

MINUTES

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; 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 Buddv 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

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MINUTES

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

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MINUTES

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)

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, July 11, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

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

Remote Attendance

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. July Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda
Move: David Spragins Second: Kirk Milam Status: Passed
3. Approval of minutes from the June 13, 2022 Meeting
Move: Kirk Milam Second: Joseph Murphy 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. Administrative Approvals

1. Case #2874-A – Pettey Hardin has filed a request for Site Plan Approval for 'GoShine Express Car Wash' for property located at MS Hwy 6 Eastbound near CR 305. (PPIN #7686)
2. Case #2875-A – Josh White has filed a request for Site Plan Approval for 'Shadrachs Coffee' for property located at 1801 Jackson Ave West. (PPIN #18640)

C. **Public Hearings**

1. Public Hearing for Case #2876 – Vicki Ellis has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls: Height for property located at 733 MLK Jr., Circle. (PPIN #5400)

Planning Comments: The subject property is a residential corner lot of approximately +/- .22 acres located at the intersection of Price Street and Martin Luther King Jr. Drive, with additional frontage on Martin Luther King Jr. Circle. This lot has frontage on all three streets, but the house faces Martin Luther King Jr. Circle. The applicant is requesting a fence height variance from Section 3.2.8 for two feet (2') to construct a six-foot (6') high wooden fence. The proposed fence is a picket-style fence, with spacing to allow for visibility. The fence will be set back off of the corner at MLK and Price to allow for driving visibility.

In reviewing the proposal, the City Engineer noted that a city sewer line is located close to the proposed location of the fence. The applicant plans to have that line located and to adjust the location of the fencing accordingly, to ensure that adequate access is available if necessary. As stated in the Land Development Code's General District Regulations, Section 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."

Due to the nature of through corner lots – which, by definition, consist of three front yards and one side yard – the three front yard setbacks limit the possibility of owners to legitimately enclose a reasonable portion of their property. Concerned for privacy, the applicant wishes to construct a wooden fence higher than that currently permitted in a front yard by the Code.

A variance request may be granted when special conditions exist that are peculiar to the land, or structures that do not apply to other lands or structures in the same district under the terms of this Ordinance. By nature, a corner lot deprives the applicant of additional setback footage commonly enjoyed by owners of interior lots.

Recommendation: Staff recommends approval of the two-foot (2') fence height variance with the following conditions:

1. The fence will be constructed in a manner that the smooth side of the fence will face the public's view as required by the Land Development Code.
2. The final location of the fencing is acceptable to the City Engineer after location of the sewer line.

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

2. 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) **WITHDRAWN**
3. 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 FROM JUNE)

Planning Comments: This is a request for a large lot subdivision of 11 lots located in "The Preserve" areas, on the north side of the Oxford Commons PUD. It adjoins lots in Phase III of "The Preserve" to the west, the TVA powerline to the east, the Oxford High School property to the south, and properties beyond the PUD to the north.

The lots vary in size, from +/-1.1 acres to +/- 3.5 acres, but all are larger than the 7,200 square foot minimum lot size of the underlying SR zoning. These lots will be close to or surround an existing 9.16-acre pond on this property, which will serve as a recreational asset for other portions of Oxford Commons as well. The pond area will include a passive recreational space and a walking trail, including a pathway over the pond. Five common areas are indicated, one north and east of the pond, one south of the access road, two bordering the access road on the south, and one along the northwestern edge of the property.

This phase will be served by a continuation of Lakewood Hill Drive. This public road will temporarily have a cul-de-sac terminating near the southeast edge of the pond which will eventually extend across the TVA easement, to the future 'Oaks' phases of Oxford Commons.

Engineering Comments:

The street, water and sewer infrastructure have been completed at this time. A final inspection has been requested by the developer and is likely to be complete prior to the meeting. Pending completion of any punchlist items, a recommendation to the Board to accept the infrastructure will be carried to the Board at the same time as the request for Final Plat. Bond amounts will reflect the results of the final inspection. Minor technical comments are noted prior to the Board hearing the request for the Final Plat as noted below.

Access and Streets

This development will be part of the Oxford Commons PUD and will connect to the previously constructed Preserve, Phase III via an extension of Lakewood Hills drive and the future Oaks Phases 7 and 8. Section 4.5.9.3 of the Land Development Code states that no permanent dead-end streets shall be longer than 800 feet in length. In order for this development to comply with that requirement, a connection to the Oaks Phases 7 and 8 was shown in Case 2833 (February 2022). Lots 8 and 9 and some of the common areas will be accessed by privately owned and maintained alleyways.

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

Water and Sewer & Utility

Water and sewer infrastructure have been installed and are pending a final inspection at the time of this report. Water for the development will connect to an existing 8" City of Oxford water main that is capped at the current terminus of Lakewood Hill Drive and The Preserve, Phase III. Sewer from the site will be collected and flow by a gravity sewer line into a proposed lift station. From the proposed public lift station, sewage will be pumped to an existing manhole on Lakewood Hill Drive at the existing terminus. All water and sewer main facilities and appurtenances will be owned and maintained by the City of Oxford.

Stormwater

The storm water detention requirements will be met by the rehabilitation of an existing earthen dam and lake. The dam/lake has been classified as a high hazard dam according to MDEQ Safe Dams Division and is therefore required to meet additional requirements for construction and maintenance. The Stormwater Management Plan was approved August 13, 2020.

Additional language is required regarding the common property areas and Stormwater management facilities. The following language, or some approved variation thereof, is required:

- All common property area(s) and stormwater management facilities (any infrastructure that controls or conveys stormwater runoff) shall be maintained in perpetuity and cannot be developed for any other use that would limit or cause to limit the use of the common property area(s) and stormwater management facilities. The common property area(s) and stormwater management facilities shall be owned and maintained by the Property Owners Association or the development. Each owner shall own a proportionate share, as defined in the covenants or other recorded documents, of the common property area(s) and stormwater management facilities. Each owner shall bear responsibility for the continued maintenance of the stormwater management facilities following the ordinances of the City of Oxford and Lafayette County. An owner's interest in the common property area(s) and stormwater management facilities shall not be severed from their interest in their property.
- The common property area parcels AD VALOREM tax value shall be assessed to each lot owner on a pro rata basis as part of each lot owner's total assessment.

There also needs to be language on the plat regarding private ownership of storm drainage structures, retaining walls, and private alleyway.

- The City of Oxford maintenance for storm drainage and stormwater management facilities is limited to that located within the City of Oxford's dedicated right-of-way or property owned by the City of Oxford.
- All storm drainage outside of the dedicated right-of-way shall be owned and maintained by the Property Owners Association or the development (or other owners as designated)
- All retaining walls shall be owned and maintained by the Property Owners Association or the development.
- All private alleyways shall be owned and maintained by the Property Owners Association or the

development.

Recommendation: Staff recommends approval of the requested Final Plat for 'The Preserve, Phase 5, at Oxford Commons' with the following conditions:

1. Approval of the Final Plat for 'The Preserve, Phase 5, at Oxford Commons' 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. A copy of the covenants shall be submitted to staff for review and comment. A stamped and recorded copy of the covenants will be required before signing of the final plat. (Engineering)
4. An updated and complete set of site plans (as built construction drawings) for the subdivision shall be submitted before signing of the final plat. (Engineering)
5. A concept and statement of intent indicating how Lakewood Hills Drive will be extended in the future must be provided. (Engineering)
6. Easement for public footpath (walking trail) needs to be specifically labeled on plat. (Engineering)
7. Easements for drainage structures on lots (privately maintained) and lift station (public referenced in the submitted construction drawings need to be shown on the final plat before approval will be granted. (Engineering)
8. The addition of language on the plat regarding ownership of common areas. (Engineering)
9. A copy of the MDEQ approval for water and sewer shall be provided prior to the case being heard by the Board. (Engineering)
10. All required bonds must be received prior to the case being heard by the Board of Alderman. (Engineering)

Summary of Discussion:

Chair Rigby notes to City Engineer Mayoral that while there are many comments from Engineering, they believe it can be cleared up? Mayoral states that the applicant's engineer has sent data today that should clear up all the comments, but they have not had time to examine it in detail.

