q_{year}) shall be calculated for the 2, 10, 25 and 100-year storms. The cumulative peak flow for the development, runoff captured by stormwater management facilities plus uncaptured runoff, must be less than or equal to the cumulative peak flow for the site if left in its natural condition. The peak flows shall not be increased at any discharge point, including areas of uncaptured runoff, for any storm, up to and including the 100-year storm

(Q100).

O. Outlet Control Structures.3. Outlet control structures shall have no orifice smaller than three inches in diameter. All orifices shall be protected by trash racks. No opening in the trash rack shall have an area more than one-half the size of the area of the orifice being protected. Two-stage trash racks, or screens having progressively smaller openings placed in series, are suggested. Curved or inclined trash racks designed that allow debris to rise with the water level are preferred. In all cases, trash racks shall be either hinged or removable to facilitate maintenance operations. For vertical risers, an anti-vortex device and trash rack shall be securely installed on top of the riser.

The design team for this project is proposing stormwater management by utilizing a portion of the third-floor roof area as a detention basin. To comply with other City of Oxford land development codes and ordinances, the design criteria for the third floor of the building is limited to less than the overall coverage of the site's footprint. Therefore, only approximately 50% of the impervious area created by the overall building footprint can be captured and detained by the roof detention basin on the third floor. The remainder of the runoff from the building will be uncaptured as currently designed.

Under more conventional designs, like a detention basin (pond) or subsurface detention, the uncaptured runoff can be offset by over detaining the captured runoff. This is achieved by decreasing the size of the orifices in the control structure and increasing the volume of the detention basin. Thus the net post-developed discharge rates can be kept at or below the pre-developed discharge rates. A roof-based detention basin does not always lend itself to easy modification to increase the storage volume due to a number of factors including building height restriction, structural capacity, and orifice sizing.

It is not shown on the plans, but it is assumed that the roof stormwater management system discharges through a horizontal pipe that connects to some type of exterior down spout that then discharge to the street.

The stormwater management design for the variance essentially assumes that runoff from approximately half the surface area (1023 FT²) of the site can be captured and discharged at some point. The runoff from the remaining area (1004 FT²) will not be captured as currently designed.

The table below presents the discharge rates if you consider the detention provided in context of the area that it is provided for (i.e. that section of roof square footage designed for and NOT for the entire site). Pre-developed discharge rates were determined for only the area (1023 FT²) of the half of the site that is being captured and controlled by the stormwater management facility. This table shows that there is a reduction in flow for each storm event as a result of the detention system designed

Total Area Third Floor Roof ~1000 sq. ft.

Year Pre Developed Natural Runoff (Trees and Grass) Post Developed Runoff (No Detention) Roof Pond (Detained Post Developed Runoff) Decrease Runoff over Pre Developed Natural Runoff % Decrease

2.00	0.03	0.15	0.02	-0.01	-33%
10.00	0.07	0.20	0.03	-0.04	-57%
25.00	0.10	0.24	0.03	-0.07	-70%
100.00	0.16	0.30	0.04	-0.12	-75%

Pre is the discharge from half of the undeveloped site (1023 ft²) in a natural condition with zero development. This is the discharge rate that a new development must be equal to or less than. Post is the runoff from the half of the site (1023 ft²) that will be directed into (captured by) the stormwater management facility (e.g. roof).

Roof Pond is the discharge from the stormwater management facility. In this case, the discharge is being controlled by 2-inch diameter pipe that is fed by two 2-inch diameter roof drains.

To be fully compliant with the ordinance, the Roof Pond plus any Uncaptured area are added together for a total post developed discharge and compared to the Pre developed discharge. In other words, the total discharge from the installed detention system (roof) plus the uncaptured area can NOT exceed the predevelopment flow that would occur if the site was grassy/woody/undeveloped. Due to the size of the uncaptured area (area outside the roof area

considered), it is not possible to be fully compliant with the ordinance as currently designed.

The reduction in orifice sizing is limited to 3-inches diameter per Section 98-118.O.3. The proposed design is requesting the use of a 2-inch diameter orifice. A 2-inch diameter orifice will provide a lower rate of discharge than 3-inch diameter and allows the system to meet the requirements. While an even smaller orifice would provide a further reduction in the discharge rate, two design criteria for the roof drain must be taken into consideration: 1) a drain that is compatible with the roofing system and 2) protecting the orifice (drain) from clogging. The design team has selected a roof drain that satisfies the two criteria but the smallest size is 2-inch diameter. A 3-inch diameter minimum was noted in the ordinance to provide a large enough opening that it would not be clogged by leaves, debris, cups, bottles, etc when installed in a traditional surface detention pond with open pipes carrying debris into the pond.

Other management options that were not considered:

Staff met with the applicant on site in mid-2020 to discuss the project and the design requirements. Staff notified the applicant at the time that stormwater management would be required. The project was designed without consideration for stormwater management as it moved forward through consideration by other Commissions within the City. As staff stated at the previous hearing for this variance request, there are additional design options that could have been considered during plan development and even now. Adding an additional storage basin on the in the roof terrace (second floor) would allow for managing the majority of the project site and allow the site to meet all the storm events. It is estimated that a 3 inch storage depth would be needed on the roof terrace (or equal volume in the basement) with the third floor roof storage remaining the same to be fully compliant with all stormwater requirements. Staff has not evaluated the structural requirements or feasibility for this system. A cistern installed in the basement with discharge achieved and regulated by a series of small (sump) pumps is another option that was not selected for consideration by the applicant. The cistern could be built in such a way that it could directly discharge to the street if the pumps failed. Harrison and 1000 Jefferson are both examples of this type of system. While these are gravity drained, there is no reason a properly design and installed pump system and cistern would not work. The plans currently include a sewage pump in the basement for this building.

The applicant has provided a design for a stormwater management system that meets the requirements for all storms for the surface area the system is to be installed within, approximately half of the overall square footage of the building. As a result of this design, there will be a decrease in the stormwater that leaves this entire site compared to the site as it was in its previous condition.

Summary of Discussion:

Chair Rigby describes proposal from the applicant for detention on third floor that will handle about half the stormwater requirement. Applicant's engineer Joey Moore concurs with that description; stating this is the best they can do with this building to meet code requirements. He then states that the proposal is detaining 44% more than the building that was previously there. Chair asks why they did not use the patio area for additional capture, and Mr. Moore states water could pool where guests gather so it would be impractical. Chair asks to speak to project architect Cory Alger.

Chair asks what are the special conditions and circumstances, required for a variance consideration, related to the revised request this month? He asks how more water would be captured if there were sub-surface discharge. After brief exchange, Chair states that perhaps the design of the building is the problem in being unable to meet the standards. Alger states that the building designed to do what Commission requested, providing discharge that does not go into a sub-surface system.

Chair notes that the Code was engaged in March 2020 with the demolition of the building; and has been time since then to design a building that would come closer to meeting the revised stormwater code requirements as the new design only covers half the footprint of the building. Alger states original intent was for the building to use sub-surface; but it was not available. There is a discussion between Chair Rigby, Alger, and Engineer Moore about how the design would be different if there were sub-surface drainage.

Alger then states he does not do stormwater design. Chair asks Alger if he takes stormwater design into account when designing a building. That point is debated. Alger states that the Commission required them to find stormwater solution that discharges onto the street; and they did that to the extent they feel is viable. Chair Rigby states that the Commission required them to provide a solution that met the Code requirement.

Commissioner Milam states that the Commission asked for a solution, and now there is a partial solution proposed; and the discussion about the other building in February outlined the general nature of the problem with stormwater on The Square. He believes the applicant has presented a more viable proposal to handle stormwater as best they can. Chair agrees that it does propose a partial solution; but he believes there are engineering solutions (that would require design changes to the building) that would enable it to come closer to meeting code requirements.

Engineer Moore again expresses concerns about the use of the basement and pumps to remove stormwater. Chair asks about grade of the site, and whether detention could be put in the southwest corner and drained to the street from there. Alger states it could not. That potential is debated.

Commissioner Spragins states that he thinks they made a good faith effort to comply.

Commissioner Murphy states that stormwater management is a new area; but the city and citizens entrusted the Commission to enforce these new standards. The rules make sense to him, there should be a way for it to work. He believes the Commission should expect more than a simple "good faith effort" to comply from licensed professionals. Mr. Alger stated objections to the discussion.

There were no further questions.

Motion to approve.

Commissioners Spragins and Milam voting for.

Commissioners Alexander, Murphy, Rigby and Johnson voting against.

Move: David Spragins Second: Kirk Milam Status: Failed

2. Public Hearing for Case #2843 – Dunkin Donuts (James Laskaris) has filed a request for a Special Exception as provided in Section 3.8.8.5.b Restaurant: Additional Standards, Drive-in Service for property located at 1739 University Avenue (PPIN #7995)

Planning & Engineering Comments: The subject property is the University Shopping Center (shopping center containing Walk On's Sports Bistreaux, Alice & Company, UPS Store, Social Wine & Whiskey House, Don and Dale's Barbershop, etc.) located at the northwest corner of the University Avenue and Bramlett Boulevard intersection. The center was recently acquired by the University Shopping Center, LLC. (David Blackburn), and improvements to the buildings and parking lot facilities have been installed. The applicant is proposing to transform the UPS store (relocating to another space in the shopping center) into a Dunkin' Donuts location. The nature of this request is to seek a Special Exception to allow a restaurant with a drive-thru window.

In the Traditional Neighborhood Business district, a restaurant with drive-in or drive-thru service requires a Special Exception and it must have sufficient stacking space to prevent backups onto access roads. The applicant is proposing to convert the existing (or former) UPS store that had a drive-thru window into a restaurant with a drive-thru; this change of use therefore requires this Special Exception.

Access to this shopping center has been a point of discussion for several years and was specifically noted in Case 2647 in August 2020 (linked above) when Origin Bank was approved and shown on that site plan (Sheets C106 and L100). That case report states:

Staff required that the access points on University Avenue be minimized and that the access closest to the signalized intersection be closed completely. The proposed site plan complies with those requirements and provides for two access points for the entire frontage of the Origin Bank and the commercial center combined. These access points are further from the intersection and

will improve traffic flow and safety in the area. Shared access easements were shown in the plat that created this lot (Case 2639, July 2020).

The existing curb cut at Burger King is approximately 100' from the intersection of Bramlett and University Avenue, which is why staff required that this access point be closed when considering the subdivision and site plan related to the redevelopment of this shopping center. In the time between the approval of Origin Bank and the completion of the bank, it was requested that the access at Burger King be left open until the Burger King site came in for a site plan approval, which was stated to be imminent. Due to the relatively low volume of drive-thru traffic at the UPS Store, Staff did not object to the request to leave the curb cut open for a little longer. However, the volume of traffic that may be entering or exiting this curb cut as a result of Dunkin' Donuts is concerning.

Staff has noted to representatives for Dunkin' Donuts that customers using the Burger King curb cut to enter the queue could create congestion into the intersection of Bramlett and University and that there is limited response time due to the proximity to the intersection. In response, the owner and engineer have proposed to place cones across the Dunkin' Donuts entrance nearest Burger King to force cars to enter the queue from the western side. The narrative provided noted that these cones would be in place for three weeks, but Staff feels that they may be necessary until the curb cut is completely closed up by the developer of the shopping center or Burger King. It is also recommended that the cones are extended fully across the drive to prevent cars from trying to work into the line.

Information provided to Staff regarding average queue times for fast food restaurants notes the average times of other drive-thru restaurants and it appears that Dunkin' Donuts has an average queue length between that of McDonalds and Taco Bell. In Oxford, both of those restaurants appear to have a longer space to queue than shown for Dunkin' Donuts and both nearly reach University at times. This was noted to representatives for Dunkin' Donuts and City Staff requested additional information regarding how the queue would be managed.

A submittal provided Monday, March 7 notes that a security or Police Officer will prevent cars from queuing beyond the point noted on the exhibit (blue line). It is not stated where those cars will be directed to queue instead. It is also not clear when these staffing needs will be triggered. This additional information also noted that this store will incorporate a tablet ordering system, similar to Chick-Fil-A, that will allow their employees to take orders while cars are in the queue. It is Staff's understanding that cars in the queue will still be required to pay at the window even if ordering through the tablet. Dunkin' Donuts representatives also noted that they anticipate utilizing the 'Pull Forward Parking Stalls' for customers with large orders that may result in longer than desired fulfillment times.

A traffic impact study was not required for the Origin Bank as noted in Case 2647 and any recommendations at that time would not have been relevant for this case due to the change in use and traffic volume for each business. Staff does not anticipate that a traffic study for Dunkin' Donuts would provide recommendations for substantial changes to the roadway other than a possible recommendation to close the curb cut at Burger King. However, it might provide insight into the expected queue lengths and alternative queue paths. This information may also be available outside of a traffic study but has not been provided yet.

The primary concern in this case is the potential for queuing traffic to extend onto the right-of-way of University Avenue. Dunkin' Donuts has provided information on how they propose to prevent this issue from occurring. The question of what to do if these proposed measures are not as successful as intended remains. City Staff has considered that the curb cuts on University Avenue could be closed, either temporarily with cones or permanently with new curb. Staff has also considered that the use of the drive-thru could be suspended if its operation is creating a negative impact on the use and safety of the public streets.

It is also worth mentioning that the City did provide the design team with an alternate drive-thru concept (included in packet). In this concept, the drive-thru line would queue into the shopping center to the north instead of wrapping around the building. This concept would provide more than adequate queuing space and would better alleviate the City's concerns because the queue would

be maintained within the shopping center with an unlikely potential to impact University Avenue. It is Staff's understanding that the applicant was reluctant to this concept because of the potential to block parked vehicles in the shopping center. While Staff acknowledges this potential, if 80% of the Dunkin' Donuts sales are finished by 11am, many of the businesses are just beginning to open at that time and would be minimally impacted. There are likely other measures that Staff has not considered as well.

Recommendation: As stated, Staff has expressed its concerns to the applicant about how a lack of or the mismanagement of the drive-thru queue could create safety concerns for University Avenue and the University Avenue and Bramlett Boulevard intersection. The applicant believes that the measures they plan to utilize will mitigate Staff's concerns. Staff recommends approval of the requested Special Exception with the following conditions:

1. Dunkin' Donuts is responsible for the operation of the queue to ensure that it does not extend onto the public right-of-way.
2. Sufficient staff shall be scheduled and designated for each of the assignments noted in the Dunkin' Donuts narrative and exhibit to ensure that the queue does not extend beyond the blue line noted on the exhibit or towards the Burger King curb cut. Appropriate replacements/substitutes shall be designated when the scheduled staff is unavailable to work their shift (call-outs for example).
3. The travel lanes between University Avenue and the store front shall be coned off completely on the eastern side during those times that the queue extends beyond the tablet ordering station, including beyond the time periods noted in the narrative provided from Dunkin' Donuts.
4. Any and all curb cuts may be closed, temporarily and/or permanently, at the City's direction in the event that the queue is not managed within the site and extends onto the public right-of-way.
5. Should Staff determine that the stacking queue for the drive-thru is creating a safety concern due to it not being managed within the site and extending into the public right of way, then the applicant will appear before the Planning Commission for reconsideration of this Special Exception.

Summary of Discussion:

Commissioner Johnson asks about the stacking concern. The applicants (not identified - no names stated at the podium) state that they will have security personnel to turn the customers away to avoid stacking onto University Avenue. They will have an officer as needed to avoid problems; and it will take time to determine the busiest times, by trial and error. They state that 80% of their business is in the morning (by 11am); and will adjust security as needed. Also, they are now using tablet ordering and payments to speed lines; and a waiting area for large orders. The use patterns are compared to Starbucks and McDonalds.