Dick Dickerson speaks regarding the request, asking for clarification on some items. He stated that it seemed to him that in the Preliminary Plat approval there were 4 other elements of compliance not addressed in this final plat approval: PUD Plan Data Table, Tree Preservation Agreement, update on the approved tracking spreadsheet, and presentation to city of option to purchase or dedicate the property.

Paul Koshenina, engineer for the applicant (attending remotely), addresses the concerns. Can easily do the Plan Data Table before the hearing before the Aldermen. There is a surplus of land set aside for open space preservation. Rigby states one about the conservation space. Koshenina states they have already dedicated more than needed.

Rigby asks about the Plan Data Table. Planning Director Requet noted the timing of any option to purchase, but the city probably does not want to accept any of that land. City Attorney Paul Watkins discusses the status of the land dedication process; stating that the proper amounts have been dedicated. Dickerson states it is in the Preliminary Plat. Koshenina states that would be in the conversation, but there has been no interest in the City acquiring the land.

Rigby asks if Mr. Dickerson is interested in the large common area, from the report #2562, 2019. Rigby states that the Plan Data Table is not an issue at this time, the Tree Preservation has been addressed, the Tracking Spreadsheet is being maintained by Planning and cannot be updated until the final plat is approved. And functionally the city is not interested in acquiring the land.

Dickerson also brings up that in the Preliminary Plat the pond area will be a recreational asset for other areas of Oxford Commons. The HOA were told in February that only the land owners of the lots in this phase would be allowed to use the lake. Koshenina is asked about this. He stated that the common areas are to be owned by the property owners in this section. They would own and maintain it.

Commissioner Milam states that his memory of the conservation areas, is that they are for the entire PUD. But if looking at it for that, shouldn't all owners have access to the common areas?

Planning Director Requet states that not all the conservation areas are accessible areas, they are not actually usable. The point was to preserve wooded areas as part of the Tree Mitigation agreement. Conservation is not necessarily common open space, available for recreational purposes. There may need to be further conversations between the developer and the Homeowners Association about that. CA Watkins confirms that the agreement with the city was about conservation areas, not recreational open space areas. Dickerson again asks who will own the common areas?

CA Watkins again explains that the common areas situation is not the same as the set asides for the conservation areas. The City has no agreements with the developer about any of the common areas. Rigby states that Mr. Dickerson may be asking if this section will have an HOA separate from the rest of the development, as there are no recreational common areas owned and managed by the current HOA.

Dickerson then states that on the Final Plat map, some of the areas are "limited common area" and some "conservation area", that is confusing and not defined. Rigby states that he believes that limited common area pertains to this plat, and conservation areas to the entire PUD. Engineer Koshenina confirms that analysis. Planner Baxter describes the color differential on the map.

Rigby states that it is up to the developer to decide how to address common areas, vs. conservation areas. Dickerson asks two questions about the final plat approval process and procedures. He also asks about the easement for the footpath. He then mentions that the report mentions the tax value of lots, and Rigby explains that. Dickerson then mentions the extension of the waterline and the road is still gravel and people can be injured on the gravel. Koshenina notes that section is still private, but they will have to pave it soon.

Motion to approve subject to Staff conditions.

Move: Michael Johnson Second: David Spragins Status: Passed

4. Public Hearing for Case #2877 – Josh White has filed a request for Preliminary and Final Plat Approval for '1309 N Lamar Subdivision' for property located at 1309 N Lamar (PPIN #5075)

Commissioner Milam recused.

Planning Comments: The subject property is the site of the former Lamar Lounge and Gus' Chicken located at the at the intersection of North Lamar Boulevard and Cincinnatus Boulevard, and it measures approximately +/- 1.12 acres. The applicant is proposing a subdivision of property that would create two lots from the original property. Lot 1 would consist of approximately .71 acres and would include the existing building and parking lot, while Lot 2 would be an undeveloped property with access to Cincinnatus Boulevard. At the time of the writing of this report, Staff has not received covenants for this subdivision but will be a condition of approval.

Engineering Comments:

Access

Lot 1 has existing access from North Lamar Boulevard. An access easement will be required for Lot 2 to access North Lamar through Lot 1. Lot 2 will Cincinnatus Boulevard and access may be granted via a shared access with The Lamar. Access onto Cincinnatus has not been approved at this point and is not guaranteed.

Infrastructure

Construction plans have not been provided for this lot and there has been no indication of how water and sewer service will be provided. Staff has heard some indications that Lot 2 will become part of The Lamar development. In that case, it is anticipated that water and sewer will be provided from infrastructure associated with The Lamar. In the event that water and sewer will be provided from Lamar, an easement for private water and sewer lines across Lot 1 will be required. Sidewalk will be required along the frontage of Cincinnatus if it has not been provided by The Lamar.

Stormwater

Stormwater management will be required for any development on Lot 2. If the lot is zoned commercial, it is common for the stormwater to be developed as part of a future site plan. If the lot is zoned residential, it is necessary to plan for the stormwater at the time of the Final Plat. Stormwater for the current building on Lot 1 was provided as part of the construction of the building formerly known as the Lamar Lounge.

A bond for water, sewer, sidewalk and street lights will be required before the case is heard by the Board of Alderman. Construction plans will be required to identify how required infrastructure will be provided.

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

1. A draft copy of the covenants shall be provided to Staff prior to this item being heard by the Mayor and Board of Aldermen. If approved by the Mayor and Board of Aldermen, a stamped recorded copy of the covenants shall be provided to the Staff.
2. Show any and all easements that are part of this parcel including the required access easement to North Lamar and any utility easements.
3. Stormwater management is required for any development on Lot 2 and should be noted as such on the plat.
4. A bond for all required infrastructure is required prior to the case being heard by the Board of Alderman.
5. Construction plans indicating how required infrastructure will be provided for is required prior to the case being heard by the Board of Alderman.

Summary of Discussion:

Chair Rigby asks Paul Koshenina, engineer for the applicant, about the water and sewer on this lot. He states that it is uphill from the rest of The Lamar. Is that a challenge. Koshenina states that the portion being carved out is much lower than the front portion, which is why they want to divide it.

AIF

Move: David Spragins Second: Michael Johnson Status: Passed

5. Public Hearing for Case #2878 – Dermatology Associates of Oxford, LLC has filed a request for Site Plan Approval for 'Dermatology Associates of Oxford' for property located at 1626 Hwy 30. (PPIN #39720)

Commissioner Milam returns.

Planning Comments: The subject property is the second development at Lot 7 (+/- 6.24 acres) of the Leslie Court PUD. The applicant is proposing to construct a +/- 12,303 sf medical facility that will be the new location for Dermatology Associates of Oxford. Additional space is set aside for a potential future building expansion of +/- 1,876 sf.

Lot 7 of the Leslie Court PUD is part of 'Area 1' which is indicated to follow the TNB district regulations except that only 25% of buildings need to meet the second-story requirement.

Use and Parking Requirements – Medical facilities of less than 25,000 sf are Special Uses in TNB districts. This proposal meets all other additional standards for medical facilities.

Parking standards for medical facilities is one space for each 250 sf of gross floor area. 49 spaces are required and 61 are provided, within the 125% maximum allowed. The additional 12 spaces should be sufficient for a potential expansion as well.

Coverage and Setbacks – Uses in TNB districts are allowed 80% lot coverage; this use will bring total coverage for Lot 7 to 25.3%.

The only relevant setbacks for this project are the front build-to (0'-60') and rear setback (25'). The proposal meets both of these requirements.

Other Review Elements

- Landscaping and Tree Mitigation– The proposed landscape design meets all standards related to edge buffers, and foundation plantings. Frontage trees are shown on the plan, and were approved as a part of the Leslie Court Subdivision. Two Bay Magnolias are shown as parking lot trees on the north side of the parking lot. These will need to be replaced with trees selected from or similar to trees from the “Preferred Parking Lot Canopy Trees” list in the LDC. Tree mitigation was handled with the Leslie Court Subdivision.

- 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 stucco with reveals material with cast stone and architectural metal panels as secondary materials.

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

Engineering Comments: The Dermatology Associates of Oxford is located within the boundary of Lot 7 Leslie Court Subdivision. This is the second site to be developed within the lot. Mississippi Eye Consultants was the first development on Lot 7 and was approved as planning Case #2593. Further development of the site is expected in the future considering the remaining vacant area.

Water and Sewer

Water service for the building will connect to the existing 12-inch diameter City waterline located on the Molly Barr Road right-of-way. This service line will be privately owned beyond the meter. The Fire service line will connect to an existing 8-inch diameter water line previously approved under Case #2593. This is a privately owned water line. Sewerage will connect to an existing 8-inch diameter sewer line previously approved under Case #2593. This sewer line is currently shown as private within the lot other than an area of existing sewer easement near the residential portion of Leslie Court. Staff may request an easement for sewer ownership at some point in the future depending on the future needs to provide a sewer connection from Molly Barr Road.

Traffic/Access

Access to Lot 7 is by privately owned and maintained drives that connect to the newly constructed roundabouts on Molly Barr Road. The proposed site plan does not require a traffic impact study due to the size of the building proposed. Further development of the lot may trigger a study in the future but staff has no concerns regarding traffic at this time.

Sidewalks

Sidewalk along the frontage with Lot 7 is being installed as part of the Molly Barr Road roundabout project.

Stormwater Management

The stormwater management requirements for this site will be met through the detention ponds constructed with the preliminary plat approval Case #2422. Lot 7 is effectively a phased development; the stormwater management plan is reevaluated as new phases (site plans) are introduced. Because of this, the current stormwater management facilities have not been certified post construction and may require modification with future build-out of the subdivision. The proposed site plan does not require a modification. Further development of the lot may require modifications in the future but staff has no concerns regarding stormwater management at this time.

Recommendation: Staff recommends approval of the requested Site Plan for 'Oxford Dermatology Associates' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. New trees from the Preferred Parking Lot Canopy Trees list will be indicated to replace the Bay Magnolias. (Planning)

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: Michael Johnson Status: Passed

6. Public Hearing for Case #2879 – Updraft Investments, LLC (Mac Montieth) has filed a request for Site Plan Approval for 'The Lamar – Phase 1 Amended' for property at the Lamar TND near Stewart St. (PPINs #5042 & #5067)

Planning Comments: The subject property is in the Lamar TND in what was previously referred to as Phases 1 and 5. This is an amendment to a now expired site plan passed in August 2017 (Case #2211). This phase contains +/- 4.47 acres of the total 48-acre site.

The proposed site plan is for 5 buildings, one that fronts on North Lamar, two that front on a yet-to-be named private main commercial road, one that fronts on a private interior road, and a building that fronts on a private extension of Baldwin Drive. The Site Plan indicates a total of +/- 32,250 sf of building footprint and +/- 69,000 sf of occupied area. Buildings 1, 2, & 3 are two stories and buildings 4 & 5 are 3 stories. The tallest building indicated is building 5 at 45'.

Buildings 1, 2, & 3 will be fully commercial, building 4 will be mixed use with ground-floor commercial, and building 5 will be fully multi-family residential with podium parking on the first floor. There are 54 residential units proposed in buildings 4 & 5 (12 @ 1BR, 38 @ 2BR, and 4 @ 3BR). Retail uses are expected for all floors of buildings 1, 2 & 3 and the ground floor of building 4, totaling 32,000 sf.

Parking requirements for TNDs are outlined in Section 2.6.13.10. Minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement. Residential standards remain the same.

114 parking spaces are required by Code for the 54 proposed residential units (98 for the units plus 18 for guests). 111 spaces are required for the 32,000 sf of retail space. The applicant proposes 210 total spaces with the breakdown of 100% of required residential (114), 80% of required non-residential (89) and 7 additional spaces for future shared non-residential in other phases. Staff finds this proposal to be acceptable.

Tree mitigation will be required for portions of this phase. Originally, TNDs were exempt from tree mitigation requirements. A change to the Land Development Code in 2019 (Sec 2.6.13.13.i) made TNDs subject to tree mitigation requirements. The sections of The Lamar that were disturbed previous to the LDC change are exempt from mitigation requirements, while the remaining will require mitigation. 7, 2" caliper mitigation trees will be required for this phase. The applicant notes on the landscape plan that 7 Sweet Bay Magnolias will be planted for mitigation, but which trees these are is not indicated on the plan. The landscape plan will need to be updated to indicate which trees are being planted for mitigation purposes.

The applicant has provided a landscaping package that indicates foundation plantings, edge plantings and parking lot trees. Street trees along the small stretch of North Lamar as well as a parking lot tree is not indicated due to geo-grid grassing that will allow for Fire access to the east side of buildings 1 & 2.

Architectural elevations have been provided for all buildings. The buildings are indicated to have

primarily brick veneer exteriors with wood windows and metal balconies.

Engineering Comments: The Engineering department reviewed plans dated April 22, 2022 and the majority of comments are based on those plans. Updated plans dated June 2022 were provided at a tabletop review conducted on June 30, 2022. There are technical comments to be addressed and clarified but they do not impact the basic layout of the proposed site plan.

Sewer and Water Service

For sewerage, the original Lamar TND Phase 1 (Case #2211) proposed the construction and use of a privately owned and maintained temporary lift station until such time as a gravity sewer line is constructed in future Phases. Since that time, it has been decided that gravity sewer will be run down the future (private) extension of Baldwin Drive to connect to the existing gravity sewer on the public portion of Baldwin, though this is not currently shown on the plans. It is approximately 370 feet from the southwest corner of Phase 1 to the sewer stub for future connection shown on the Phase 4 Final Plat (Case #2846) plans. The mass grading plan (Phase 1 Mass Grading Plan Case #2766-A) that proposed grading of a road connecting Phase 4 to Phase 1 did not propose any sewer or water utilities. The interior gravity sewer lines for Phase 1 are likely to be private; although there was previous discussion of a main "trunk line" would be owned and maintained by the City. These details will be finalized and easements will be provided to the City where applicable.

Water service will be provided by an 8-inch diameter water line that will connect to existing City water main located on the North Lamar Boulevard. The City will own and maintain water mains within the development and will likely maintain the service lines to the meters. The meters will be located in privately owned and maintained sidewalk. A written easement has been requested for the water lines.

Access, Streets, and Roads

The original Lamar TND Phase 1 (Case #2211) proposes to have private streets that will connect to North Lamar in the area of Stewart Street. A traffic impact study was prepared February 14, 2017 based on counts taken during assumed peak hours on Tuesday, January 24, 2017 and Wednesday, January 25, 2017. School was in session at the University of Mississippi and local schools on these dates. The traffic impact study made numerous recommendations, including the addition of two traffic signal signals on North Lamar. The study states that Phase 1 and Phase 2 alone traffic did not satisfy the warrants for signalization. The study also made specific recommendations regarding turn lane lengths, deceleration lengths, turn lanes and sight distances. Visual representations of these improvements were not included with the study. Due to the proposed phased development, this study will need to be updated with each phase. Based on prior experience with phased development, Staff feels it is prudent to plan for the long term when laying out the intersections and initial infrastructure but also ensure that the study is updated with each subsequent phase. The plans propose to widen North Lamar to allow for the installation of the turn lanes, with traffic signals to be added at a later date. The widening of North Lamar to provide for a turn lane into the development must be completed as part of Phase 1 construction, which is also a recommendation of the traffic impact study for Phase 1. This is indicated in an area beyond the project boundary, within City right-of-way. Staff still requires a complete set of plans for the widening of North Lamar, and approval by Engineering Department is a condition for approval.

The streets shown in Phase 1 are to be privately owned and maintained. When originally considered in 2017, they did not meet current City standards for width and do not meet current and/or currently proposed future standards for alignment, location and number of curb cuts, parking proximity to intersections, grade, curb type (post curb indicated versus curb and gutter), storm drain inlet type and location, plantings within the site triangle and possibly width. Since that time, changes have been made to the Land Development code in regards to street types, particularly regarding width and on-street parking. Full typical road sections were not in the plans. As the street plans were reviewed as private streets there may be other elements that do not conform to public street standards.