Commissioner Alexander asks hours of operation and why are they to use just cones, not a permanent barrier? Applicants state their hours are 5am to 8pm; but they are mostly busy in the mornings.

PD Requet states that the curb cut at University was to be closed in 2020, but postponed due to Pandemic. The owner of Burger King has the responsibility to close the curb cut, and its ownership has changed since 2020. He also states that there will not be a divider curb between Burger King and Dunkin' Doughnuts.

PD Requet then notes that the staff recommendation regarding traffic control is not just for grand openings or busy times; but to be ongoing until proven to not be an issue. The police cannot provide this service. The applicants did not disagree with that clarification.

Commissioner Milam states that he did not see an email from Chair Rigby about how it would operate, but envisions something like how Chick-Fil-A operates in west Oxford.

Chair Rigby summarizes that he believes the choice is a decision between putting the risk of

addition stacking on the city vs onto the shopping center. Would inevitable stacking go into the street or into the parking lot. He appreciates the promise to have someone to control stacking, but this puts someone between their morning doughnuts and coffee. He requests consideration of an alternative design that would provide more stacking area by changing the location of the drive-through window. Applicant states that being able to consider that alternative would be up to the shopping center owner. Chair states is a better risk than the potential for stacking on University Avenue; given the language of Condition #5. He clarifies that this condition means the Commission could overturn the approval of the Special Exception for the drive-through lane, after the business has opened.

PD Requet notes the proposed design change would modify the traffic flow of the shopping center, especially along the center aisle, and would mean the loss of a few parking spaces; but that a few more parking spaces could be picked up elsewhere. This proposal would contain the stacking into the shopping center, and provide an easier way for customers to leave the site at Bramlett.

Commissioner Alexander notes that he is concerned about the potential for additional congestion in that parking lot, given the problems it has recently experienced from the new restaurant there. That was acknowledged. Commissioner Milam notes that if Dunkin Doughnuts gets most of their business before 11am, that he is more concerned about traffic blocking a lane on University Avenue and distracted drivers causing accidents.

The applicants then note that they did not learn of the need for the special exception for the drive-thru lane until after they had submitted their full building plans for approval; so they would have to do new plans to make changes.

Paul Koshinina, engineer representing Dunkin Doughnuts, state how convenience and safety have to be balanced. He expresses concerns about blocking a parking bay. He comments about ways of controlling traffic on University Avenue. Commissioner Milam asks about the design on the drawing shown by Mr. Koshinina, suggesting a modification to allow traffic to exit without a dead-end parking bay. There is further discussion with Mr. Koshinina about different design revisions and various ideas are discussed.

City Attorney Pope Mallette mentions again the condition #5; emphasizing that it would not be reconsideration of the design; it would be the potential to lose the permission to have a drive-through lane. All want to avoid that; and there is a concern that people will ignore the use of cones being used to deflect customers. So, it is best to avoid this by finding a way to make the stacking potential internal to the center, not on University Avenue. There was also general acknowledgement that major stacking issues on University in the mornings would be major problem for the City.

Commissioner Murphy noted agreement with CA Mallette about whether the approval should depend on the operational plan or on the design of the use. He believes that using the parking lot rather than the street would be better. Applicants then state the need to talk to the shopping center owners about any design changes. Mallette restates that if they came back because traffic control was failing, they would be facing the risk of no longer having a drive-thru lane.

Chair Rigby asks about further review. PD Requet states that it would not come to the Commission for Site Plan approval as they are using an existing structure. The Commissioners generally indicate a preference for a modified design to route more stacking into the shopping center area.

The Chair suggests perhaps four options: 1 - approve with conditions stated, 2 - table to give time to discuss modifications with shopping center owners; 3 – approve subject to a new condition that they come up with design, acceptable to staff, that will use the shopping center parking area for stacking (providing internal queuing rather than depending on University Avenue traffic management). If they cannot reach an agreement on that, they can return with original request; 4 - Denial of the request.

All agree that Option 3 seems a reasonable plan.

Commissioner Johnson made a motion that required a change and return at the next meeting:

different from what was suggested by the Chair. After discussion that motion was amended to be the same as discussed.

Motion to approve with condition to work with Staff to propose design that has internal circulation that keeps all the stacking within the shopping center by Commissioner Johnson, Seconded by Commissioner Alexander.

In seconding the motion, Commissioner Alexander stated that he is still concerned about potential for problems in the center. There was some additional discussion about the conditions of approval.

Move: Michael Johnson Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2844 – David Blackburn has filed a request for Preliminary Plat Approval for 'The Oaks at Oxford Commons – Phases 19 & 27' for property located at Lakewood Hill Drive. (PPIN #4502)

Planning Comments: This request is for a preliminary plat for Phases 19 & 27 of the Oaks at Oxford Commons. These phases of the subdivision are located in the Oxford Commons PUD on the east side of the power cut on an extension of Lakewood Hill Drive east of the previously approved preliminary plat for phases 7 & 8. The proposed subdivision would be +/- 7.65 acres with 17 lots sized between 0.31 acres and 0.39 acres with 0.356 acres for conservation and open space.

The proposed lots comply with the dimensional requirements of the underlying zoning and the density is appropriate to this area of the PUD. This phase is in Tract N of the PUD and is allotted 386 lots. 354 lots will remain in Tract N if this plat is approved. Sidewalks are indicated that would connect all lots to future phases of the Oaks. Tree mitigation and open space is governed by the 2016 Tree Mitigation Variance and 2019 PUD plan that requires at least 14% land preserved for tree mitigation as well as at least 20% open space. Areas were indicated for conservation space and open space on the plat for phases 7 & 8 that will cover the requirement for these phases.

A planting plan for frontage trees is still under development as of the writing of this report and its provision will be a condition of approval.

Engineering Comments: Technical details and corrections remain to be completed on the preliminary plat and the construction plans. These items do not impact the use of the property, are easily resolved, and are primarily technical in nature. The preliminary plat grants permission to perform clearing, grading and construct infrastructure but does not grant the ability to construct or sell houses.

Access and Streets

Phases 19 and 27 of the Oaks at Oxford Commons will connect to Phase 7 of the Oaks, which was recently approved by the Planning Commission and connects to an extension of F.D. "Buddy" East Parkway. As previously stated in the Phase 7 and 8 case reports, a haul road currently exists from F.D. "Buddy" East Parkway that will receive additional treatment for compliance with requirements from the Fire Department and can be used as an additional access in the event of emergencies.

The construction plans currently note the use of an "Aluminum Box culvert bottomless design by others" to cross the blue line stream. The use of a bottomless culvert to avoid stream impacts will be permitted, but the design must be completed by an engineer licensed in the state of Mississippi and the City must approve the construction plans prior to its construction. A similar box was installed by the County on Industrial Park Road in Grand Oaks prior to that area being annexed. Other storm drain alignments will be reworked to eliminate diagonal street crossings.

Street lights will be required though they are not currently shown on the plans.

In areas where the vertical slope of the roadway exceed 5%, a resting place for ADA use will be required.

The traffic impact requirements for new development within Oxford Commons have been fulfilled for the foreseeable future by the recently completed roundabout improvements on Sisk Avenue and

F.D. "Buddy" East Parkway.

As was the case with Phases 7 and 8, there is property adjacent to the stream that are not currently shown within the plat but that will be included to avoid having unplatted sections of land between subdivisions. This may be addressed before the case for the preliminary plat is heard by the Board or on the Final Plat.

Water and Sewer & Utility

Water for the development will be obtained by connecting to a proposed extension of an 8" City of Oxford water main from the Oaks at Oxford Commons Phases 7 and 8.

Sewer from the site will not be as shown in the current plans as it connects to a sewer line that runs along the rear of the lots in the buffer zone of the stream. During a January 25th meeting, it was discussed that the sewer will be routed in the street as normal and to a temporary lift station, which will be privately owned and maintained and will pump the sewer up Lakewood Hill Drive. Staff will review and comment on the revised plans once received.

A novel approach to stormwater management was initially presented for this subdivision as also noted in the case reports for the Oaks at Oxford Commons Phases 7 and 8. While this approach has not been discounted, it is no longer being pursued due to time constraints and the modeling required to confirm the approach meets all stormwater requirements. Instead, a "temporary" detention basin will be constructed downstream. This basin is noted as "temporary" because it may later be relocated, enlarged or altered in some way as additional areas are developed. The basin will be designed in such a way that it could remain in place permanently should the developer choose and will meet all requirements of the stormwater management ordinance. Easements will be required as the pond is located outside of this platted area. This method has previously been used for sites within Oxford Commons, including the Tractor Supply store. Previously approved language regarding use of the detention area will be noted on the plat and an easement similar to the one used for Tractor Supply store will be executed.

Recommendation: Staff recommends approval of the requested Preliminary Plat for 'The Oaks at Oxford Commons, Phases 19 & 27' with the following conditions:

1. Approval of 'The Oaks at Oxford Commons, Phases 19 & 27' by the Mayor and Board of Aldermen. (Planning)
2. Approval is for the plan as submitted. (Planning)
3. Prior to the case being heard by the Mayor and Board of Aldermen, a planting plan for frontage trees must be provided to Planning Staff prior. (Planning)
4. There is a large amount of "Common Area" shown on the plat. Who will own this "Common Area" and how it will be maintained need to be specified in the final plat before approval will be granted. (Engineering)
5. Before construction of infrastructure such as water, sewer, and roadway can begin, all Engineering comments pertaining to the submitted construction drawings will need to be met. (Engineering)
6. Final approval of the storm water report and an approved Operation and Maintenance Plan. (Engineering)

Motion to approve subject to staff conditions

Move: Kirk Milam Second: David Spragins Status: Passed

4. Public Hearing for Case #2845 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls: Height, Maximum for property located at 327 Lakewood Hill Drive. (PPIN #40179)

Planning Comments: The subject property is located in the Oxford Commons PUD at the end of

Lakewood Drive. The applicant was granted approval for the use of a gated entry at the February 2022 meeting (Case #2825) and a condition of approval was that the applicant must seek a variance to build a fence in excess of 4 feet in the front yard. This request is for that variance. The applicant has proposed a fence that is 5 feet tall in a front yard.

The applicant states that because the topography on the lot and the distance from the street will minimize the perceived height of the fence. Additionally, the lot is irregularly shaped, almost trapezoidal. A concern with taller fences located in the front yard is when they obstruct the rhythm of the street and architecture of the homes. In this instance, the proposed fence will provide for visibility and this is a minimal request to overcome the topographic challenges on this lot. The fence will not obstruct the view from the road of the front of the house.

Recommendation: Staff recommends approval of the 1-foot variance request the following condition:

1. Approval is for the plan as submitted.

Motion to approve subject to Staff conditions.

Move: Michael Johnson Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2846 – Mac Monteith has filed a request for Final Plat Approval for ‘The Lamar – Phase 4’ for property located at West end of Cincinnatus Blvd. (PPIN #5067)

Planning Comments: This phase is +/- 20.06 acres and will connect Chickasaw Road to the existing Phase 2 of The Lamar TND. The most recent land use allocation for The Lamar indicates areas of Single-Family Detached, Single-Family Attached/Detached, Civic Space and Green Space in this phase. 90 lots are planned for this phase, 82 of which are residential. The Single-Family Detached residential lots will measure between 10,273 sf and 3,458 sf with an average size of +/- 5,376 sf. The Single-Family Attached/Detached residential lots will measure between 5,369 sf and 3,325 sf with an average size of +/- 4,158 sf. There will be 201,176 sf of Open Space, portions of which will act as stormwater detention and 42,430 sf of Civic Space.

A planting plan for mitigation trees is provided by the applicant that indicates 183 new trees to be planted between Phases 2 & 4 to mitigate the trees removed. No other changes are indicated on the final plat from the preliminary. Covenants have not been received by the Planning Department at the time of this report and will be required as a condition of approval.

Engineering Comments: There were conditions attached as part of the approval of Case #2763 Preliminary Plat for ‘The Lamar, Phase 4’ as well as technical items that needed to be corrected before final plat approval. At the time of this report, not all of the technical items have been addressed to Staff’s full satisfaction and the conditions of approval have not been completed. However, it is not anticipated that these corrections will influence the shape, use, or other feature of the lots or dedicated right-of-way. The engineer submitted responses to Staff’s previous comments and the preliminary plat case report in July and there were multiple conversations and emails between staff and the engineer, but there was not a formal resolution to each item at that time. These items can all be addressed prior to the case being heard by the Board of Alderman.

Streets: Lamar Phase 4 will include the extension of Cincinnatus Boulevard to Chickasaw, Baldwin Court, and Sumner Avenue along with multiple private access alleys. Cincinnatus Boulevard to Chickasaw, Baldwin Court, and Sumner Avenue will have dedicated right-of-way shown on the plat. All private alleys shall be labeled ‘Private’ on the plat.

Retaining Walls: Multiple retaining walls are to be owned and maintained by the Homeowners Association per the design engineer’s response to comments. Their location shall be shown and noted on the plat and be labeled ‘Private’.

Water and Sewer: Water and sewer lines to be maintained by the City of Oxford shall be located within the right-of-way or dedicated easement. Because of the depth of some of the sewer lines present in the right-of-way, the City of Oxford has requested maintenance easements beyond the

right-of-way. These easements shall be shown on the plat.

Stormwater Drainage: All storm drain pipes shall be labeled as either public or private and the City will only maintain the storm drain located within the right-of-way. Because of the depth of some of the stormwater drainage lines present in the right-of-way, the City of Oxford has requested maintenance easements beyond the right-of-way. These easements shall be shown on the plat.

Stormwater System Ownership: The stormwater management facilities will be located in Common Open spaces that will serve all phases of the Lamar. It will be up to the developer to determine fair and equitable allocations.

Stormwater Management Facilities: Stormwater management for Phase 4 will be accomplished using multiple permanent and temporary stormwater management facilities. An approximately 0.86-acre permanent detention (dry) basin will be located in the southwest corner of the development.

A permanent bio-retention basin will be located in the central portion of the development, west of the amenity facilities. The purpose of this stormwater management facility is to function as an intermediate step to reduce the overall amount of runoff.

There are two (2) temporary detention basins, northwest and northeast central, that provide detention for areas of mass grading that are outside of this phase of development. The northeast central temporary detention basin discharges to the storm drain pipe network that drains to the permanent detention basin. The northwestern temporary detention basin discharges to the northwest and does not connect to the Phase 4 stormwater management facilities at this time.

At the time of this case report, Staff has not approved the stormwater management plan for the Lamar Phase 4 though it is approvable.

Street Construction: The striping plan needs to meet the requests of the Pathways Commission regarding pedestrian crossings and previous staff comments regarding yellow curb.

Traffic Issues: The traffic impact study is under staff review for any recommendations to be implemented because of this phase of development. The Board of Alderman has approved a Tax Increment Financing Plan and agreement with the developer that includes improvements to Chickasaw, South Lamar, and a roundabout at Chickasaw and Molly Barr to address traffic issues related to the development of all phases of the Lamar.