Sidewalks

The plans propose a sidewalk along the site's frontage with North Lamar. Sidewalks are proposed along the private street frontages. The City will only own and maintain sidewalk within its right-of-way. All other sidewalks will be privately owned and maintained. The site plan (June 2022 plans)

proposes to use grass pavers along the right-of-way of North Lamar in order to meet requirements by the Fire Department. There are still details to be work finalized regarding this proposal including the material types, appearance, and maintenance responsibilities. A right-of-way permit or a revocable license may be required.

Retaining Wall

Sheet C104 - Grading Plan (April 2022 plans) included in this site plan does not show any existing or proposed contours. There appears to be extensive linear footage of proposed retaining walls within the development. These retaining walls will be privately owned and maintained.

Stormwater Management

The original Lamar TND Phase 1 (Case #2211) stormwater management plan (included but not revised for this site plan) proposed an underground detention basin for the area of this site plan. Sheet C105 - Storm Drainage Plan (April 2022) included in this site plan does not show storm drainage pipes or an underground detention basin. These were observed in the tabletop review of the June 2022 plans. Due to changes to the site layout, a new stormwater management plan needs to be developed and submitted for staff review. Because of the private streets, it can be assumed that all pipe elements of any stormwater management facility will be privately maintained.

Staff notes that based on analysis of recent aerial imagery (January 21, 2022), it appears that the sediment basin approved as part of Phase 1 Mass Grading Plan (Case #2766-A) has not been constructed according to the approved plans. The completion, including grassing of the side slopes, of this sediment basin is important before additional disturbance and grading is complete.

Recommendation: Staff recommends approval of the requested Site Plan for 'The Lamar - Phase 1, Amended' with the following conditions:

1. Updated landscaping sheets indicating which trees are for mitigation.
2. Street names must be submitted and subsequently approved by Public Works and all emergency personnel for addressing prior to the first building permit being issued for a physical building.
3. Written easements need to be provided for review and approval. Water and sewer taps will not be issued until approved easements are provided to the City.
4. Covenants documenting the ownership and maintenance of all privately owned facilities (streets, retaining walls, stormwater management, etc.) needs to be provided for review and approval before any City permits shall be issued.
5. A complete set of site plans need to be provided for review and approval before any City permits shall be issued.
6. Construction plans for the widening of North Lamar need to be reviewed and approved before any City permits shall be issued.
7. A stormwater management plan needs to be provided for review and approval before any City permits shall be issued.
8. Staff has permission to approve changes to the construction plans regarding infrastructure as required to address all comments.
9. The sediment basin approved as part of the Phase 1 Mass Grading plan (Case 2766-A) must be completed and grassed within 30 days of this approval or all work on this site plan must cease until that sediment basin is complete.

Summary of Discussion:

Chair Rigby asks City Engineer to comment on the many engineering comments, especially stormwater. Mayoral states that the stormwater management plan is a common requirement, and it is not unusual to not yet have that in places. Regarding the detention basin, they are working

through these plans. More information has been submitted, but Engineering has not yet had time to go through those plans.

Rigby then asks about the traffic study needed to be updated. Mayoral states that does not apply to this Phase 1. These were covered in an existing study, but will need to review with Phase 3. Will relate to the timing of installation of a new traffic signal. For large developments, have to refine as phases are proposed.

Commissioner Riddell asks about condition #9, related to sediment not yet being completed and grassed within 30 days. How is that policed. Mayoral states that they will coordinate with the developer and Code Enforcement if needed.

Shane Cardwell, representing the developer, explains the current situation of the stormwater basins is part of the stormwater plan for the entire development. It will be finished as part of these phases.

Commissioner Murphy asks about the height of the proposed cast in place concrete retaining walls. Engineer Cardwell states that the tallest is 12 feet, other areas 8 feet, and that they do provide the required separation between stacked retaining walls. He further said they are updating the grading plan to include retaining wall profiles.

Commissioner Milam asks about the plan for widening North Lamar. Engineer Cardwell states that is to be provided to City Engineering. Mayoral then notes that the intersection layout is shown on sheet 9. Engineer Cardwell further states that any development after Phase 1 is when the road work will be required. No discussion yet about the timing for a signal, but will do with widening as part of this Phase 1 plan.

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: Joseph Murphy Status: Passed

7. Public Hearing for Case #2880 – Updraft Investments, LLC (Mac Montieth) has filed a request for Site Plan Approval for 'The Lamar – Phase 3' for property at the Lamar TND near Hilltop Dr. (PPINs #5042 & #5067)

Planning Comments: The subject property is in the Lamar TND and this phase contains +/- 4.9 acres of the total 48-acre development.

This proposed site plan is for 5 buildings (Buildings 6-10), three that front on Main Street and two buildings that front towards Capstone Drive. The Site Plan indicates a total of +/- 14,735 sf of building footprint and +/- 30,000 sf of occupied area. The 5 buildings will be two-stories in height. Buildings 6 & 7 will contain ground floor commercial with residential dwellings on the second floor, while the remaining three buildings will be a mix of retail/commercial on the ground floor with office space on the second floor.

Parking requirements for TNDs are outlined in Section 2.6.13.10. Minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement. Residential standards remain the same.

14 parking spaces are required by Code for the 7 proposed residential units. 106 spaces are required for retail/commercial and office space. The applicant proposes 107 total spaces with the breakdown of 100% of required residential (14), 60% of required non-residential (64) and 29 additional spaces for future shared non-residential in other phases. Staff finds this proposal to be acceptable.

Originally, TNDs were exempt from tree mitigation requirements. A change to the Land Development Code in 2019 (Sec 2.6.13.13.i) made TNDs subject to tree mitigation requirements. The sections of The Lamar that were disturbed previous to the LDC change are exempt from

mitigation requirements, while the remaining will require mitigation. This site was previously cleared under the original approval prior to the 2019 change to the Land Development Code, therefore, tree mitigation is not required.

The applicant has provided a landscaping package that indicates foundation plantings, edge plantings, parking lot trees and landscaping in front of the retaining walls. Staff finds the landscaping package acceptable.

Architectural elevations have been provided for all buildings. The buildings are indicated to have primarily brick veneer exteriors (with scored stucco on the front façade, wood windows with shutters, and metal balconies. The elevations do not indicate any rooftop mounted equipment but should it be considered in the future; it shall be screened with a parapet wall on all sides of the building as tall as the equipment.

Engineering Comments: The Engineering department reviewed plans dated April 22, 2022 and the majority of comments are based on those plans. Updated plans dated June 2022 were provided at a tabletop review conducted on June 30, 2022. There are technical comments to be addressed and clarified but they do not impact the basic layout of the proposed site plan.

Sewer and Water Service

For sewerage for site plan will be gravity flow. A sewer trunk line is proposed to be installed in the uncompleted and Baldwin Street (private). This sewer trunk line will connect to the sewer stub for future connection shown on the Phase 4 Final Plat (Case #2846) plans. Engineering staff has concerns regarding the depth of some of the trunk line manholes and have asked the design engineer if it would be possible to reduce the depth. The City will own and maintain the sewer trunk line and an easement will be required. Water service will be provided by an 8-inch diameter water line that will connect to existing City water main located on the North Lamar Boulevard. The City will own and maintain water mains within the development and will likely maintain the service lines to the meters. The meters will be located in privately owned and maintained sidewalk. A written easement has been requested for the water lines.

Access, Streets, and Roads

A private street, to be constructed as part of the Lamar – Phase 1 Amended (Case #2879) site plan, will connect this site to North Lamar Boulevard. A traffic impact study was prepared February 14, 2017 based on counts taken during assumed peak hours on Tuesday, January 24, 2017 and Wednesday, January 25, 2017. School was in session at the University of Mississippi and local schools on these dates. The traffic impact study made numerous recommendations, including the addition of two traffic signal signals on North Lamar. The study stated that construction of Phases 1 and 2 did not warrant a traffic signal. Staff is currently considering the timeline for installation of the signal relative to Phase 3. The traffic signal installation is included as part of the Tax Increment Financing (TIF) agreement between the City and the developer but there was not a timeline for the installation provided. As it is part of the TIF, the developer may have a plans regarding the signal installation that staff is not aware of. Before additional phases (5 or 6) of this development are submitted for planning approval, the developer will either need to install the two traffic signals on North Lamar or submit an updated traffic impact study supporting delaying their installation.