Recommendation: Staff recommends approval of the Final Plat for 'The Lamar - Phase 4' with the following conditions:

1. Approval by the Mayor and Board of Aldermen for 'The Lamar – Phase 4'. (Planning)
2. Approval is for the plan as submitted. (Planning)
3. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants for this subdivision shall be provided to the Planning Department. (Planning)
4. All technical corrections to the stormwater management plan, site plan, and final plat must be made before it is considered by the Board of Aldermen. (Engineering)
5. Installation of infrastructure to be owned and maintained by the City cannot begin until staff has approved the construction plans. (Engineering)

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: Michael Johnson Status: Passed

6. Public Hearing for Case #2849 – Jay Luna has filed a request for Site Plan Approval for 'Thacker Storage' for property located at 16 Thacker Road. (PPIN #7509 & #7517)

Planning Comments: A Site Plan Approval for a Thacker Storage was granted by the Planning Commission in June 2018. The applicant is requesting a new approval for the same site plan that was previously approved. The applicant pulled a land disturbance permit and performed improvements to the site including the grading work, installation of retaining walls, installation of the stormwater detention system, the installation of curb, gutter and the asphalt drives but the building was never constructed as a result of the pandemic. Since that time, the building permits expired and so did the site plan.

The subject property is located on the west side of Thacker Road south of Highway 6. Mr. Brian owns a parcel that contains an existing building that functions as the office and storage for Brian Development but he recently purchased the house to the north (zoned for commercial) that was occupied by Tarasque Restaurant. In total, the site measures approximately 1.2 acres.

The applicant is proposing to construct a four-story, climate controlled self-storage facility totaling approximately +/- 19,000 square feet, with all access to the storage units being provided from the interior corridors of the structure. There are to be no exterior access or stand-alone units. The other existing building will continue to operate as the office and storage for Brian Development. The use is a Special Exception, the subject of Case #2306 and the site requires a Special Exception for a Build-To Line that exceeds 50', the subject of Case #2307.

The applicant is proposing two means of ingress/egress from Thacker Road. A Self-Storage Facility requires at least four parking spaces to be provided near the leasing office, which the applicant has provided. A retaining wall is proposed that extends nearly the entire lengths of the west and north boundary of the site. The retaining wall, in most places, exceeds 6-feet in height, which requires evergreen shrubs to be placed in front of the wall, however, the landscaping plan indicates shrubs to be located along the entirety of the retaining wall. Additionally, the landscaping plan indicates a healthy planted screen along the southeast portion of this site and along Thacker Road. A foundation planting plan is provided along the portions of the building that are visible from Thacker Road.

Engineering Comments:

Engineering has the same comments as provided in the original case report number 2308 as there have been no changes to the plan submitted.

Access

This project proposes to repurpose access points along Thacker Road to accommodate a new storage facility. Curb and ADA compliant sidewalks will be added along the road frontage.

Water and Sewer

Two existing water meters feed the site and will be adjusted and maintained to serve the proposed improvements to the site. Existing sewer on the site is handled by individual on site waste water treatment systems. Sewer from the proposed facilities will be routed to a new simplex lift station, which will be privately owned and maintained. A connection will be made from the lift station to an existing force main city which runs along the roadway frontage.

Stormwater

Stormwater from the site will be managed by a proposed underground system consisting of approximately 360 linear feet of 60" corrugated metal pipe. The stormwater report was approved in 2018.

Recommendation: Staff recommends approval of the Site Plan for 'Thacker Storage' with the following conditions:

1. The approval is for the plans as submitted.
2. Prior to any building permits being granted, a copy of the easement for discharging stormwater must be submitted to the City.
3. Prior to any building permits being granted, the final stormwater report must be approved by Staff.

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

7. Motion to Adjourn

Move: Harry Alexander Second: Kirk Milam Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission
Monday, April 11, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green;
J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Paul Watkins; Robert
Baxter

Remote Attendance

Kirk Milam; Michael Johnson; Reanna Mayoral

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. April Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

Move: Harry Alexander Second: David Spragins Status: Passed

3. Approval of minutes from the March 14, 2022 Meeting

Move: David Spragins Second: Harry Alexander Status: Passed

4. Staff Report

Planning Director Requet provides an update on a variance case for 208 S. Lamar related to stormwater regulations. The Commission did not approve the variance. That decision was appealed to the Board of Aldermen. After considerable discussion there was no motion to overturn the decision of the Planning Commission.

a. Building Official's Report

5. Map of Cases this Month

<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>

B. Consent Agenda

Move: Joseph Murphy Second: Harry Alexander Status: Passed

1. Public Hearing for Case #2850 – Gwen Hutchins has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business – Structure Height, First Floor Residential for property located at 2607 Old Taylor Road. (PPIN #7963)

Planning Comments: The subject property is located southeast of the intersection of Oxford Way and Old Taylor Road. The property is +/- 0.25 acres and is accessed by an easement from Old Taylor Road. The applicant is looking to place a one-story detached residential unit on the site to be used as her personal dwelling. First floor residential can be approved by Special Exception in TNB districts.

The applicant purchased this property in 2016 when it was zoned (RC) Multi-Unit Residential under the previous code. It was changed to TNB in 2018 with the comprehensive rezoning of the City in conjunction with the adoption of the LDC. Staff sees this as a reasonable request. Staff would recommend that the setbacks for the Neighborhood Residential District be used for this property.

Recommendation: Staff recommends approval of the request Special Exception with the following conditions:

1. Setbacks for this use will be the same as Neighborhood Residential.
2. Public Hearing for Case #2851 – Kinney Family Properties, LLC has filed a request for Site Plan Approval for 'The Kinney Building' for property located at 1201 Horne Road. (PPIN #8846)

Planning Comments: The subject property is located at the northeast corner of South Lamar Boulevard and Horne Road. The property measures +/- 0.61 acres and is zoned TNB. There are currently two rental houses on the lot. The applicant is proposing to demolish these houses and build a two-story building that has ground floor office space and an upper floor with three residential units. The office space will be +/- 3,262 sf and there will be two, one-bedroom units and one, two-bedroom unit.

Use and Parking Requirements – Office space and upper floor residential are both Special Uses in TNB districts and the proposed building meets the standards for those uses.

Parking standards for office space is 1 space per every 300 sf of gross floor area. This use will require 10 spaces. Standards for residential are one space for each one-bedroom unit and two spaces for each two-bedroom unit plus one guest space for every three total units, a total of 5 units. Total parking required for the site is 15 spaces. The plan calls for 15 spaces, one of which is van accessible.

Coverage and Setbacks – Uses in TNB districts are allowed 80% lot coverage; this use proposes 60.7%.

This is a corner lot meaning that there are two fronts and two sides. The proposed plan meets the two front build-to and two side setback requirements.

Other Review Elements

- Landscaping – The proposed landscape design meets all standards related to parking lot trees, edge buffers, and foundation plantings. Frontage trees are shown on the plan, but are located in the right-of-way. A planting plan for frontage trees on site will be required as a condition of approval.
- Access – The property will take access from Horne Road. Sidewalks are indicated along both fronts to eventually link this property to the ever-expanding sidewalk network along South Lamar.
- Building Materials and Design – The building will have a brick veneer with metal railings and metal framed windows. The south face (towards Horne) does not have architecture that indicates that it is a front. A revised architectural elevation that indicates that face as a front will be required as a condition of approval.
- Signage - A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments: The Kinney Building is a proposed mixed-use development at the intersection of South Lamar Boulevard and Horne Road. The subject property is currently occupied by two single family structures which are set to be demolished. Proposed improvements consist of one, two-story mixed-use structure and associated parking.

Access

Vehicular access to the site will be by existing driveway from Horne Road, which will be improved. Sidewalks are proposed along the roadway frontage of South Lamar and Horne Road. New concrete steps are proposed on the South Lamar frontage. Comments related to the placement of

the new sidewalk and associated concrete steps along the South Lamar frontage were sent to the designer on March 23, 2022.

Water and Sewer

Water will be provided to the development via existing water main on Horne Road. Fire protection is proposed for the mixed-use building and a new fire hydrant is proposed. Sewer from the site will be collected and conveyed to an existing manhole along the sites frontage of Horne Road.

Storm Water

Storm water management for this site plan will be handled by an underground basin located on the site, beneath the proposed parking lot. At the time of this report staff has not received a response to their comments dated March 23, 2022 and the storm water management plan has not been approved. Staff anticipates that all comments can be addressed. Approval of the storm water management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the requested site plan for the 'Kinney Building' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. A planting plan for frontage trees on site shall be provided to staff prior to the issuance of permits. (Planning)
3. Updated architectural elevations that indicate the south face as a front shall be provided to Staff prior to the issuance of building permits. (Planning)
4. All comments related to the proposed site plan submittal dated March 23, 2022 must be addressed to the satisfaction of the City Engineer and include:
 - a. Sidewalks, including the pedestrian path across the proposed drive, are to be ADA compliant
 - b. Proposed concrete steps along South Lamar frontage will require a revocable license from the city.
 - c. An ADA compliant ramp is required in conjunction with the proposed steps.
 - d. The proposed sidewalk requires a buffer from the existing curb & gutter. The designer should place the sidewalk as close the property line as elevations will allow.
 - e. Final approval of the storm water management plan

C. **Public Hearings**

1. Public Hearing for Case #2852 – Walker & Walker Enterprises, LLC has filed a request for Site Plan Amendment for 'Grand Oaks Village' for property located at Augusta Drive. (PPINs #27672 & #25980)

Planning Comments: This property is located on +/- 9.09 acres in the Grand Oaks PUD between the Rosemont Subdivision and the Grand Ridge Subdivision, west of Augusta Drive. The applicant is requesting approval of an amendment to the Site Plan approved in October 2021 (Case #2804).

The primary changes to the site are that the access point has been moved to the north approximately 140 feet, the retaining walls have been minimized, and three parking spaces have been removed. The layout of the units has changed minimally, but the number remains the same. None of the proposed changes substantially affect the requirements for the use or the underlying zoning.

Engineering Comments: At the time this report is being written, responses to previous engineering comments have not been reviewed. Staff does not anticipate that a review of the responses will result in any additional comments that cannot be resolved or would prevent approval. There were minimal changes to the site since the previous approval and all outstanding issues are technical and minor in nature.

Water and Sewer & Utility

All sewerage (gravity line, force main, and lift station) for this project will be privately owned and

maintained by the common interest development. The City will accept sewage from the development at a manhole existing or new within the right of way of Augusta Drive. A privately owned and maintained lift station and force main will provide collection and conveyance to the City's manhole. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sewerage utilities.

Water service (main and meters) will be publicly owned and maintained. Because the street is private there is no public right of way, therefore an easement for the public water service shall be required. The water main will be an 8-inch diameter line that will tie to an existing 8-inch diameter water line located on the right of way of Augusta Drive.

Traffic/Access

A privately owned and maintained road will connect the development with Augusta Drive. There is no dedicated right of way to the city for this private road. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the road. Upon request from the City, the alignment with Augusta has been changed slightly so that it is closer to a 90-degree intersection. Staff typically requests that opposing intersections be aligned but a slight offset was preferred in this instance in order to improve the angle of intersection with Augusta. A site distance analysis was also performed and submitted by the design engineer.

Sidewalks

There are proposed sidewalks along the frontage with the private road. Only the sidewalk on the north side of the private road will extend to Augusta Drive. A sidewalk along the south side of the private road will be limited to frontage with the building pads. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sidewalks.

Retaining Wall

There are several proposed retaining walls within the development. These retaining walls will be privately owned and maintained. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the retaining walls.

Erosion Control

The development is located immediately adjacent to a green on the Grand Oaks golf course. The proposed grading of the development will concentrate runoff the development and the existing development to the north to a point on the property line with the golf course. This is a highly visible location where any changes to the condition of the golf course perceived or otherwise will be blamed on the development. It will be imperative that all erosion control procedures be followed to the letter.

Stormwater Management

The primary design requirement of the City's stormwater management ordinance is that the post-development condition peak flows for the 2-year, 10-year, 25-year, and 100-year storms must be less than or equal to the estimated peak flow for the pre-development condition. The drainage basin that includes the project site is approximately 15.8 acres that drain to an existing 36-inch diameter pipe located on the Grand Oaks golf course. This basin includes a portion of the Rosemont Subdivision to the north that is not part of the project property but produces runoff that must drain onto or through the property.

The entire basin is being included as part of the stormwater management report to determine pre-development and post-development peak flows. To achieve the post-developed peak discharge rates for this project, the stormwater management plan proposes to detain all the runoff from the northern 9.6 acres of the drainage basin. The detention basin will have a control structure that is designed to detain the 2-year, 10-year, 25-year, and 100-year storms. This results in an overall reduction of the post-development discharge rates to less than the pre-development discharge rates. The control structure is connected to a storm drain network draining other areas of the site project site and is ultimately tied to the existing 36-inch diameter pipe located on the Grand Oaks golf course.

Based on the pre-developed runoff calculations the existing 36-inch diameter pipe is insufficient in size to carry the estimated peak discharge during the 100-year storm. While the estimated post-developed peak discharge is less than the pre-developed peak discharge, the existing 36-inch pipe is still undersized. It is not practical to replace and up-size this pipe. Because of this, surcharging of some of the inlets and manholes may occur during the 100-year storm resulting in surface flow. This surface flow ultimately will flow onto the golf course. This does not necessarily represent a change in current discharge location or conditions, since the peak discharge during the 100-year storm is also estimated to be greater than the existing pipe's capacity.

A drainage easement to tie to the existing 36-inch diameter pipe and to surface discharge onto the adjacent golf course property will need to be executed and recorded before the issuance of any permits.

The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the management facilities.

A final stormwater management plan has not been approved at this time. The engineering staff does not foresee any issues with the proposed design that would prevent approval.

Recommendation: Staff recommends approval of the requested site plan amendment to 'Grand Oaks Village' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. Submittal of condominium covenants for review and comment before the issuance of any building permits. (Engineering)
3. Execution and recording of a water line easement before the issuance of any building permits. (Engineering)
4. Execution and recording of a drainage easement before the issuance of any permits. (Engineering)
5. Approval of a Stormwater Management Plan before issuance of any permits. (Engineering)

Summary of Discussion:

Commissioner Spragins asked if the loss of three parking spaces affected meeting parking requirements. Planner Baxter confirmed that they still meet parking requirements. There were no other questions.

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: David Spragins Status: Passed

2. Public Hearing for Case #2853 – Bradley Roberson (Oxford School District) has filed a request for Variance from Section 3.2.18 Retaining Walls for property located at 225 Bramlett Blvd (PPIN #6102)

Paul Watkins recused from the case.

Planning Comments: The subject property is located in the northwest corner of the Bramlett Boulevard & Jefferson Avenue intersection. The property measures approximately, +/- 13.7 acres and it is zoned (TSR) Traditional Suburban Residential. The Oxford School District is proposing an addition to the Bramlett School building in order to add more classroom space but also to address a safety concern due to a lack of space for queuing issues with morning drop-off and afternoon pick-up.

The applicant is to alleviate this safety concern by extending a driveway around the entire school property, similar to the drive at the recently constructed Lafayette Elementary School Building on F.D. Buddy East Parkway. In order to facilitate this drive, two retaining walls are required on the

norther end of the proposed drive. Because the subject property is located in the Neighborhood Conservation Overlay District, retaining walls are limited to 6' in height and shall allow for 20' between walls.

In this instance, the applicant is requesting a 2' retaining wall height variance to facilitate both 8' walls. Also, the school district is requesting a 10' variance between retaining walls. The applicant is proposing evergreen shrubs that are at a minimum 4' in height at planting.

Recommendation: Given the considerable topographical challenges of this site, and the need for expanded school facilities due to the continued growth in the Oxford Community, Staff supports the requested variances with the following conditions:

1. Approval is for the plan as submitted.

Summary of Discussion:

Paul Koshinina, Precision Engineering spoke on behalf of the Oxford School District. He describes the reasons the change is needed, and how it will help with the traffic concerns in the area. He notes that they will return soon with a site plan approval request for the addition to the school.