When originally considered in 2017, the streets within The Lamar did not meet current City standards for width, alignment, location and number of curb cuts, parking proximity to intersections, grade, curb type (post curb indicated versus curb and gutter), storm drain inlet type and location, plantings within the site triangle and possibly width. Since that time, changes have been made to the Land Development code in regards to street types, particularly regarding width and on-street parking. Full typical road sections were not in the plans. As the street plans were reviewed as private streets there may be other elements that do not conform to public street standards.

Sidewalks

This site has no frontage with City right-of-way. Sidewalks are proposed along the private street frontages. These sidewalks will be privately owned and maintained.

Retaining Wall

This site plan has extensive linear footage of proposed retaining walls within the development. These retaining walls will be privately owned and maintained.

Stormwater Management

The stormwater management plan proposes an underground detention basin for the area of this site plan and a temporary detention basin to manage uncaptured portion of the site plan and the undeveloped portions of the Lamar PUD, north and west of this site plan. Because of the private streets within the Lamar PUD, all elements of any stormwater management facility will be privately maintained, this includes storm drainage pipe located in streets and parking lots. The stormwater management plan has not been approved at the time this report is being written. Engineer staff does not anticipate any issues with the stormwater management plan that would prevent site plan approval.

As stated in the case for Lamar Phase 1 Amended, staff notes that based on analysis of recent aerial imagery (January 21, 2022), it appears that the sediment basin approved as part of Phase 1 Mass Grading Plan (Case #2766-A) has not been constructed according to the approved plans. The completion, including grassing of the side slopes, of this sediment basin is important before additional disturbance and grading is complete.

Recommendation: Staff recommends approval of the requested Site Plan for 'The Lamar – Phase 3' with the following conditions:

1. Written easements need to be provided for review and approval. Water and sewer taps will not be issued until approved easements are provided to the City.
2. Covenants documenting the ownership and maintenance of all privately owned facilities (streets, retaining walls, stormwater management, etc.) needs to be provided for review and approval before any City permits shall be issued.
3. A complete set of site plans need to be provided for review and approval before any City permits shall be issued.
4. Construction plans for the widening of North Lamar need to be reviewed and approved before any City permits shall be issued.
5. A stormwater management plan needs to be provided for review and approval before any City permits shall be issued.
6. Staff has permission to approval changes to the construction plans regarding infrastructure as required to address all comments.
7. The sediment basin approved as part of the Phase 1 Mass Grading plan (Case 2766-A) must be completed and grassed within 30 days of this approval or all work on this site plan must cease until that sediment basin is complete.
8. The Traffic Signal at North Lamar and Stewart must be installed according to the timeline required by the City Engineer.
9. Approval is for the plan is submitted with any required or necessary changes by Staff. (Planning)
10. Should any rooftop mounted equipment be proposed, it shall be screened by on all sides by a parapet wall that extends as high as the tallest equipment.

Summary of Discussion:

Chair Rigby asks if there is an update on the depth of the manholes for this phase. Engineer Shane Cardwell, representing the developer, states there were two that were over 12 feet deep and they are to be revised.

Motion to approve subject to Staff conditions.

Move: Michael Johnson Second: David Spragins Status: Passed

8. Motion to Adjourn

Move: Joseph Murphy 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

City of Oxford
Planning Commission
Planning Commission
Monday, August 8, 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; Joseph Murphy; Kate Kenwright; Kirk Milam; Michael Johnson; Robert Baxter

Remote Attendance

Judy Riddell; Paul Watkins; Reanna Mayoral

Not In Attendance

J.R. Rigby

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. August Planning Commission Memorandum

1. Call to Order

Call to order by Acting Chair Commissioner Joseph Murphy

2. Approval of the Agenda

Approval of the agenda - No changes

Agenda approved unanimously by those present.

Move: Kirk Milam Second: Michael Johnson Status: Passed

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

No changes to the minutes

Minutes approved unanimously by those present

Move: Michael Johnson 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. Administrative Approvals

1. Case #2881-A – Chick-fil-A, Inc has filed a request for Site Plan Amendment for 'Chick-fil-A FSU #2320' for property located at 2307 Jackson Ave West. (PPIN #7864)

C. Public Hearings

1. Public Hearing for Case #2882 - Paragon Bank (Mitchell Signs) has filed a request for a Variance from Section 7.2.9.6(f) Business Signs, Generally (Quantity) for property located at 2401 South Lamar 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 unzoned right-of-way to TNB (Case #2816) and then received site plan approval at the February 2022 meeting of the Planning Commission (Case #2824). The applicant requests a variance from

Section 7.2.9.6(f) to install more signage than is allowed by the Land Development Code. The new building will have three fronts and one side due to the location of the lot at the roundabout at South Lamar, Belk Boulevard, and Jefferson Davis Drive. The applicant requests approval to install three wall signs and one monument sign. Section 7.2.9.6(f) states that business signage is limited to no more than two signs per business façade and no more than three total signs. The wall signage proposed by the applicant totals approximately 185 sf whereas 200 sf of wall signage is allowed at this location.

Variations are granted when there are special conditions and circumstances which are peculiar to the land, structure, or building which are not applicable to other lands, structures, or buildings in the same district; and that these special conditions and circumstances do not result from the actions of the applicant. Staff believes that due to the condition of the lot (having three fronts), allowing one sign for each façade that faces a public road as well as a monument sign is appropriate in this specific instance.

Summary of Discussion: Commissioner Joseph Murphy asked for any comments or questions. Hearing none he asked for a motion.

Motion: Approve Variance as submitted.

Approved unanimously by those present.

Move: Michael Johnson Second: David Spragins Status: Passed

2. Public Hearing for Case #2883 - Lee & Sophie Hays (Grant Uline) have filed a request for a Final Plat (Amended) for 'Rosemont Subdivision, Lots 7 & 8' for property located at 112 & 114 Rosemont Loop (PPINs #34343 & #34342)

Planning Comments: The subject property is +/- 0.42 acres and is located in the Rosemont Subdivision inside the Grand Oaks PUD. The applicant previously was granted a request to combine lots 7 & 8 into one larger lot 7 (Case #2810). The applicant is returning to redivide the same lots to the same boundaries as before. The resulting property will meet the minimum lot size requirements for the underlying zoning and the setbacks will be governed by the standards set forth in the Grand Oaks PUD. Attached with this case file are letters of approval from other owners in the subdivision that the applicant has deemed adversely affected or directly interested. 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.

Summary of Discussion: Commissioner Joseph Murphy asked for any comments or questions. Hearing none he asked for a motion.

Motion: Recommend approval of amended Final Plat with Staff conditions.

Unanimously approved by those present

Move: Harry Alexander Second: Michael Johnson Status: Passed

3. Public Hearing for Case #2884 - Pine Bluff investments (Will Ashley) has filed a request for a Special Exception as provided in Section 2.6.5 Building Height – 3rd Story for the 'Wellington Place Development' for property located at 157 Strickland Lake off of Anchorage Road (PPIN #17752)

Planning Comments: The subject property is located on Strickland Lake, north of Anchorage Road. The subject property measures approximately 39 acres and it is zoned (NR) Neighborhood Residential. This development has been reviewed and approved by the Planning Commission and Mayor and Board of Aldermen on several occasions that date back to 2017, when the property was located outside of the City Limits in Lafayette County. The majority, if not all, of the eastern portions of the development (the entry road, dock, lake, duplexes, and clubhouse.) have been constructed.

The applicant is now proposing modifications to the west portion of this development, the subject of Case #2885. The proposal includes five quadplexes (2 & 3-bedroom units) along the southern portion of the lake, west of the entry roundabout. Due to the topographical challenges with this location, the applicant is requesting the ability to construct these quadplexes as 3-story buildings. All of these quadplexes will read architecturally as a 2-story building from the front of the structure, but they will have a lower floor from rear of the structure, or from the lake. The quadplex structures will have a primary entrance from the street that will provide access to all of the units internally. Each building will consist of two, two-story units (2nd story and 1st story or ground floor) and two, one-story units that are on the 3rd story. The architecture style is attractive and consistent with the styles of the rest of the development.

Summary of Discussion: Commissioner Kirk Milam asked project engineer Paul Koshenina to expand on the concerns with the lake listed in Staff report. Koshenina stated that the construction of the lake is dictated and permitted by the State Department of Quality. A modification to the original permit for the lake was submitted after changes were being made prematurely, but all has been resolved now and the department has approved the lake design as it currently sits putting the project in good standing with the state as well as for the engineering staff of the city. Commissioner Joseph Murphy asked if the proposed retaining walls would have to be approved. Requet stated that the Building Department would evaluate the structures, but Planning would just look at the height and type of block for standards adding that they were part of a previous approval. Commissioner Murphy stated that he was referring to the back of the houses. Paul Koshenina stated that the developer has hired an engineer that will be designing them. Commissioner Murphy asked for any further questions or comments. Hearing none, he asked for a motion on case #2884.

Motion: approve case #2884 with Staff conditions

Unanimously approved by those present

Move: Kirk Milam Second: David Spragins Status: Passed

4. Public Hearing for Case #2885 - Pine Bluff Investments has filed a request for a Site Plan Approval for 'Wellington Place, Phase 3' for property located at 157 Strickland Lake off of Anchorage Road (PPIN #17752)

Planning Comments: The subject property is located on Strickland Lake, north of Anchorage Road. The subject property measures approximately 39 acres and it is zoned (NR) Neighborhood Residential. This development has been reviewed and approved by the Planning Commission and Mayor and Board of Aldermen on several occasions that date back to 2017 when the property was located outside of the City Limits in Lafayette County. The majority, if not all, of the eastern portions of the development (the entry road, dock, lake, duplexes, and clubhouse.) have been constructed. This development is also the subject of Case #2884, a Special Exception request for a 3rd story building.

The 2019 approval for this development consisted of approximately 24 acres with a total of 80 attached and detached residential dwelling units. Since that time, the applicant has acquired an additional 15 acres and is proposing to amend the previously approved development proposal. The changes are on the west and northwest portion of the site and consist of modifications to the layout, road infrastructure, the addition of more attached and detached dwelling units, an enlargement of the lake, and more open space.

This development will now consist of 30 detached and 90 attached residential dwelling units. Also included in this modification is the addition of 5 quadplexes, however, previous approvals

consisted of four-plex townhomes. Since these quadplexes are 2- & 3-bedroom units, they are approvable by Staff through a Special Use. The development requires a total of 447 parking spaces and the proposal complies with this requirement by providing 456 parking spaces.

Motion: Motion to approve with Staff conditions

Approved unanimously by those present

Move: David Spragins Second: Harry Alexander Status: Passed

5. Motion to Adjourn

Motion to adjourn approved unanimously by those present

Move: Michael Johnson 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

City of Oxford
Planning Commission
Planning Commission
Monday, September 12, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In Attendance

Angie Gragon; Benjamin Requet; David Spragins; Harry Alexander; J.R. Rigby;
Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Robert
Baxter

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. September 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 August 8, 2022 Meeting

Move: David Spragins Second: Harry Alexander Status: Passed

4. Staff Report

Planning Director Requet gave an update on the new city case tracking software system.

a. Building Official's Report

5. Map of Cases this Month

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

B. Administrative Approvals

1. Public Hearing for Case #2886-A – Patrick Carr has filed a request for a Special Use for an Accessory Dwelling Unit as authorized in Section 3.5.6 Dwellings – Accessory of the Land Development Code for property located at 719 S 8th Street. (PPIN #8439) **Should an objection to the use be received by the Planning Department, the use shall be reviewed as a Special Exception**

C. Consent Agenda

Move: Joseph Murphy Second: Michael Johnson Status: Passed

1. Public Hearing for Case #2889 – Linda Bishop has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls, Front Yard Height, maximum for property located at 110 Hickory St. (PPIN #5457)

Planning Comments: The subject property is a residential corner lot of approximately +/- .28 acres located at the intersection of Hickory and Elm Streets. This property has frontage on the south and west side of the lot with the house facing Hickory Street. The applicant is proposing the installation of a 6-foot ornamental metal fence to deter deer. The fence would set back approximately 26 feet from the property line on the west side and tie into an existing fence across the rear of the property.

Commissioners should note that the gate indicated across the drive on the applicant's submitted plan is not being proposed at this time.

The Land Development Code states that, "in a front yard the maximum height of fences and walls shall be four feet above grade, and shall allow for visibility" (LDC, 5.5.2.6 "Other Design Standards" p.132). The applicant's use of ornamental metal fencing will allow for visibility as required by the Land Code Development Code. Variances from this code may be granted if the applicant can show, "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" (LCD, 9.4.1.1 "Variances" p.184). The applicant's request of a two-foot (2') Variance would allow for use of a backyard area similar to backyards enjoyed by owners of interior lots. Considering the unique constraints of corner lots, Staff finds this a reasonable request.

Recommendation: Staff recommends approval of the two-foot (2') fence height variance with the following condition:

1. Approval for the plan as submitted.

D. **Public Hearings**

1. Public Hearing for Case #2887 – Ran Management has filed requests for a) a Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed and b) a Special Exception as provided in 3.8.8.5 Restaurants: Additional Standards, Drive-Windows for property located at 5093 George G. "Pat" Patterson Parkway. (PPIN #40377)

Planning Comments:

The subject property is located at the corner of Hwy 314 and George G. "Pat" Patterson Parkway. The applicant proposes to construct a service station with 5 pumps and a convenience store with retail space, a drive-through commercial space, and a second story. This request is for a Special Exception for the use of a service station in a TNB district as allowed in Section 3.8.10.2 of the Land Development Code and for a Special Exception for the use of a drive-through window in a TNB district, as allowed in Section 3.8.8.5 of the Land Development Code.

A. Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed:

Standards for service stations are found in section 3.8.10.5 of the LDC and are listed below with Staff comment:

- a. All standards that apply to service stations as primary uses also apply to service stations as accessory uses. The primary use is as a service station.
- b. Stacking space for vehicle access to pumps at accessory services 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. The plan provides adequate stacking space (stacking will be within the lot), and service station is the use in this instance.
- 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 on the side of the retail facility (north).
- d. Primary buildings in the TNB must meet standard front build-to lines. The proposal complies with this requirement.
- e. All fuel pumps shall be located a minimum of 20 feet from property lines. 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. Not applicable.
- 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 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 complies with this requirement. The brick and stone used in the canopy wraps matches the materials of the proposed building.
- i. The design of pump islands should be architecturally integrated with other structures on-site

using similar colors, materials, and architectural detailing. The proposal complies with this requirement. The brick and stone used in the canopy wraps matches the materials of the proposed building.

j. All display items for sale should occur within the main building or within designated areas that are screened from public streets. The proposal does not address this requirement, but it will be a condition of approval.

k. Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials. The proposal complies with this requirement. The proposed canopy columns are wrapped in brick with a stone veneer for the base.

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

m. Screening for the use must meet all standards in Article 5. The proposal complies with this requirement.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the addition of a commercial business will be a benefit to the site & surrounding neighborhood. The area in which this proposed business is located is currently fairly undeveloped, and lacks commercial businesses to provide services to visitors to the area. A service station and C-Store, as well as the proposed restaurant space, will be convenient to visitors to nearby mTrade park. Staff recommends approval of the requested Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed with the following conditions:

1. Approval is for the plan as submitted (including elevations & materials) subject to necessary revisions per the Site Plan Review Committee

2. Applicant agrees that all display items for sale will occur within the main building or within other designated areas, and will be screened from public streets.

3. If building permits have not been issued within 18 months, the Special Exception shall expire.

B. Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-Windows:

As additional element of this service station, the applicant proposes a drive-through window on the west elevation of the building that will be used for a restaurant. Restaurants with a drive-through window are permissible by Special Exception in the TNB district, with the requirement that sufficient stacking exists to prevent backups onto access roads.