Chairman Rigby asked a question he received from a member of the community, who is almost six. She asked what impact there would be on the playground. Koshinina indicated that the playground will be relocated on the site.

Commissioner Judy Riddell asked if staff had heard anything from the property owner on the side where the retaining wall will be. Staff indicated they had not. Koshinina indicated that one reason for the retaining walls on this site with such significant topography is to preserve tree canopy and limit soil disturbance. He said one neighbor had erosion problems in the past related to earlier work on the school site; and they are working to avoid that. The method chosen will be more expensive for the School District, but will lessen impacts on the neighboring properties. There were no further questions.

Motion to approve subject to Staff conditions.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2854 – Frances Zook has filed a request for a Variance from Section 3.11.1.5.c Accessory Structures – Additional Standards for property located at 409 Cullen Road. (PPIN #38117) **(WITHDRAWN)**
4. Public Hearing for Case #2855 – Jeffery Little has filed a request for a Variance from Section 2.6.3 Estate Residential – Front Yard Build-to Line, minimum for property located at 239 St Andrews Circle. (PPIN #6569)

Kirk Milam recused from the case.

Paul Watkins returned from recusal.

Commissioner Johnson joins the meeting.

Planning Comments: The subject property is +/- 0.64 acres in the Country Club Subdivision, Part 3 at the intersection of St Andrews Circle and Hickman Lane. Currently, the subject property has no structure on it and the applicant is looking to build a house on the property. The applicant is requesting a variance to build 10 feet in front of the front setback line towards Hickman Lane at a distance of 30 feet from the property line. The front setback in TER is 40 feet.

The applicant is requesting to use 30 feet as a front setback as that was what was designated in the original covenants for the subdivision. The applicant also states that a 40 ft setback is larger than the other houses along Hickman Lane.

Despite the language in the covenants regarding a 30 ft front setback, covenants are contracts

between private parties and are not enforceable by the City nor are they binding on the City. When less stringent setbacks are shown on original plats, the City has been more amenable to considering those standards, but there are no setbacks shown on the plat for this subdivision.

The applicant does raise a valid point that two of the other three houses on Hickman are closer to the road than 40 ft (roughly 10 ft and 20 ft). The third house is over 90 ft from the property line, but there are accessory buildings closer. The difference with those houses is that they all primarily face St Andrews Circle, while the proposed house here primarily faces Hickman.

This is a vacant lot which is regular in shape and has no discernable topographic issues. For these reasons Staff does not support this request for a variance.

Recommendation: Staff recommends denial of the request variance, though if the Commission wishes to approve, Staff requests the following conditions be added:

1. Approval is for the plan as submitted.

Summary of Discussion:

Planner Robert Baxter indicates that staff has received four letters of support for the request from surrounding neighbors, and no letters protesting the request.

David Anderson, architect for the home, indicates that their intention is for the house to face St. Andrews. They want to fit in with the rest of the streetscape, and this placement will fit in better. Chair Rigby summarizes the proposal, related to it being a corner lot, so the required front yard setback on Hickman is causing the issue.

Commissioner Riddell asked to see elevation drawings of the home. Architect Anderson shows the south elevation and west elevation. She asks if the address will be St. Andrews Circle, and that was confirmed. Riddell then asks staff for confirmation that the Commission does not consider subdivision covenants, just the development regulations; PD Requet confirms that is correct. Chair Rigby indicates that there is a bit of nuance in that if the setbacks have been included on a subdivision plat to begin with, the City would default to those.

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: David Spragins Status: Passed

5. Public Hearing for Case #2856 – The City of Oxford has filed a request for modifications to the Land Development Code.

Joseph Murphy returned from recusal.

Planning Comments: The changes proposed address concerns that have surfaced. The changes include:

- Clarification of the Maximum Dwelling Unit Density in the TSR and TNR Districts
- A reference change for retaining walls.
- Clarification in the standards for townhouses.
- A new use for Small Craft Brewery after recent modifications to state legislation.
- Establishing the ability to request a screen wall for HVAC/mechanical equipment by Special Exception.
- The incorporation of new definitions for Small Craft Brewery.

Article 2

A change to clarify the Maximum Dwelling Unit Density in the TSR and TNR Districts.

2.6.4.1 Traditional Suburban Residential. The Traditional Suburban Residential Overlay shall consist of certain neighborhoods and subdivisions (indicated on the zoning map) in which the following use, otherwise allowed in the Suburban Residential District by Special Exception, is not allowed: Zero Lot Line, Patio Dwellings. The standard lot size shall be no less than 7,500 square feet. **Dwelling Unit Density, Maximum: 5.8 dwellings per acre.**

2.6.5.1 Traditional Neighborhood Residential. The district shall consist of certain older areas of Oxford (indicated on the zoning map) in which the following uses, otherwise allowed in the Neighborhood Residential District, are allowed only by Special Exception: Townhomes, Attached Triplexes and Quadplexes. In addition:

a. In a subdivision, the standard lot size shall be no less than 7,500 square feet for detached, 15,000 square feet for duplex, 22,500 square feet for a triplex and 30,000 square feet for a quadplex.

b. All attached dwellings will require a Special Exception approval if more than 25% are proposed to be 3-bedroom units, or if any are proposed to be 4-bedroom units.

c. Unless otherwise approved by a Special Exception, a development of more than one structure in NR shall require a minimum of 50% detached units, and a development of more than four structures shall require a minimum of 25% of detached units.

d. Dwelling Unit Density, Maximum: 5.8 dwellings per acre.

Article 3

3.2.8 Fences, Walls, and Hedges. Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the side or edge of any yard that fronts on a public street shall be over four feet in height and any fence must allow for visibility. Article 5, Site and Design Standards, may allow taller fences, walls, and hedges to serve as screens in certain circumstances. These requirements do not pertain to retaining walls governed in Section 3.2.16 18 below.

Table 3.3

Hotels, Motels, or Inns – SMF – S/SE SE

Small Craft Brewery – TNB & HUCN – SE SCN, SCO, UCO, UCN, IND, PUD and TND – S

Townhomes

3.5.3.2 Districts Permitted:

a. Townhouses are Special uses in NR, SMF, TNB, SCN, SCO, UCO, UCN, and HUCN unless more than 25% of the dwellings proposed have four or more bedrooms. when fewer than 25% of the dwellings proposed have four or more bedrooms.

b. Townhouses are Special Exception uses in NR, SMF, TNB, SCN, SCO, UCO, UCN, and HUCN when more than 25% of the dwellings proposed have four or more bedrooms; or if any are proposed to have five or more bedrooms.

c. Townhouses are special exceptions in TNB, UCN, UCO, and HUCN when more than 25% of dwellings proposed have four or more bedrooms.

3.6.10 Schools. 3.6.10.1 Definitions: a. Preschool through High School: A public or private institution at which persons are instructed in the specifics of learning; for purposes of this Code including kindergarten through grade 12.

b. Post-Secondary School: A public or private institution (for profit or non-profit), college, university, business or trade school that offers education beyond grade 12.

3.6.10.2 Districts Allowed:

a. Preschools and Kindergartens

i. Preschools and Kindergartens are permitted in the SCO, SCN, and INST districts.

ii. Preschools and Kindergartens are special exceptions in the AG, RCN, ER, SR, NR, SMF, TNB, and SCO districts.

b. Elementary and Middle Schools

i. Elementary and Middle Schools are permitted in the INST district.

ii. Elementary and Middle Schools are special exceptions in the AG, RCN, ER, SR, SCO, NR and SCN districts.

c. High Schools

i. High Schools are permitted in the INST district.

ii. High Schools are special exceptions in the A, ER, and SR districts.

d. Post-Secondary School

i. Post-Secondary Schools are permitted in the SCN, SCO, UCN, and UCO, and INST districts.

ii. Post-Secondary Schools are special exceptions in the AG, RCN, and TNB districts.

3.8.11 Taverns. See restaurants serving alcoholic beverages. Small Craft Brewery

3.8.11.1 Definition: A small scale brewery that produces beer and light wine for consumption on site, direct consumer sales, and/or wholesale distribution. This use may also have a tap room, restaurant, live entertainment, or retail space for on-site consumption subject to Mississippi laws and regulations for beer and light wines. Please see the Brewery (Types) definition in Section 10.2.30.

3.8.11.2 Districts Permitted: Small Craft Brewery is allowable by Special Exception in the TNB and HUCN districts. They are allowable by Special Use in the SCN, SCO, UCO, UCN, IND, PUD and TND districts.

3.8.11.3 Parking Requirements: 1 parking space is required per 4 customer seats, plus 1 parking space for each employee working during the largest shift of the day.

3.8.11.4 Loading Requirements: See Article 4 for general requirements.

3.8.11.5 Additional Standards:

1) When adjacent to a residential use, loading times for beer distribution shall be limited to 8am to 6pm Monday through Friday, and 10am to 5pm on Saturday.

2) When adjacent to a residential use, the use of fork lifts outside of any structure shall be prohibited.

3) An odor prevention plan shall be provided by the applicant to mitigate any potential odors associated with the brewing of beer and light wine.

4) Any by-product waste (spent grain) shall not be stored outside of the facility.

Article 5

5.5.4.2 Utility apparatus and all HVAC equipment shall be screened by architectural elements consistent with the design of the principal structure. Parapets shall be extend above the highest level of any roof mounted equipment. Screen walls may be considered by Special Exception.

Article 10

10.2.30 Brewpub: An establishment selling beer brewed on the premises, see, Tavern Brewery (Types) As defined by the State of Mississippi:

- Brewery means a person having a permit to brew beer or light wine without any production limitations but is not allowed to sell directly to consumers on site. They are allowed to provide limited amounts of beer for sampling on site between 8:00 a.m. and 10:00 p.m. as part of a structured tour of the brewery. This term does not include a brewpub, microbrewery or a small craft brewery. A brewery is allowed as an Industrial Use Type under 3.10.2 Manufacturing Uses.

- Brewpub means the premises of any location in which light wine, light spirit product or beer is manufactured or brewed, for retail sale if the total amount of light wine, light spirit product or beer produced on the premises does not exceed the production limitation imposed in Section 67-3-22, and the light wine, light spirit product or beer is produced for consumption on the premises, although without prohibition on sales for off-premises consumption. A brewpub is allowed as a Commercial Use Type under 3.8.11 Small Craft Brewery.

- Microbrewery means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location. A microbrewery is limited to selling a maximum of 80% of their annual production on site. At least

20% of the annual productions must be distributed without any limit on the amount that can be distributed. A microbrewery is allowed as a Commercial Use Type under 3.8.11 Small Craft Brewery.

• Small Craft Brewery means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation. A small craft brewery is allowed as a Commercial Use Type under 3.8.11 Small Craft Brewery.

Recommendation: Staff recommends approval of the requested changes.

Summary of Discussion:

Chair Rigby notes that the way it the addition on screen walls reads is confusing; and suggests revised language stating: “alternatively screen walls can be considered by special exception”. PD Requet agreed to make that change.

Commissioner Milam asked about the term “facility” related to the spent grains, what does that mean? PD Requet indicated that the language states that no spent products may be stored outside the building.

Motion to recommend approval to the Mayor and Board of Aldermen.

Move: Joseph Murphy Second: David Spragins Status: Passed

6. Motion to Adjourn

Move: Joseph Murphy Second: Harry Alexander Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission
Monday, May 9, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green; J.R. Rigby; Joseph Murphy; Kate Kenwright; Kirk Milam; Michael Johnson; Robert Baxter

Remote Attendance

Judy Riddell; Paul Watkins; Reanna Mayoral

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. May Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

Move: Harry Alexander Second: Kirk Milam Status: Passed

3. Approval of minutes from the April 11, 2022 Meeting

Commissioner Milam stated that he was not recused for item 4.

Approval of the amended minutes.

Move: Kirk Milam Second: Michael Johnson Status: Passed

4. Staff Report

a. Building Official's Report

5. Map of Cases this Month

<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>

B. Consent Agenda

Move: Michael Johnson Second: Kirk Milam Status: Passed

1. Public Hearing for Case #2857 – John Albriton has filed a request for a Special Exception as provided in 3.5.8.2 Residential Common Interest Developments: Districts Permitted for property located at 515 & 523 N. 11th Street. (PPIN #5869)

Planning Comments: The subject property is a double flag lot located on North 11th just south of Washington Avenue. There are 6 buildings, 4 duplexes and 2 single-units on the property. These units are currently used as rentals and the applicant wishes to convert these into a Residential Common Interest Development.

The Historic Preservation Commission has approved exterior modifications to the buildings that have been completed in cases #585A (exterior siding) and #632A (porches). Staff has received RCID covenants that detail what portions of the property are owned in common.

Recommendation: Staff recommends approval of the requested Special Exception with the following conditions:

1. Approval is for the plan as submitted.
2. Public Hearing for Case #2858 – Bradley Roberson (Oxford School District) has filed a request for Site Plan Approval for 'Bramlett Elementary Addition' for property located at 225 Bramlett Boulevard. (PPIN #6099)

Planning Comments: The subject property is located in the northwest corner of the Bramlett Boulevard & Jefferson Avenue intersection. The property measures approximately, +/- 13.7 acres and it is zoned (TSR) Traditional Suburban Residential. The Oxford School District is proposing an addition to the Bramlett School building in order to add more classroom space but also to address a safety concern due to a lack of space for queuing issues with morning drop-off and afternoon pick-up. A retaining wall height variance was approved at the April 2022 Planning Commission meeting, which will allow for a new driveway to be constructed around the entire school and address the safety issue that is created with queuing issues associated with morning drop-off and afternoon pick-up on Bramlett Boulevard.

Use and Parking Requirements – An elementary school use is a Special Exception in the TSR District, however, in this instance, the school is existing with an addition and modifications to the site being proposed. There are not any additional standards required for the use. The school, as it exists right now, does not comply with the parking requirements, however, this proposal will bring it into compliance by providing parking for special events along the drop-off/pick-up drive around the building.

Coverage and Setbacks – Non-Residential uses in the NCO district are allowed 50% impervious coverage; this use proposes 39.60%.

The existing school building is not being modified but an addition is proposed on the west portion of the existing building. The addition does comply with all setback requirements.

Other Review Elements

- Landscaping – The proposed landscape design meets all standards related to the new parking lot areas with parking lot trees and through landscaping around the stormwater detention pond.
- Access - This property takes access from both South Lamar and Jeff Davis Extended. Sidewalks are provided along the east and west fronts that will connect this lot to the existing sidewalk system and will provide future connections when the system is extended along South Lamar and Jeff Davis Extended.
- Building Materials – The building materials are a primary brick façade with glass windows and doors.
- Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:

Phasing

The project is set to begin at the end of the current school term and continue through the 2022 - 2023 school term. The first phase will be during the summer ('22) break period to complete the majority of the site preparation work. The site preparation includes the installation of retaining walls, widening of the northern driveway off of Bramlett Boulevard, a new drive and parking along the east side of the existing school, construction of stormwater management facilities, and the building pad. During this phase, the site will be most vulnerable to erosion. The design engineer has noted additional protective measures and the construction team will need to be extra vigilant that all erosion control systems are properly maintained and functional. The second phase will occur during the 2022 - 2023 school term and consists primarily of the construction of the building.

During this phase, the current flow of traffic will be redirected from its current routing through the site. There will also be a loss of staff parking. The City of Oxford is working with the design team and school district to anticipate issues that may arise from the change in traffic flow and loss of parking.

Water and Sewer

Two new water lines will be added for new fire hydrants on the school grounds. A new sewer service will be tied to the school's existing sewer line. The plans currently indicate the new line will have a new connection to the City's sewer line located on Bramlett Boulevard but this is under review and may not be permitted. The new taps for the fire hydrants will have to be made during the summer months. There is not a new meter connection shown which indicates the building will be fed from the existing water meter and private service line.

Traffic and Parking

No new points of access to either Bramlett Boulevard or Jefferson Avenue are proposed by this site plan. The northern driveway on Bramlett will have the curb access widened to accommodate the widening of the driveway for two lanes of traffic and a fire lane. The building addition will serve as the new drop-off point for students once completed in 2023. The driveway extension will provide additional space for traffic queuing and better traffic flow and will reduce the queue and resulting congestion on Bramlett Boulevard. The exit from the existing south parking lot will be reconfigured to improve the flow of traffic onto Jefferson Avenue, in both the east and west directions. The current layout is under review and may be modified some. The drive along the east side of the existing building will be reconstructed to include additional parking for the school and widened. This will occur during the first phase of construction. This drive will be used for student drop-off during the 2022 - 2023 school term and the parking will be unavailable for use. At the school's request, the City is exploring allowing temporary parking along the north side of Jefferson Avenue by permit for school faculty and staff to offset the loss of parking during Phase 1 of construction.

A traffic impact study was not required as the school has functioned with two grades for several years, in consideration of the timeline for construction, in consideration of previous traffic impact studies provided that were not able to accurately reflect the transportation choices and patterns at Oxford schools, in consideration of the additional queue space which provides an additional 1500' or more of queue space than currently present on site, and in consideration of the historic and accepted traffic patterns on Bramlett and Jefferson during school drop-off and pick-up times.

Sidewalk

There are no new sidewalks along the frontage to Bramlett Boulevard and Jefferson Avenue proposed by this site plan. Any existing sidewalks along Bramlett Boulevard and Jefferson Avenue will remain. The southern drive (exit) on Bramlett Boulevard will become a pedestrian access area and may be reviewed as an emergency access route.

Retaining Walls

This site plan will use retaining walls to overcome the significant topographic relief present at the site. A series of two retaining walls will be constructed on the north side of the property. These walls will run parallel to the new driveway extension. A single retaining wall will be constructed on the east side of the property. This wall will run parallel to the new drive and parking on the east side of the existing building. These walls will be owned and maintained by the Oxford School District.

Stormwater Management

Currently, a significant portion of runoff from the property drains to the northeast. The topography indicates that there are two "gullies" that direct the runoff to the back of two private residential lots. The runoff is conveyed through a private, shallow, concrete-lined ditch located between the two lots to the back of a curb inlet on Bramlett Boulevard. Based on a drawing from 2005, two small detention basins were constructed, one in each of the two "gullies". By the ordinance in effect in 2005, only the 25-year storm would have been required to be managed. There is no information available on how these basins were sized. The current condition and functionality are not known.

The site plan for the new school addition includes a stormwater management plan that meets all of the City's requirements. The objective of the stormwater management plan is to design a detention basin to intercept a portion of the runoff from the site and control its rate of release so that it does

not exceed the rate at which runoff currently leaves the site. The stormwater management plan analyzed the increase in the amount and rate of runoff generated by the new addition and compared that to the amount and rate of runoff FOR the site in its current condition. This analysis and comparison were made for the 2-year, 10-year, 25-year, and 100-year storm events. Based on this analysis a detention basin was designed, to be located on the south side of the new driveway, to manage the stormwater runoff. The detention basin will have a control structure that will restrict and delay the release of water during a storm. A weir plate with multiple orifices (openings) and at staggered elevations (height) will restrict the flow of water. The orifices are sized for each of the four (return interval) storms. Because the release of runoff is being restricted, stored runoff from the detention basin will continue to be released after the storm has dissipated. The pond must drain completely within 48-hours after a storm.

The stormwater management report remains under technical review but Staff is confident that it will be approvable. A response to previous staff comments has been received and is under review at the time of this report.

Erosion Control

Due to the steep topography of the site, erosion control will be of primary concern, particularly during the first phase of site work. During this phase, the existing detention basins will be used as temporary sediment basins. In addition to standard erosion control methods such as silt fences, waddles, and check dams, the design team is exploring the use of a more robust form of reinforcement of the slit fencing at critical points. While these methods will not prevent the release of discolored water, they should minimize the release of sediment from the site. Ultimately, the success or failure of the erosion control methods comes down to the construction team's diligence in inspecting and maintaining the controls.

Recommendation:

1. Approval is contingent on approval of the stormwater management plan.
2. Staff has authority to approve minor changes to the construction plans related to infrastructure including stormwater and related grading, water, sewer or drive access.
3. Public Hearing for Case #2859 – John Granberry has filed a request for Site Plan Approval for 'Provias Journey' for property located at 1969 Bainbridge Street. (PPIN #4563) **tabled until May 10, 2022 at 10:00 AM (virtual meeting)**

C. Public Hearings

1. Public Hearing for Case #2860 – MFM Development, LLC has filed a request for Final Plat Approval for 'Colonnade Crossing - Phase 2' for property located North of MS HWY 30, East of White Oak Lane, West of Ferndale Blvd. (PPINs #4562 & #4563)

Planning Comments: The subject property is located in the Colonnade Crossing Subdivision located at the northwest corner of Concordia Ave and Bainbridge St. The applicant is proposing to construct an athletic facility with a gym and office space on this property, the site plan of which is the subject of Case #2859. This request is for Final Plat Approval for a single lot that measures +/- 1.60 acres. The proposed lot meets the dimensional requirements of the underlying zoning. Subdivision covenants have not yet been received, and will be required prior to the issuance of permits.

Engineering Comments: Phase 2, Lot 11 is the lot previously referred to as Phase 3, Lot 14 on the preliminary plat (Case 2630) at the northwest intersection of Bainbridge and Concordia. Bainbridge and Concordia are both proposed as public right-of-way. Public right-of-way for Concordia terminates at the intersection though a Cross-Access Easement is provided for future potential access to adjacent property as required.

Water and Sewer

Water and sewer were previously approved as part of the preliminary plat, Case #2630. The following is from that case:

Water will be provided by two proposed connections on Molly Barr. The City will own and maintain

the water mains within the public streets and up to the water meter connections. Stubouts for future development are provided throughout. The City has requested an analysis from our consultant for water modeling to be sure that these connections do not create issues within our pressure boosted zone that serves the area. If it is determined that the connections cannot be made as shown, an alternate plan will be required.

Sewer will be provided through a combination of gravity and forced sewer with two lift stations located in the development. The lift stations will be constructed to City of Oxford standards with the intent of being dedicated to the City at such time as the flow through the lift stations meets the threshold for City ownership and maintenance. Staff has also requested that the gravity sewer line be extended beyond the anticipated need for the remainder of the Colonnade Crossing property to provide a connection to Hurricane Lane (CR 178). Staff will be requesting funds be allocated by the Board of Alderman from Oxford Utilities' Water and Sewer fund to provide for this connection at the time the roadway is constructed to allow for future gravity flow sewer on Hurricane Lane.

Since the approval of the preliminary plat, our water consultant has stated that a complete analysis for all requested water connection locations cannot be made until the uses and water usage are known, or at least estimated with some degree of assurance. Usage demand estimates totaling approximate 100,000 gallons per day were submitted by the design engineer to the City's Engineering Department on April 29, 2022 and forwarded to the City's water consultant for integration into the City's water model system. These estimates are based on the engineer's assumptions regarding future development in consideration of the zoning and potential allowed uses. Staff has assured the design engineer that estimates provided for demand are NOT considered as binding the use for a lot in any way. Conversely, approval of lots or phases within Colonnade Crossing based on the estimated demand provided do not prevent future considerations or requirements for improvements or alternate connection points. As the development progresses, the demand model will be updated and an evaluation regarding impacts to the boosted portion of the City's water system will be made. Additional/alternate water connection locations or other improvements beyond those shown in the related construction plans may be required now or at some point in the future and will be the owner/developer's responsibility to provide. Staff does not have a timeline on when the current evaluation will be complete, but anticipates it will be timely as the construction plans provided in summer 2020 were added to the model at that time.

The final plat cannot be approved by the Board of Alderman until the impacts and requirements are known. As the Commission is aware, an approved Final Plat assures a future property owner that they have access to City infrastructure. The City ensures that this infrastructure is available by means of a performance bond or the inspection and acceptance of installed infrastructure. As of this report, there has not been a final inspection on any phase of Colonnade Crossing and there is not yet a bond in place for Phase 2. One of these requirements will be fulfilled at the time of approval by the Board, but the costs cannot be known until the impacts are known.

Traffic/Access

Traffic and access to the larger subdivision were addressed and approved as part of the preliminary plat, Case #2630. The approved access to the subdivision was from two (2) intersections with Molly Barr Road (Highway 30) and from Hurricane Lane. The Molly Barr intersections had acceleration and deceleration lanes with three approach lanes. Since that preliminary plat approval, a roadway project is currently underway to replace the two conventional intersections with roundabouts instead. The concept of the roundabout improvements were included as part of Case #2695 Site Plan Approval for 'C-Store Colonnade Crossing Lot #1' and Case #2786 Final Plat Approval for 'Colonnade Crossing Subdivision – Phase 1'. Upon completion, access to the subdivision will be from the roundabouts or from Hurricane Lane.

Sidewalks

All streets to be dedicated to the City will have sidewalks along the frontage with lots. Additionally, there will be a sidewalk along the subdivision's frontage with Molly Barr Road (Highway 30).

Stormwater Management

The development proposes to manage stormwater through a large detention pond in the northeast corner. The stormwater management facilities of this subdivision shall be owned and maintained by the owner's association and/or by the property owner(s) of the lots. In the event, any lot

becomes subdivided into additional lots or individual site plans said site plans conforming to the City's Land Development Code, each property owner shall own their pro-rata share, by area percentage of their lot, of the regional detention system. Since the preliminary plat approval, MDEQ has approved the stormwater management pond. Staff has approved the technical design of the stormwater management plan but since this is a large site with phasing and the pond will serve as a sediment basin throughout all phases, final approval and certification of the stormwater management will not occur until the final phase.

Recommendation: Staff recommends approval of the requested Final Plat for 'Colonnade Crossing - Phase 2' with the following conditions:

1. Approval of the Final Plat for 'Colonnade Crossing – Phase 2' by the Mayor and Board of Aldermen is required. (Planning)
2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting. (Planning)
3. The final plat approval shall not be heard by the Mayor and Board of Alderman until analysis of the water system is completed, accepted and approved by the City Engineer or an alternative plan is accepted and approved by the City Engineer. (Engineering)
4. Approval is contingent on approval from the Mississippi Department of Transportation (MDOT) for access to Highway 30 and upon completion of all improvements required by the MDOT. (Engineering)
5. Water service cannot be guaranteed in the locations shown in the construction plans due to the City's pressure boosted system and the owner/developer's inability to provide estimates of water usage needs. It will be the owner/developer's responsibility to provide an acceptable connection location for water service as determined by the City of Oxford in consideration of our water model results, which cannot be generated until the owner/developer provides adequate demand information. (Engineering)
6. Prior to the request for Final Plat being heard by the Board of Alderman, a performance bond in an amount to be approved by Engineering Staff must be received. (Engineering)

Summary of Discussion:

Commissioner Milam asks about the water issue. Planner Baxter defers to City Engineer Mayoral. While waiting for her, Milam ask why it is being considered if there is a question about the capacity of the City to provide water to the development. Chair Rigby thinks it may relate to a technical issue of connection.

Mayoral states that the study will help determine the long term needs of the demand for the developer. They do not anticipate a problem for this particular site, but have come to the point, as they have told the developer for several years, that they need to get a handle on the capacity of the current infrastructure; and need to know if more infrastructure will be needed.

Is it that they are only tying in at one place, and need to know if the pumps will be sufficient to handle what will be here plus what is at Oxford Commons and other areas using those pumps.

Milam noted problems in the past with water pressure for fighting fires, such as at Kiamies Bowling Alley; which reduced pressure throughout Oxford. He asks if that is the type of problem being evaluated? There is the potential that if the study finds pressure would be a problem the developer would need to add an additional main pipe from another location. Need to know if that would be needed. She stated that the Kiame's fire was a series of unusual events, and that should not happen again. This issue is more about the day to day operations of places such as the upper floors of the hotels in Oxford Commons.

Commissioner Alexander asks if new infrastructure is required is that the responsibility of the developer or the City. Mayoral states that if additional infrastructure is required beyond the anticipated city budget, it would be the responsibility of the developer to pay for and install it. In this case, the developer has not been sure what uses would be proposed in this development. so they

could not tell the city what their needs would be. Now, as it is moving forward, and more uses are known, the modeling can tell what the water demands should be for this development. Then we will know if the developer will have to add infrastructure to handle the uses in the proposed development.

Milam asks if there is anything about this site plan that triggered this need for the study and modeling. Mayoral states there is not, it was just that the amount of development being proposed made it necessary, as they had told the developer it would be for several years, to do the modeling. Sort of a threshold or critical mass, not a specific issue. They did not want to hold up development earlier, but now the study is needed before it can proceed.

Chair Rigby notes the proposal is a subdivision one lot plat, not a site plan. Milam thanks Rigby and again states that he wonders why it has been allowed to keep developing if this study is so necessary.

Rigby asks if the city is confident that it can supply the extra water if needed, or if any needed access agreements can be worked out? Mayoral anticipates that all can be worked out, but if a final plat is approved that will state that the City can supply the water. A bond will be needed for any infrastructure improvements needed, and the amount of such a bond cannot be determined until the modeling study is provided. An answer is expected soon. So just want to assist the developer by allowing this to move forward from the Planning Commission.

Rigby states that #5 and #6 relate to elements of infrastructure, so shouldn't we just add to the conditions that the plat will not proceed to the Aldermen until the water issue is worked out?

Planning Director Requet notes that the project engineer, John Granberry, wishes to respond. He is attending remotely.

Granberry, of Granberry and Associates, states that the developer did not know that the water demand issue would arise this early in the development. They knew that the overall development would likely have some concerns, they did not know that the water demand issue would arise this soon, or even up to Phase III. Because of the nature of the development, they have not been able to estimate demand. They just recently provided the city that estimate of demand flow that they think is accurate for what could be developed out there. They have been waiting on us. They would like to see the capacity model from the city, so they can be prepared if another connection is needed. Right now, we cannot even do another site plan for Phase I move forward without the current situation resolved. We need to know about the city capacity so they can plan for any needed capital expenditures if needed to bring water from another location.

Rigby asks about the number of phases planned. Granberry states that it will depend. Rigby asks what percentage of the overall property do the numbers sent the city represents. Granberry replies that it is a small percentage. Rigby asks Mayoral if the city has concerns about modeling development on this property with such a small percentage of the overall property being included in the study. Mayoral states that this site would have small usage required; but once the plat is approved – any use proposed would have to be served. Just need to know where we are before going forward. Do agree with Granberry that the numbers will help, like a traffic study.

Rigby notes that they have estimated need, plugging into city model to determine level of services; but passage states that the study result will not be binding. So, can they estimate the entire development from that? Mayoral states that numbers they gave were for the entire Colonnade Crossing development. It is an estimate based on plans in 2018, but that is how these studies have to be done.

Rigby summarizes that there is concerns about capacity for water for the entire development, but not about water for this particular site. But City wants to make sure there is capacity for the whole thing as it continues to move forward. Granberry has supplied numbers that provide that estimate of need for the entire development; but the City has not yet run those numbers through the capacity model.