Staff has evaluated the proposal and it appears that there is sufficient stacking provided. Additionally, the drive-through will be located in the proposed plan. The City of Oxford has experienced issues with drive-throughs that lack sufficient stacking space that have resulted in safety issues with traffic backing into streets. Staff recommends a condition of approval that addresses this potential issue. The drive-through window is located on the northwest portion of the building, which screens it from view on the parkway and Highway 314.

In recent years, mTrade Park has become an asset that attract sports teams from the region for tournaments on a daily basis. The areas that surround mTrade Park were recently annexed into the City Limits of Oxford and retail and restaurant opportunities are lacking.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the drive-through window is appropriate to this location, and will be a benefit to the site & surrounding neighborhood. The applicant located the drive-through window in the most agreeable location for this particular site. As the window is located on a side elevation, the traffic and car stacking for patrons to pick up their items will be largely screened from both public streets and traffic associated with the restaurant will be contained on-site. There are not any restaurants or takeout available nearby making this addition a welcome addition to the site and surrounding area.

Staff recommends approval of the requested Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-Windows with the following conditions:

1. Approval is for the plan as submitted (including elevations & materials) subject to necessary

revisions per the Site Plan Review Committee

2. If Staff determines that the stacking queue for the drive-through is creating a safety concern due to it not being managed within the site and extending into the public right of way, the applicant shall be responsible for taking all necessary measures to direct their customers into the development to the satisfaction of Staff.

3. If building permits have not been issued within 18 months, the Special Exception shall expire.

Summary of Discussion:

There were questions about the second floor and the stacking potential of the drive through.

Commissioner Milam asked about the second floor with no windows. Kenwright said this would be worked out during the site plan review process. Engineer for the applicant John Granberry noted that they would make changes if needed during the building permit process. Chair Rigby noted that this is for the use, not the design; and they are agreeing to a functional second story.

Commissioner Alexander asked about the stacking concern; how will it work if the stacking does become a problem. Kenwright stated it would start with a complaint. Requet noted that this is not a typical type of drive-through; high volumes are not anticipated. It is more for call in and pickup, not ordering on the site. The condition will require them to take necessary measures if needed. There is a lot of potential for added queueing on the site, if needed. Commissioner Murphy noted a problem on the site plan drawing related to the drive-through windows. It was noted that this will need to be revised.

Chair Rigby asked what "taking the necessary steps would entail. He asked if they were making the window use contingent on orderly stacking. City Attorney Mallette noted that this is an important point. If the queueing is not properly done, it can be shut down. Chair Rigby stated that he preferred that the special exception for the window be contingent on that, not just staff evaluation. It was clarified that this goes with the use, not the owner.

Granberry noted that the area could be restriped if needed to create more stacking. Chair Rigby noted that he did not anticipate a problem here, but this is the general principle.

Motion on Service Station Use: Approve subject to staff conditions.

Commissioner Milam asked for clarification that this would be for just the one drive-through window since the plans currently show two windows. Kenwright indicated that the staff condition mentions providing corrections if needed. Requet noted that all is correct except the architectural floorplan which will be corrected.

Move: Spraggins Second: Milam

Status: Approved Unanimously

Motion on Drive-through Window: Approval to staff conditions, revise second condition to clarify that the special exception approval is contingent on well managed stacking on the property only, not causing backups in the street. Commissioner Milam requests that it be added that the Planning Department will monitor the window to make sure the stacking is functioning without problems, and that the special exception be shut down if it is unsafe.

Move: Milam Second: Murphy

Status: Approved Unanimously

2. Public Hearing for Case #2888 – Joey Moore has filed requests for a) a Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed, b) a Special Exception as provided in 3.8.8.5 Restaurants: Additional Standards, Drive-Windows, c) a Special Exception as provided in Section 3.11.9.2 Use of Unenclosed Rooftops: Districts Permitted, and **d) a Special Exception as provided in Section 5.6.1.8 Inappropriate/Appropriate Façade: Metal Siding (ITEM D is POSTPONED)** for property located at 2600 Old Taylor Rd. (PPIN #35103)

Overall Comments: The subject property is +/- 2.46 acres and located at the southwest corner of Old Taylor Road and Landas Rd (CR 356). The applicant is seeking to construct a Service Station with two bays for future commercial and a second story at this location, the site plan for which is currently under review. In this Case, the applicant is requesting several Special Exceptions to facilitate this Site Plan.

a) Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed: Service Stations are Special Exceptions in TNB districts. Additional Standards include:

- a. All standards that apply to service stations as primary uses also apply to service stations as accessory uses. Service Station is a primary use in this instance.
- 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. Service Station is a primary use in this instance.
- 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. While this site is a corner lot, the pumps are being placed in the front so as to shield residences along Landas from commercial traffic.
- d. Primary buildings in the TNB must meet standard front build-to lines. The primary building meets the build-to line on the north side of the property, the pump canopy meets the build-to on the east side.
- e. All fuel pumps shall be located a minimum of 20 feet from property lines. All pumps are over 20 feet from property lines.
- f. Wrecked, partially dismantled, or inoperative vehicles associated with an accessory motor vehicle repair service must be stored in an enclosed building. No such facility is proposed.
- 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. Adequate stacking is provided.
- 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. This requirement is satisfied.
- i. The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing. This requirement is satisfied.
- j. All display items for sale should occur within the main building or within designated areas that are screened from public streets. This requirement is a recommended condition of approval.
- k. Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials. Canopy columns are wrapped with brick to match the primary building façade.
- l. All lighting must meet the standards of Article 5, with fully shielded lighting under the canopy. Lighting requirements are met.
- m. Screening for the use must meet all standards in Article 5. Screening requirements are met.

The architectural elevations indicate that architectural metal siding is to be used for the portions of the building associated with the second story. The use of metal as a primary façade material is a Special Exception. Either this Special Exception shall be sought, or the material can be changed to an appropriate material per Section 5.6.1.8.

Recommendation: Staff recommends approval of the requested Special Exception as provided in Section 3.8.10.2 Service Stations: Districts Allowed after making the finding that the proposed Service Station will not adversely affect the public interest and that the housing development on Landas Rd allows the pumps to be located in a front yard, with the following conditions:

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.
2. Approval is contingent on Staff receiving updated exterior elevations to reflect updates to the northern architectural elevation that reflect that face as a front, including additional windows on both the first and second stories.
3. Approval is contingent on receiving Special Exceptions for the use of an unenclosed rooftop and the use of metal paneling or provision to staff of updated architectural elevations that indicate an acceptable material.
4. Should there be any items for outdoor sales, they shall occur within designated areas that are

screened from public streets.

5. If building permits have not been issued within 18 months, the Special Exception shall expire.

b) Special Exception as provided in 3.8.8.5 Restaurants: Additional Standards, Drive-Windows: The applicant proposes a drive-through facility on the south face of the building. Drive-windows are Special Exception in the TNB district. The standard for a drive-window is to ensure that sufficient stacking exist so as to prevent backups on to access roads. Sufficient stacking is provided for this drive-through window.

This drive-through will serve the Convenience Store portion of the building and will be used to serve call in orders. This window is located on the side of the building and does not face a City street.

Recommendation: Staff recommends approval of the requested Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-windows after making the finding that the proposed Service Station will not adversely affect the public interest, with the following conditions:

1. 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, the applicant shall be responsible for taking all necessary measures to direct their customers into the development to the satisfaction of Staff.