Mayoral cautions that there is the potential that the water needs for this one development could

already exceed capacity. There is no evidence so far, but that is possible. Everything allowed to move forward so far has just been based on her estimate of existing capacity. She did not want to stop them because they had so many elements needed to get the overall development underway.

Milam stated that he is now concerned. How long will it take for the City and Granberry to work this out? Mayoral states that the information is already with the consultant to evaluate and do the modeling. It should not take long. That consultant is also working on the Punkin Water proposal. She did not mind this going to the Planning Commission, as long as it does not go to the Mayor and Aldermen until the issue is resolved.

Granberry reinforced that he has provided the numbers; and Mayoral confirmed that the numbers are with the consultant. Granberry again requested an estimate of the capacity available for them to use so they can estimate capital expenses estimates.

Rigby states that these seem to be technical issues, so if the Commission is ready for the condition to hold it up to be sufficient; or if they want to hold it up until the technical issues are resolved.

Commissioner Spragins asks if the conditions are strong enough. Milam asks about the “not binding on either side” statement. Rigby states that they have discussed adding to the condition that it would not proceed to the Mayor and Aldermen until the water issue has been resolved. Also, the “not binding” means alleviating concerns that if later uses are proposed that use excess water; the city would not be held to that. To do a study you have to plug in somewhat arbitrary numbers about capacity, but there needs to be the ability to reconsider if use requests changes.

Motion to recommend approval subject to Staff conditions.

Move: David Spragins Second: Kirk Milam Status: Passed

2. Public Hearing for Case #2861 – Walker & Walker Enterprises, LLC has filed a request for Special Exception for ground floor residential as provided in Section 2.6.7 for property located at South Lamar and CR 322. (PPINs #10401 & #10356)

Planning Comments: The subject property is located on the east side of South Lamar Boulevard near the Pea Ridge Road intersection. The site measures approximately +/- 31.66 acres and has three zoning districts (TNB, NR and TSR). The applicant is proposing a mixed-type residential development, the subject of Case #2862, that will consist of 81 detached units, and 112 attached units (duplex, triplex and quadplex). This development will have a Residential Common Interest development ownership mechanism.

Because this development spans three different zoning districts, all or portions of the attached dwelling buildings, 1-5 & 8 are located in a TNB district and therefore require a request to allow ground floor residential. The applicant does plan to leave a commercial lot at the southwest corner of this site, and it does make sense that the most viable commercial area for this site is in the southwest portion of the site near South Lamar Boulevard.

Recommendation: Staff recommends approval of the requested Special Exception.

Summary of Discussion:

Commissioner Milam asks if we are “swapping designations”? Requet states that it is just allowing an allowed special exception. There were no other comments or questions.

Motion to approve.

Move: Michael Johnson Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2862 – Walker & Walker Enterprises, LLC has filed a request for Site Plan Review for property located at South Lamar and CR 322. (PPINs #10401 & #10356)
(Postponed)
4. Public Hearing for Case #2864 – Midstates Petroleum, LLC has filed a request for Preliminary and

Final Plat Approval for 'Midstates Petroleum Subdivision' for property located at Buddy East Parkway South. (PPIN #9145)

Commissioner Milam recuses.

Planning Comments: The subject property is located at the southwest corner of F.D. Buddy East Parkway and MS Hwy 6. The applicant is proposing to construct a service station at this location. The Special Exception for the use of a service station is the subject of Case #2863. This request is for a Preliminary and Final Plat for a single lot subdivision of +/- 1.25 acres to remedy an illegal subdivision of land. The proposed lot meets the dimensional requirements of the underlying zoning. Subdivision covenants have not yet been received, and will be required prior to the issuance of permits. An access easement for the ingress and egress has been received for this property.

Engineering Comments: The Midstates Petroleum Subdivision proposes to subdivide 1.25 acres from a tract of land currently owned by Mr. James Rowland and Ms. Ruth Moseley in the southwest quadrant of the Mississippi Highway 6 East and FD Buddy East interchange.

Access

Access to the site is currently proposed from a connection to FD Buddy East Parkway near the southern border of the aforementioned Rowland / Moseley property. The location of this connection has been previously discussed with owner and consultant. Access will not be granted directly to the lot in consideration of the proximity to the intersection with Highway 6. The plat will need to include a note regarding access and the access easement will need to be specified.

Water and Sewer

This property lies in an area that is currently served water by the East Oxford Water Association. Sewer services will be provided to this property by the City of Oxford.

Storm Water

Storm water management for the property will be required at the time of site development

Recommendation: Staff recommends approval of the requested Final Plat for 'Midstates Petroleum Subdivision' with the following conditions:

1. Approval of the Preliminary and Final Plat for 'Midstates Petroleum Subdivision' by the Mayor and Board of Aldermen is required. (Planning)
2. A stamped recorded copy of the covenants for the subdivision are to be submitted to the Planning Department prior to this case being heard by the Mayor and Board of Aldermen. (Planning)
3. The final plat needs to specify utility providers to the property. (Engineering)
4. The final plat needs to provide a note clearly stating that access will not be granted directly to Lot 1. (Engineering)
5. A proposed easement is shown on Sheet 1 in the vicinity of a proposed frontage road. The purpose of this easement needs to be specified and a legal description needs to be added to the plat. (Engineering)
6. The Owners Certification on Sheet 2 stipulates that water line utility easements are to be dedicated to the City of Oxford Utilities Department. This language needs to be removed from the certification. (Engineering)

Motion to recommend approval subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2863 – Midstates Petroleum, LLC has filed a request for a Special Exception as provided in Section 3.8.10 Service Stations for property located at Buddy East

Parkway South. (PPIN #9145)

Commissioner Milam is recused.

Planning Comments: The subject property is located at the southwest corner of the Highway 6 and F.D. Buddy East Parkway. The proposed site measures approximately +/- 1.25 acres, it is zoned (TNB) Traditional Neighborhood Business and it is also the subject of Case #2864, a request for a Preliminary and Final Subdivision plat.

The applicant is requesting a Special Exception to allow a service station at this location; a Special Exception is required for any Service Station use that is located in a TNB district. The applicant indicates that this location (Hwy 6 and Buddy East Parkway) is an ideal location for a service station and will serve as an asset to the neighborhood. The submittal provides a conceptual plan from three different perspectives with access provided by an easement that has been granted, and a rendering of a building from a few different perspectives.

Section 3.8.10.5 provides additional standards that Service Stations shall comply with whether being requested as a Special Use or a Special Exception. They are as follows:

- a) All standards that apply to service stations as primary uses also apply to service stations as accessory uses.
- b) Stacking space for vehicle access to pumps at accessory service stations or service stations on out-parcels of a larger development site must not interfere with onsite traffic flow not associated with the service station use.
- c) Pump areas on corner lots in the TNB and RCN districts must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area. The pumps are located in the side yard and complies with this provision.
- d) Primary buildings in the TNB must meet standard front build-to lines. The submittal did not provide a site plan with the setbacks, although the provided easement does include an exhibit with build-to and setback lines indicated, although the resolution is poor and it is difficult to read. The lot has a peculiar shape, likely due to right of way, but the building is positioned closer to Highway 6 and appears that it doesn't comply with the build-to line requirement of F.D. Buddy East.
- e) All fuel pumps shall be located a minimum of 20 feet from property lines. The lack of a site plan with dimensions does make it difficult to determine if the proposal complies with this requirement.
- f) Wrecked, partially dismantled, or inoperative vehicles associated with an accessory motor vehicle repair service must be stored in an enclosed building. It does not appear that this proposal will include service repair but the submittal does not address this element of the additional standards.
- g) The pump island shall be situated to provide stacking space for a minimum of one vehicle behind the vehicle parked at the pump closest to the entrance or exit driveway without impeding onsite circulation. The lack of a site plan with dimensions does make it difficult to determine if the proposal complies with this requirement.
- h) All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing. The proposal does indicate architectural elements on the canopy support columns but the pump islands do not comply with this requirement.
- i) The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing. The proposal does indicate architectural elements on the canopy support columns but the pump islands do not comply with this requirement.

j) All display items for sale should occur within the main building or within designated areas that are screened from public streets.

The application does not address this element of the additional standards.

k) Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials.

The proposal does indicate architectural elements on the canopy support columns but the pump islands do not comply with this requirement.

l) All lighting must meet the standards of Article 5, with fully shielded lighting under the canopy.

The application does not address this element of the additional standards.

m) Screening for the use must meet all standards in Article 5.

The application does not address this element of the additional standards.

Staff has concerns with the lack of information provided with the submittal. It is Staff's understanding that the building will comply with the 2-story requirement, however, the renderings and conceptual plans do not reflect it. As presented with this application, the east façade does not comply with the Land Development Code requirements because it fails to provide an architectural front towards F.D. Buddy East Parkway. The concept plan does not indicate any of the required landscaping i.e. foundation planting, parking lot trees, edge plantings, etc. The proposal also indicates a pole sign along Highway 6, but pole signs are not allowed.

Staff is not opposed to the idea of a service station at this particular location that complies with the Land Development Code requirements, especially with access being provided from the frontage drive (easement) south of the Highway 6 and F.D. Buddy East Parkway intersection, but the submittal is lacking important information to make a recommendation of support.

Recommendation: Due to the lack of information provided with the submittal and the inability to determine if the proposed use will comply with the Additional Standards for the use, Staff is not able to recommend approval.

Summary of Discussion:

Commissioners Riddell and Murphy also express concern with the lack of information needed to allow staff to evaluate the proposed use. Rigby concurs as well. A special use needs to meet certain conditions, and they do not appear to have meet those conditions yet.

City Attorney Paul Watkins speaks. Have we removed the provision from the Code that says you cannot come back for a special exception for six months if it is denied? Still there for variances but not special exceptions? Requet confirms that to be true. If denied, it could return next month.

Engineer Jeff Williams, representing the developer speaks. He understands what is required; and the city is requiring a site plan just to get the use approved. He disagrees with the procedure; but acknowledges that they have not met the requirement and he requests that it be tabled.

Motion to Table.

Move: Michael Johnson Second: Harry Alexander Status: Passed

6. Public Hearing for Case #2865 – The City of Oxford has filed a request for modifications to the Land Development Code.

Commissioner Milam returns.

Planning Comments: The changes proposed address the Mississippi Medical Cannabis Act that was signed by the Governor on February 2, 2022 (SB2095SG). As a result of this newly signed legislation, the City is proposing the following modifications to the Land Development Code:

- The creation of a Medical Cannabis Establishment Use (3.8.5).
- The addition of new definitions (10.2.199).

ARTICLE 3

Modify the Table of Uses – Medical Cannabis Establishment – S/SE

3.8.5 Medical Cannabis Establishment

3.8.5.1 Definition: A business associated with the Mississippi Medical Marijuana Act. See Section 10.2.199 Medical Cannabis for definitions.

3.8.5.2 Districts Allowed:

- a) Cannabis Cultivation Facility Tiers 1-6 (as defined in (SB2095SG) are allowed by Special Use in IND; Special Exception in TNB, SCO, SCN, UCO, and UCN.
- b) Cannabis Dispensary is allowed by Special Use in TNB, SCO, SCN, UCO, UCN, and IND.
- c) Cannabis Disposal Entity is allowed by Special Exception in SCO, SCN, and IND.
- d) Cannabis Processing Facility is allowed by Special Use in IND; Special Exception in TNB, SCO, SCN, UCO, and UCN.
- e) Cannabis Research Facility is allowed by Special Use in SCO, SCN, UCO, UCN and IND; Special Exception in TNB.
- f) Cannabis Testing Facility is allowed by Special Use in IND; Special Exception in TNB, SCO, SCN, UCO, and UCN.
- g) Cannabis Transportation Facility is allowed by Special Use in IND; Special Exception in TNB, SCO, SCN, UCO, and UCN.

3.8.5.3 Parking: One space is required for each 300 square feet of patron area unless otherwise determined in Section 3.8.5.5 Additional Standards. See Article 4 for general requirements.

3.8.5.4 Loading: No use-specific requirement. See Article 4 for general requirements.

3.8.5.5 Additional Standards:

a) Cannabis Cultivation Facility Tiers 1-6.

- I. A parking space shall be provided for each employee during the largest shift.
- II. Canopy area shall located be inside of an enclosed facility.
- III. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.

b) Cannabis Dispensary

- I. According to Mississippi State Law, a dispensary shall not be located closer than 1500 feet from another dispensary (measured from the point of entry of the dispensary to the point of entry to another dispensary).
- II. According to Mississippi State Law, a dispensary shall not be located closer than 1000 feet from a church, school or daycare (measured from the point of entry of the dispensary to the nearest property line of the church, school or daycare). A waiver may be granted by the church, school or daycare to reduce this distance to 500 feet. If a waiver has been issued, the applicant shall provide that with the application.
- III. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.

c) Cannabis Disposal Facility

- I. A parking space shall be provided for each employee during the largest shift.
- II. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.
- III. Cannabis bi-product or waste shall not be stored outside of the building.

d) Cannabis Processing Facility

- I. A parking space shall be provided for each employee during the largest shift.
- II. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.
- III. Cannabis bi-product or waste shall not be stored outside of the building.

e) Cannabis Research Facility

- I. A parking space shall be provided for each employee during the largest shift.
- II. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.

f) Cannabis Testing Facility

- I. A parking space shall be provided for each employee during the largest shift.
- II. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.
- III. Cannabis bi-product or waste shall not be stored outside of the building.

g) Cannabis Transportation Facility

- I. A parking space shall be provided for each employee during the largest shift.
- II. Applicant shall provide an odor prevention plan to mitigate odor from leaving the building, suite and/or site.

ARTICLE 10

10.2.199 Medical Cannabis:

a) Medical Cannabis Establishment means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.

I. Cannabis Cultivation Facility means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

II. Cannabis Dispensary or “dispensary” means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

III. Cannabis Disposal Entity means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

IV. Cannabis Processing Facility means a business entity that is licensed and registered by the Mississippi Department of Health that:
Acquires or intends to acquire cannabis from a cannabis cultivation facility; Possesses cannabis with the intent to manufacture a cannabis product; Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract;

V. Cannabis Research Facility or “research facility” means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

VI. Cannabis Testing Facility or “testing facility” means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

VII. Cannabis Transportation Entity means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

b) Canopy means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous area.

Recommendation: Staff recommends approval of the requested modifications.

Summary of Discussion: Chair Rigby asks about a provision for a waiver of distance from a use with a distance requirement. Who would sign such a waiver for a school? Requet states he believes it would be the superintendent. City Attorney Watkins states that the School Board would first need to give the superintendent the right to grant such a waiver. Requet concurs.

Commissioner Milam asks about the odor prevention plan since that seems so common. Have you talked to other communities about standards or processes? Requet notes he has talked to others and ventilation is critically important. There are so far no set standards; but will learn as it evolves. Where this is an issue, the uses will be special exceptions.

City Attorney Watkins speaks, commending Requet on how these standards have been prepared. Making sure that people are super clear that you may not open any of these facilities unless next go through the state and be properly licensed. City does not even have all those standards yet. That is a separate process, and is to be done after local approval. If approved, no one can open one or sell anything without such license. The process is actually that you first get local approval, then state will consider the license request.

Chair Rigby notes that the various facilities are proposed in the commercial district, but not the agricultural district. Why? Requet confirms that is because the city has no land zoned agricultural. Should any land in the city be placed an Agricultural District, the legislation would likely be amended to allow appropriate uses there.

Rigby next asked about a Planned Unit Development? No or allowed related to the underlying zoning? Requet stated he has thought about the PUDs and TNDs, and the underlying zoning. Could modify the language to specifically allow them? Perhaps in the commercial areas of a PUD or TND. Watkins states that we default to the underlying zoning for uses not specifically noted in the master plan for the development.

Commissioner Riddell asks what happens if a use that has a distance requirement is proposed near a governed use. Watkins states that if the governed use is there first, it is the choice of the new use as to whether they want to locate there. Requet notes that is a good question. Rigby states that it acknowledges the use, but waiving it by choosing to locate there.

Motion to recommend approval.

Move: David Spragins Second: Harry Alexander Status: Passed

7. Motion to Adjourn

Move: Harry Alexander Second: Kirk Milam Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission Special Meeting
Tuesday, May 10, 2022, 10:00 am - 11:00 am
City Hall Courtroom and Youtube.com

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. May Special Planning Commission Meeting Memorandum

1. Call to Order

2. Approval of the Agenda

Move: Joseph Murphy Second: Kirk Milam Status: Passed

3. Map of Cases This Month

<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>

B. Public Hearings

1. Public Hearing for Case #2866 - John Granberry has filed a request for a Special Exception as provided in Section 2.6.8 Suburban Corridor, Front Yard Build-to Line, Maximum for property located at 1669 Bainbridge Street. (PPIN #4563)

Planning Comments: The subject property is +/- 1.6 acres in the Colonnade Crossing Development at the northwest corner of Concordia Ave. and Bainbridge St. The applicant is proposing to construct an athletic facility with a gym and office space on this property, the site plan of which is the subject of Case #2859. This request is for a special exception to exceed the eastern 58-foot build-to line by 27.5 feet for a total distance of 85.5 feet. This lot is a corner lot, so there are two front build-to lines on the east and south property lines. The site plan shows that the southern build-to line is met.

The applicant states that the intent of the site is to push the building towards the western side of the lot and have the parking on the east side so that parking lot traffic is kept away from residences to the west.

Staff sees this as a reasonable request that allows the applicant to achieve the required parking while maintaining a decent buffer from the neighboring residences.

Recommendation: Staff recommend approval of the request Special Exception with the following conditions:

1. Approval is for the plan as submitted.

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

2. Public Hearing for Case #2859 - John Granberry has filed a request for Site Plan Approval for 'Provias Journey' for property located at 1669 Bainbridge Street. (PPIN #4563)

Planning Comments: The subject property is +/- 1.6 acres in the Colonnade Crossing Development at the northwest corner of Concordia Ave. and Bainbridge St. The applicant is proposing to construct an athletic facility with a gym and office space on this property. The building is a single-story +/- 25,099 sf building.

Use and Parking Requirements – Uses in this project include a gym (service use), office space, and training space (recreational use, commercial – indoor) all of which are Special Uses in the Suburban Corridor District. This proposal meets the additional standards of each of these uses.

Parking standards are different for each of the individual uses. 67 spaces are required and the applicant is proposing 71 spaces, three of which are handicap accessible. The applicant has provided a parking calculation table with a full breakdown of the required parking.

Coverage and Setbacks – Uses in SCO districts are allowed 80% lot coverage; this use proposes 79.7%.

This is a corner lot meaning that there are two fronts and two sides. The proposed plan meets one front build-to and two side setback requirements. The other front build-to is the subject of Case #2866.

Other Review Elements

- Landscaping – The proposed landscape design meets all standards related to parking lot trees, edge buffers, and foundation plantings. Frontage trees are shown on the plan, and were approved as a part of the Colonnade Crossing Subdivision.

- Access – Two points of primary access are located on Concordia Ave and Bainbridge Street. Sidewalks are proposed along both fronts that will connect to the planned sidewalk network in Colonnade Crossing. A cross access easement has been provided on the north side of the property.

- HVAC and Equipment – No HVAC or other rooftop mounted equipment is indicated on the plans; however, any such equipment in the future must be full screened by a parapet wall.

- Building Materials and Design – The architectural elevations indicate a primarily metal panel clad building with brick veneer and glass panels as secondary materials. At this time, the applicant has not yet applied for a Special Exception for the use of metal paneling as an exterior material. The applicant is still weighing options for exterior materials and has committed to using either an approvable material, or to seek a Special Exception for metal paneling.

- Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments: This site is part of the Colonnade Crossing Subdivision – Phase 2. The Board of Alderman has not considered the Final Plat for this property at this time and no bonds have been received for public infrastructure.

Water and Sewer

Please see Case 2680 for the Final Plat for Phase 2 of Colonnade Crossing and additional information regarding the status of the ability to provide water to this site. The Final Plat is required before any building construction can be completed and before property ownership can be transferred. As stated in case report 2860, Staff does not have a timeline on when the current evaluation will be complete. The ability to provide water for this particular site plan is unknown until the questions regarding impacts are resolved. Staff does feel confident the issue can be resolved but recommends a contingent approval and restriction of permits to ensure that the site owner is aware and informed of any potential costs or delays.

Pending successful resolution, it is currently planned that water will be metered from the 8-inch diameter waterline located in Bainbridge Street. Sewer will connect to the 8-inch diameter sewer line located in Bainbridge Street. This sewer line gravity flows to a pump station located at the north

end of Kimmons Drive, which is currently privately owned and maintained due to the low flow rates. All water lines beyond the meter and sewer lines beyond the main tap are private.

Traffic/Access

Access to this site will be from two curb openings, one located in the southeast corner of the site with access to Concordia Avenue. The second is located in the northeast corner of the site forming an intersection with Bainbridge Street and Claremont Avenue. Overall access to the subdivision will be from two roundabouts currently under construction on Molly Barr Road (Highway 30). A traffic impact study was completed and the recommendations are being implemented at this time per MDOT requirements.

Sidewalks

All streets to be dedicated to the City will have sidewalks along the frontage with lots. There will be sidewalk along the site's frontage with Concordia Avenue and Bainbridge Street.

Street Lighting

Streetlights are not observed on the construction plans for this site but will be required along Bainbridge Street and Concordia Avenue according to City standards.

Stormwater Management

The development proposes to manage stormwater through a large detention pond in the northeast corner. The stormwater management facilities of this subdivision shall be owned and maintained by the owner's association and/or by the property owner(s) of the lots. In the event, any lot becomes subdivided into additional lots or individual site plans said site plans conforming to the City's Land Development Code, each property owner shall own their pro-rata share, by area percentage of their lot, of the regional detention system. Since the preliminary plat approval, the design of the pond has been approved by MDEQ. Staff has approved the technical design of the stormwater management plan but since this is a large site with phasing and the pond will serve as a sediment basin throughout all phases, final approval and certification of the stormwater management will not occur until the final phase.

Recommendation: Staff recommends approval of the requested Site Plan for 'Provias Journey' with the following conditions:

1. Approval is for the plan is submitted. (Planning)
2. Approval of a Special Exception for the eastern, front build-to line. (Planning)
3. Updated exterior elevations with materials shall be provided to Planning Staff for review and if necessary, a Special Exception for the use of metal paneling shall be obtained prior to the issuance of any permits. (Planning)
4. Approval is contingent on approval by the Mayor and Board of Aldermen of a Final Plat for Colonnade Crossing Phase 2. (Engineering)
5. Permits will not be issued until the Board approved plat has been recorded with the Chancery Clerk's office and a copy returned to the City. (Engineering)
6. Staff has the authority to approve changes to the construction plans regarding infrastructure, particularly regarding the water main locations and connections. (Engineering)
7. Approval is contingent on completion of any recommendations or findings in the evaluation of the water model based on the demand assumptions provided. (Engineering)
8. Approval is contingent on the addition of streetlights along Bainbridge Street and Concordia Avenue as required. (Engineering)

Summary of Discussion:

Commissioner Alexander asks if this use relates to the water issue at this development discussed

at the meeting on May 9. Planner Baxter confirms that it will.

Rigby asks about a condition related to a county engineer. The project engineer Granberry confirms that was a typo and will be corrected.

Rigby also asks about a proposed tie-in to an existing road, and Granberry confirms the reason for the tie-in.

Rigby also asks about the metal siding on the building, Director Requet confirms the need to require a special exception depending on the exterior building material to be used. Commissioner Milam asks for a recapitulation of the discussion about the exterior building materials. Director Requet restates that.

Milam also asks if the change made in the approval of the subdivision plat for this site on May 9 affects this request. Planner Baxter confirms that the ability of this Site Plan approval to proceed is contingent upon the confirmation by the Mayor and Aldermen regarding the subdivision plat as approved at the May 9 meeting.

Motion to Approve subject to Staff conditions.

Move: Harry Alexander Second: David Spragins Status: Passed

3. Motion to Adjourn

All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES for Public Access

City of Oxford
Planning Commission
Planning Commission
Monday, June 13, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Harry Alexander; Hollis Green;
Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Robert
Baxter

Remote Attendance

J.R. Rigby; Paul Watkins; Reanna Mayoral

Notice that certain aldermen or commissioners may be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. June Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

Agenda Approved Unanimously by those present.

Move: Kirk Milam Second: Harry Alexander Status: Passed

3. Approval of minutes from the May 9, 2022 meeting and the May 10, 2022 special meeting

Joseph Murphy requested one change, to indicate that he did attend remotely on May 9. No changes to May 10.

Approved unanimously by those present.

Move: Harry Alexander Second: Kirk Milam Status: Passed

4. Staff Report

No Staff report.

a. Building Official's Report

5. Map of Cases this Month

<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>

B. Public Hearings

1. Public Hearing for Case #2868 – Walker & Walker Enterprises, LLC has filed a request for Preliminary and Final Plat Approval for 'South Grove Subdivision' for property located at South Lamar and CR322. (PPINs #10401 & #10356)

Acting Chair Murphy is recused, Commissioner Kirk Milam becomes acting Chair.

Planning Comments: Planning Director Requet notes that staff comments on #2868 and #2862 will be heard before discussion as they are two aspects of the same project. For #2868 he describes the request for Preliminary and Final Plat for a one lot subdivision that will be the location of a CID residential development. Staff recommends the potential for a connection with Windsor

Falls. Approval is recommended with four conditions.

Summary of Discussion: Discussion in conjunction with #2862 below. Vote on request follows joint discussion.

Motion on #2862: Approve Preliminary and Final Subdivision Plats without the connectivity recommendation.

Approved Unanimously (6-0, Murphy recused)

Move: Michael Johnson Second: Judy Riddell Status: Passed

2. Public Hearing for Case #2862 – Walker & Walker Enterprises, LLC has filed a request for Site Plan Approval for 'South Grove' for property located at South Lamar and CR 322. (PPINs #10401 & #10356) **(TABLED FROM MAY)**

Planning Comments: Planning Director Requet discusses the elements of the proposed residential development of attached and detached dwellings in a Common Interest Development (CID). Approval is recommended with five conditions.

Summary of Discussion: Acting Chair Kirk Milam asks if there is space for the requested connection to Windsor Falls. City Engineer Mayoral notes that the design of the development will have to be modified to accommodate the right-of-way requested by staff. Paul Koshinina, project engineer (attending remotely) representing developers discusses the requested connections. They do not believe the connection to Windsor Falls is necessary. They agree with the Windsor Fall residents that no connection is needed. The development streets will be private, not public; and prefer no connection potential. Could be liability concerns, and through traffic is not desired.

Commissioner Rigby (attending remotely) asks if the developer objects to a right-of-way connection for pedestrian connection. Koshinina states that they have not really considered a pedestrian connection, but could discuss.

Commissioner Milam asks Director Requet why staff wants the right-of-way (ROW) connection. Requet summarizes the planning rationale for connectivity; and reminds the Commissioners that the staff request is for dedication of right-of-way only; not creating a connection at this time. Commissioner Milam states that the City already owns the ROW on the Windsor Falls side.

Commissioner Riddell asks if there is resistance to a pedestrian connection. Why would that be a problem? Engineer Koshinina states that there is no strong resistance to a pedestrian connection; but there would still be some liability potential, and the potential for some overuse potential. They are installing walking trails, that are for their residents, not an area resource. He also notes that there could be some elevation challenges for such a connection.

Commissioner Milam states that there will also be some terrain problems for the required sidewalks on S. Lamar, but you plan to have that connection? Koshinina confirms that they will have to build a continuous connection, along the entire N. Lamar frontage, and along CR 322; and will keep the existing bike lane.

Commissioner Rigby asks Director Requet about the liability issue raised by Koshinina for the connection of public to private properties. Requet notes that there are not many developments where streets go from public to private. One example is Glen Alden off Azalea; although it is not a main through street. City Engineer Mayoral states that Links Drive is public until Oakmont, then it becomes private; and Sandy Cove is public, then becomes private. They do exist.

City Attorney Watkins states that the liability question is tricky to answer. It is fair to say that when Windsor Falls was approved, it was thought that what would be adjoining them in the future would be public roads.

Acting Chair Milam then notes that many people are at the meeting with concerns and wish to speak. And he notes that the Commissioners have received many emails noting concerns. They understand the concerns, but requests that those speaking attempt not to repeat the same concerns multiple times.

Attorney Hale Freeland speaks, representing Windsor Falls residents. Discusses the concerns of Windsor Falls residents, primarily not providing a road connection between the two developments. They prefer green space between the two developments. Windsor Falls is a single family residential subdivision with homes on individual lots, and the concerned residents believe the new development will mainly house college students. He further discusses the technical issues of concern, the emotional concerns, the practical difficulties of the proposed development, and the fears of the Windsor Falls residents. He states that they are also concerned about drainage. He states that the residents want to preserve the character of Windsor Falls, and asks that the requested right-of-way not be approved. He concludes with a statement that the residents believe the development will be for students and dangerous for Windsor Falls.

Burton Doss, HOA President for Windsor Falls, speaks. He reiterates their concerns and notes the number of people who are at the meeting. He adds that there is a great fear of excess traffic and loss of trees in the area between the developments, and loss of property values. He states that they feel they will be looking at apartments.

Acting Chair Milam asks Engineer Koshinina if there is the potential for a loss of green space. Is a green buffer area proposed? Koshinina states that a buffer is required and proposed. Tree mitigation and tree preservation is required; and new trees are required. There is also a landscaping plan for the buffer area.

Koshinina then states that the proposed homes are not apartments. The area adjacent to Windsor Falls contain single family detached homes, sold as condominiums, not apartments. They will be similar to, or more expensive than, the Old Oaks development. He also states that regarding drainage, all will be directed toward the required stormwater pond and will not impact Windsor Falls.

Janice Antonow, resident in neighborhood on the west side of S. Lamar, across from Windsor Falls, speaks. She is concerned about the amount of traffic on S. Lamar. She first asks if there are 2 or 3 access points on S. Lamar. Director Requet confirms that there are three points. Antonow states that is not in the traffic study for the proposal. She compliments some elements of the traffic Study (done while school was in session and at peak times; and with consideration about intersections, and turns made. But it did not study the impact on the streets in Windsor Falls streets and other developments in the area. She then notes that there will soon be other changes affecting traffic loads on S. Lamar, as school schedules are changing, starting earlier. She further states that the study does not reflect the other peak times on S. Lamar – like when garbage trucks to go to/from landfill in the late afternoon. She states that the study concluded that current LOS on this segment of S. Lamar is Level “B”, then discusses what Level “B” means; and notes that the study concludes that by 2030, it would be maybe a “C”.

Ms. Antonow then discusses the 2019 Transportation Plan adopted by the City, which included traffic impact studies, including S. Lamar – done in 2017; which showed LOS “D” in 2017. She further notes that this study stated that by 2035 S. Lamar would be LOS “F” if there were no improvements. She concludes that there is a big discrepancy between these traffic studies and the Commission needs to consider this.

She further states that there are not many solutions available and the people who live off S. Lamar are going to suffer from any new development. She admits that the developer has a right to develop, but he should be required to mitigate this issue as the only way the people from the development will be able to get to Hwy.7 will be to use S. Lamar as the smaller road (CR 322). So, this development will add to the traffic situation, especially during construction.

She further states that when Windsor Falls was being built, it was agreed that all construction traffic would come off Hwy 7 only. So that should be required for this development before a grading permit is issued. She also requested that before any certificates of occupancy are issued for dwellings in this development, they should have a permanent way to get directly to Hwy 7. Perhaps CR 322 at Hwy 7 will be improved by then, but does not seem likely.

Engineer Koshinina responds that they stand by the traffic study, which used industry standards

data and was coordinated with City Engineering staff. S. Lamar and CR 322, both city streets, are their only access, as the developer does not own property that fronts on Hwy 7. He acknowledges that CR 322 is dangerous, but it is a city street. He hopes that more will attempt to use that road; to better distribute traffic, but they have right of access to S. Lamar.

Christina Davis, stating that she is a long time resident of Whippoorwill Lane, across the street from Windsor Falls, speaks. She states that CR 322 is half city and half county, and very narrow. She asks a question about the plat approval item. She thought it would be voted on first, then the site plan. Acting Chair Milam notes that the Commission can discuss both at same time, then vote on them sequentially. Ms. Davis then asks what is the purpose of a Preliminary and Final Plat if they are considered on same night? Director Requet notes that having the two meeting vote is usual if there are multiple lots and/or multiple issues to resolve. This request of for only one lot, just for a transaction to sell the property.

Ms. Davis then asks if this is a site plan and not a subdivision? She would prefer that it be reviewed as a preliminary site plan, but there is just one step for that. She states that many developments other than Windsor Falls will be impacted by this and if there were a preliminary review, they would have had more time to discuss the proposal with the developer. They needed more time to discuss and reach out to the developer. She also asks why residents were not notified before last meeting. She suggests tabling the Final Plat request until July to give area residents more time. She states that the three signs used to post the property were put on the south end of property, where they were not easily noticeable by residents to the north. She states that this is 32 acre property, there were no signs on north side; and that notice signs should be perpendicular to the road. She believes the signs should be placed differently. She again requests that it be tabled until July because there was not proper notification.

Ms. Davis then states other concerns. She concurs the statements about traffic, and she is worried about medical response times. There is no place to pull over for emergency vehicles. She states that there are already traffic backups all the way to Hwy 6. She is also concerned about the density of the development and the lack of access to Hwy 7. She mentions existing backups along S. Lamar to reach Hwy 6. She also states that the allowed density of the development is not fair to existing residents. She is concerned about the lack of access to Hwy 7. She requests that the Commission ask for less density, and not allow most density. She states that a tree buffer is necessary. And she mentions the potential for traffic accidents. She asks if the traffic impact study reflects the impact of all S. Lamar to roundabout. She states that the traffic problems resulting from this development will devalue property of all who live south of Azalea Drive. And the traffic will cause problems for patients leaving medical offices on Azalea Drive. She then thanks the Commissioners for listening to her concerns.

Engineer Koshinina responds to some of her statements, noting that it is very common to have a Preliminary and Final Plat on the same agenda. He states that appropriate public notice was given, with the information available for more than a month; and that the proposed density is less than allowed by the current zoning. He states an objection to the request to table consideration until July.

Acting Chair Milam asks Director Requet if it is appropriate to do a Preliminary and Final Plat at the at same time. Requet responds that this is a normal procedure. There are no violations. Milam also asks about the locations in putting out signs. Requet states that all publishing and posting was done as required.

City Attorney Watkins notes a reminder that the Mayor and Aldermen will do the final approvals of the Preliminary and Final Plats, so they will be heard again. Milam confirms that the Commission is just making a recommendation.

Commissioner Riddell asks, and Engineer Koshinina confirms that the developer does not own property fronting Hwy 7. The development site is a piece of a larger property, and the other part fronts on Hwy 7 and zoned for commercial uses. He also confirms that they do not own any of the property fronting Hwy 7. Milam asks for another confirmation of that. Koshinina confirms that they do not own any of the property along Hwy 7.

Commissioner Riddell asks staff if anything can be done to improve 322, or to push for some other way to have construction access from Hwy 7. City Engineer Mayoral states 322 is a recently annexed county road. The City can do a bit to improve it, like striping and cutting back brush. And requiring construction to enter a certain way, has been done. But given the state of 322, she is a little hesitant, from a liability view.

Koshinina states that they have discussed trying to encourage construction traffic use of 322, but S. Lamar is a public street. They will manage the construction traffic to encourage safety. Commissioner Rigby asks if there is any chance for a temporary construction access across the intervening property to allow construction access to Hwy 7. Koshinina states that he believes it unreasonable to hold up this project to require Walker to work that out, and also the terrain from the property to Hwy 7 would make it very difficult to provide such a road.

Robert Winkler, President of South Oaks HOA, speaks. He notes that their residents have the same concerns as other speakers stated. Traffic and safety. He states that it is more and more difficult to get into Oxford along S. Lamar from the south. The Traffic Study did not study impact on existing developments in the area. He wants the city to do another study and consider how to improve the situation along S. Lamar. There should be less density allowed. They are worried about construction traffic.

Engineer Koshinina defends their traffic engineering firm study. City Engineer Mayoral notes that the discrepancy between this study and the city model results from the use of different modeling methods. The larger study looked at big picture – not detailed views of roads. It studied overall volumes, not just peak hour.

Al Ling, a resident of Tanner Drive, speaks. He disagrees with traffic study as he drives the road daily. He learned about the zoning, but notes how long it takes him to get to work. He states the City should consider entrances as will need turn lanes. Engineer Koshinina defends the Traffic Study, stating that its findings did not warrant a turn lane.

Commissioner Rigby notes that the concerns noted are usually between what the City can do, what the developer is allowed to do, and what community wants. He believes the construction access hard to solve with no Hwy. 7 direct access. The proposed density, which the public does not understand, is within what is allowed, so not much to say there. Providing some type of access between these developments, maintaining a ROW makes sense, especially for pedestrian access. But it should not be built now. And it looks like the city needs to think more about S. Lamar traffic situation.

Martha Scott, resident of South Oaks, speaks. She asks if the Commission is considering tabling this or taking a vote? Acting Chair Milam indicates it will depend on what motions are made. Scott indicates she has much to say. Also discusses traffic along S. Lamar. She notes the situation in Oxford Commons. Asks if the Traffic Study considered the impact of the new assisted living facility now underway and the potential for other development in Oxford Farms? She notes the selling price for the proposed homes. She notes the vacancy rates in Oxford. She asks about the prices of the houses. States a need affordable housing, not more expensive homes. Also concerned about the environmental impact of removing large old trees and replacing old trees with new small trees. Why are we at 26% or more vacant? If that much vacant, it seems like more overbuilding. And homes too expensive for most.

Commissioner Riddell states issues like occupancy rates are not how we can vote. Acknowledges the traffic problems, but the comments seem to reflect a disparity of views. Don't want connectivity, which would distribute the traffic. The density is what is already allowed, and Commission cannot change that. Cannot limit use of S. Lamar, a city street. Can develop as zoned, and the type of development or cost is not our decision.

Lawyer Hale Freeland – Issue of connecting, it would put all that traffic through Windsor Falls. Others are concerned about access to of Hwy 7.

Unidentified person from the audience asked what is current zoning? Director Requet describes the zoning of the subject property: TNB, NR, TSR. Ms. Davis comes up to speak again, stating

that when this property was zoned, some objected to the rezoning for this reason.

Koshinina confirms that the site is combination zoned, and the development is less dense than allowed. There is no reason to delay the decision on the requests.

Acting Chair Milam asks if there is any motion from the Board on Preliminary and Final Plat requests.

Motion: Approved with Staff conditions excluding 4a which required plan revision to show a connection to the Windsor Falls Subdivision.

Approved Unanimously (6-0, Murphy recused)

Move: Michael Johnson Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2867 – Andrew Ross has filed a request for a Zoning Map Amendment for property located between Anchorage Road and Pat Patterson Parkway. (PPIN #39601 & #39602)

Commissioner Joseph Murphy returns to again be Acting Chair.
Chairman Rigby leaves meeting.

Planning Comments: Planning Director Requet presents staff report for zoning change to PUD. The request is prozed as a change with need, not a mistake. Staff recommends approval of the PUD and its master plan, noting a need to consider and finalize street locations, and with stated conditions.

Summary of Discussion: Acting Chair Murphy confirms that this is a recommendation to Aldermen only.

Commissioner Milam – Requests more information to ensure the request will meet the legal requirements for a rezoning for a PUD. Planning Director Requet discusses the nature of a PUD (an overlay with a development plan specific to the property, on top of existing zoning), noting that there are several PUDs in Oxford. He also states that staff believes this to be a good plan for this property. Milam wants to be sure it meets the rezoning legal test. City Attorney Watkins discusses the nature of rezoning PUDs and confirms that the change or need test has to be met.

John Granberry, Engineer representing the owner, states that the main change, the difference from a straight rezoning, is the plan for developing the property required for a PUD. The City can see what is planned for the property. They will have to work with city on final location of an access road connecting to Pat Patterson and Anchorage during the site plan approval process.

Acting Chair Murphy asks if there are any other questions? No further questions.

Motion: Recommend approval of rezoning to PUD to Mayor and Aldermen with staff recommendations.

Approved unanimously (6-0, Rigby now absent).

Move: Harry Alexander Second: David Spragins Status: Passed

4. Public Hearing for Case #2869 – David Blackburn has filed a request for Final Plat Approval for 'The Preserve Ph 5' for property located on Lakewood Hill Drive. (PPIN #40179) **(POSTPONED)**
5. Public Hearing for Case #2870 – Heritage Development, LLC has filed a request for Final Plat Amendment for 'Heritage Center Lots 39 & 40' for property located at 310 and 312 Heritage Drive. (PPIN #19076)

Planning Comments: Planner Robert Baxter presents staff report. Staff recommends approval with five conditions.

Summary of Discussion: No discussion.

Motion: Approve Final Plat Amendment as recommended with conditions in report.

Approved Unanimously (6-0)

Move: Kirk Milam Second: Michael Johnson Status: Passed

6. Public Hearing for Case #2863 – Midstates Petroleum, LLC has filed a request for a Special Exception as provided in Section 3.8.10 Service Stations for property located at Buddy East Parkway South. (PPIN #9145) **(TABLED FROM MAY) (POSTPONED)**
7. Public Hearing for Case #2871 – Andrew Callicutt has filed a request for Final Plat Amendment for 'Grand Oaks Ph 5 Lots 104, 104A & 106' for property located at 3850 Majestic Oaks Drive. (PPINs #17351 & #18976)

Planning Comments: Planner Robert Baxter presented staff report. Staff recommends approval of the Final Plat Amendment with three conditions in staff report.

Summary of Discussion: Commissioner Milam asks if the point of access is a concern, since Lot 104 will not be on a public road, but will use an easement. Planner Baxter confirms that it will use an easement, but that is not considered a concern.

City Attorney Watkins suggests if move to approve, adding a condition that applicant bring signatures of those the petitioner deems affected to the meeting with the Aldermen. They will need statement on record that they have signed off. Acting Commissioner Murphy states that the recommendation is a fourth condition for an affidavit of the signatures? Commissioner Milam states that there is a place on the plat for such signatures. Planner Baxter notes that they can also use the standard approval form. Milan asks if the letters of approval are sufficient or if they have to sign the mylar? City Attorney Watkins notes that it is unclear if letters of approval are sufficient, as the Legislature was not clear in its interpretation of this requirement for subdivisions. Either way probably fine. Just need some signatures.

Initial Motion by Milam: Approve with three conditions and added condition that the applicant will provide written notice of approval from those affected, all persons whose property touches these three lots.

Further Discussion After Motion: Planning Director Requet asks City Attorney Watkins about the wording of the added condition as staff has not in the past determined which persons are to be deemed affected by a subdivision modification request. The motion made seems to imply that staff would make such a determination.

City Attorney Watkins states that it would be better if the condition is reworded so that the applicant provides the written consent of all persons he deems should be included as directly affected or adversely impacted. It is the applicant's burden to figure out who he believes the persons adversely affected or directly interested to be. If the Board of Aldermen finds that insufficient, they can address that; but it is the burden of the applicant to propose who those owners would be. Leave it for the Board to decide.

Commissioner Milam asks if the decision about persons adversely affected or interested is the decision of the Aldermen, not the Commission?

Watkins states that the Commission can make any recommendation it wishes, and people adjacent are probably who is most affected; but if a nearby neighbor is upset, it is not a decision for the Commission to make.

Revised Motion: Commissioner Milam withdraws his motion and makes a new motion to approve subject to conditions listed by staff.

Status: Approved unanimously (6-0)

Move: Kirk Milam Second: Harry Alexander Status: Passed

8. Public Hearing for Case #2872 – Andrew Callicutt has filed a request for a Special Exception as provided in Section 3.10.3.2 Self-Storage Facility: Districts Allowed for property located at 1105 North Lamar Boulevard. (PPIN #5180)

Planning Comments: Planner Robert Baxter presents staff report. Staff recommends approval of the requested Special Exception with the condition that it is for the plan as submitted.

Summary of Discussion: No discussion.

Motion: Approve Special Exception with staff condition for approval.

Status: Approved 5-1; Milam voting nay

Move: David Spragins Second: Michael Johnson Status: Passed

9. Public Hearing for Case #2873 – The Grove on North Lamar, LLC has filed a request for a) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height and b) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential for property located at 1000 North Lamar Boulevard. (PPINs #5119, #5120, #5121 & #5122)

Commissioner Alexander recused.

Planning Comments: Planner Robert Baxter presents staff report request for the requests for this development of mixed use residential and commercial buildings.

a) Approval is recommended for the Structure Height request for the plan as submitted.

b) Approval is recommended for the first floor residential request for the plan as submitted.

Summary of Discussion:

Commissioner Riddell asks how this structure will compare to the Morgan building in terms of height and stories.

Joey Moore stated that the Morgan Building is three stories, but he was unsure of the height.

Riddell then asks if there are any four story buildings on N. Lamar? The Graduate?

Commissioner Milam asks if the proposed design is a way to reduce height? Planner Baxter describes the architectural design which is a means to visually disguise some of the height. Commissioner Riddell notes that it only hides some of it, there are balconies. Planner Baxter notes that the balconies are somewhat open, more like porches.

Commissioner Riddell then asks how close to the road is will be; if it is like the Morgan building nearby. Planner Baxter responds that they are about the same distance from the road.

Commissioner Riddell asks the conditions that need to be met for a Special Exception. Planning Director Requet responds by describing the requirements for approval of a special exception.

Acting Chair Murphy states, that this is a special exception for height; and asks if there are any other comments or questions.

Motion Part A: Approval of the requested special exception for height.

Acting Chair Murphy states that the second request is a special exception for ground-floor residential and asks if there are any other comments or questions.

Motion Part B: Approval of the requested special exception for first-floor residential.

Part A - Motion: Kirk Milam Second: David Spraggins

Status: Approved 3-2 (Riddell and Johnson vote no - Alexander recused)

Part B - Motion: Kirk Milam Second: David Spraggins

Status: Approved Unanimously (5-0 with Alexander recused)

10. Motion to Adjourn

Approved Unanimously (7-0).

Move: Kirk Milam Second: Judy Riddell Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)