2. If building permits have not been issued within 18 months, the Special Exception shall expire.

c) Special Exception as provided in Section 3.11.9.2 Use of Unenclosed Rooftops: Districts Permitted: A portion of the proposed second story is an unenclosed rooftop to be used in conjunction with the enclosed second story space. Unenclosed rooftops are Special Exceptions in all districts. Additional Standards include:

a. Barriers. Physical barriers shall be located six feet inside the perimeter of any unenclosed rooftop in such a manner that individuals cannot stand within six feet from the edge of the rooftop. Such barriers shall not be visible from the ground. Such barriers are provided.

b. Non-breakable materials. All food and drink served or consumed on an unenclosed rooftop shall be served on or in non-breakable items. A restaurant is not proposed at this time, but the applicant has acknowledged this requirement should one be proposed.

c. Distribution. All food and alcohol served must be prepared for consumption within the interior of the building, but, once so prepared, may be transported to the unenclosed rooftop by either a patron or employee of the retailer. A restaurant is not proposed at this time, but the applicant has acknowledged this requirement should one be proposed.

d. Seating requirement. On any unenclosed rooftop, there must be seating available for all persons present on said unenclosed rooftop, and the number of patrons shall not at any time exceed the number of available seats. The number of patrons present shall be compliant in all respects and at all times with the International Building Code and all other applicable laws. A restaurant is not proposed at this time, but the applicant has acknowledged this requirement should one be proposed.

e. Building age. The commercial use of unenclosed rooftops shall not be permitted on structures 50 years or older. This is proposal is for new construction.

f. Existing commercial use of unenclosed rooftops. Any commercial use of an unenclosed rooftop existing at the time of the adoption of this Code shall be considered a nonconforming use and shall comply with all regulations for nonconforming uses. Furthermore, the unenclosed nonconforming use will meet all requirements for a Nonconforming Structure. Not applicable.

g. Additional building permit prerequisites. In addition to the other requirements and conditions imposed elsewhere in the land development code, no building permit shall be issued for a building containing the commercial use of rooftop space unless all the following criteria are met:

i. The applicant submits structural plans, with all loads listed, bearing an original stamp of a licensed engineer. Applicant has acknowledged this requirement.

ii. If, in the building official's sole discretion, the building official deems it appropriate to retain a special inspector to supervise and/or inspect construction, said special inspector is retained at developer's expense. Applicant has acknowledged this requirement.

Recommendation: Staff recommends approval of the requested Special Exception as provided in Section 3.11.9.2 Use of Unenclosed Rooftops: Districts Permitted after making the finding that the

proposed Service Station will not adversely affect the public interest, with the following conditions:

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.
2. If building permits have not been issued within 18 months, the Special Exception shall expire.

Summary of Discussion:

Commissioner Alexander asks about the unenclosed rooftop, and why it does not look like six feet from the edge. Baxter notes the railing is shown on the last page of the architectural drawings. Chair Rigby asks about the functional second story. He asks if the six foot buffer counts in the percentage needed for the size of the second story. Joey Moore, engineer for the applicant answers the question. Moore notes that the buffer areas do seem to be counted in other approved rooftop areas in Oxford. Requet also mentions what was done with The Graduate, the Courtyard Marriott, the one on The Square (Julep). He said that the safety space is strongly monitored during the site plan review process. Commissioner Murphy asks if the applicant chooses to open a restaurant, would they return to the Planning Commission. He suggests that if not, the approval have a condition, as done with the prior case, to establish that the special exception for the drive-through would be revoked if not functioning safely. It was agreed to do that.

Commissioner Milam asks about a legal nuance of the language related to some of the requirements for having the rooftop area. Commissioner Murphy asked if the special exception was revokable. City Attorney Mallette clarified that the language would be that the applicant has to agree to abide by the terms of the Special Exception, and if they did not, that would void the agreement. It would become a Code Enforcement issue. Mallette replies to Commissioner Milam, stating that it would be a code enforcement issue. Chair Rigby notes that the discussion had become rather technical. Planner Baxter asks if the Commission would like the amended condition to read the same as the language used for the prior case. Chair Rigby confirmed that they would.

- a) Special Exception for service stations: districts allowed motion to approve subject to staff conditions - Kirk Milam; second - Harry Alexander.
- b) Special Exceptions drive thru window: districts allowed motion to approve subject to staff conditions with amended second condition to clarify that the special exception approval is contingent on well managed stacking on the property only, not causing backups in the street- Joseph Murphy; second - Michael Johnson
- c) Special Exception Unenclosed rooftops: districts allowed motion to approve subject to staff conditions- Kirk Milam; Second - Harry Alexander

3. Public Hearing for Case #2890 – The Ole Miss Wesley Foundation has filed requests for a) a Special Exception as provided in Section 3.6.9.5.c Religious Assembly Uses: Additional Standards, Residential and b) a Variance from Section 2.6.3 Estate Residential, Front Yard Build-to Line, Minimum for property located at 425 Jackson Ave West. (PPIN #5762)

Planning Comments: The subject property is located on West Jackson Avenue and it measures approximately +/- 1.76 acres. The Ole Miss Wesley Foundation is a religious assembly use that has been located on this property since 1991 and it has an approximate 2,800 sq/ft building situated along the Jackson Avenue frontage, and a 600 sq/ft residence located at the rear of the property.

A) The Ole Miss Wesley Foundation is proposing to demolish the existing buildings in order to construct a new primary facility to support their mission. This new facility will include an office space (for the staff), a worship facility, a kitchen, activity space and lobby, lounge and coffee area. Additionally, the proposal also indicates living quarters that are attached to the primary facility. This one-bedroom residence will be utilized for guest missionaries that are visiting Oxford for a short time.

A second building is proposed that is located on the northern portion of the site. The Foundation is seeking the ability to have a communal living space for Ole Miss students that “participate in the life of the ministry and live with the ethical integrity that the ministry espouses.” The plans indicate a single building with two units. Each unit contains two bedrooms with two beds for a total of four

people per unit (8 residents in the entire building). Each unit is also equipped with a common living space, a kitchenette with a sink, microwave and mini-fridge and a laundry area.

According to Section 3.6.9.5(c) of the Land Development Code, residential monastery or convent or similar communal residential may be allowed as an accessory use for a Religious Assembly use. The application also notes that the neighboring property, "Rebels for Christ" has residential space for students that have shown the worth and integrity of intentional, religious community in the neighborhood. The Foundation also notes that the love and respect for the neighbors will be an expectation of Christian living and peace-disturbing conduct that is stereotypical of student housing (i.e. excessive noise and alcohol consumption) will be strictly prohibited on the premises.

Communal living for religious institutions/ministries is common in college communities (Wesley Center, Newman Center, etc.) including in Oxford. The proximity to campus and the large site makes this a good location for the proposed communal living. Additionally, the Foundation is proposing strict adherence to policies that prohibit excessive noise and the use of alcohol and drugs, which can lead to issues with neighbors.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the requested use is in an appropriate location due to its proximity to the University of Mississippi; that communal living for religious institutions is commonly found in college towns, even in the abutting Church of Christ property; and that the safeguard measures taken by the Ole Miss Wesley Foundation for its residents to restrict noise, alcohol and drugs will not be detrimental to the adjacent residential uses. Therefore, Staff recommends approval of the requested Special Exception with the following conditions:

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.
2. Approval of the Special Exception is subject to the proposed requirement and enforcement, by the applicant, of the safeguards that restrict noise, alcohol and drugs for its residents.
3. If building permits have not been issued within 18 months, the Special Exception shall expire.

B) The applicant is also requesting an approximate 15.7' variance from the front yard build-to line. In the Traditional Estate Residential zoning district, buildings shall be located a minimum of 40' front yard property line. In this instance, the site presents a challenge due to elevation change from Jackson Avenue to the north property line. The application notes that the natural terrain of this site falls approximately 25 feet from Jackson Avenue to the north property line.

The building is situated in a way that it complies with the front yard build-to line minimum distance, however, the Foundation would like a covered porch on the front of the building, which extends into the build-to line. The application also notes that the existing right-of-way for this portion of Jackson Avenue is located approximately 48 from the curb at the street, which is wider than most areas zoned TER. The applicant also states the if the variance is granted, the building will be approximately 72 feet from the edge of Jackson Avenue.

Recommendation: Staff believes that in this instance, due to the topography issues of the site and wide right-of-way of Jackson Avenue, that the building with the covered porch will provide for the desired build-to line distance from the street. Therefore, Staff recommends approval of the requested 15.7' build-to line variance with the following conditions:

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.

Summary of Discussion: Chair Rigby asks about the location of the street right-of-way on the plans, which look pretty deep. Requet notes that the distance of the curb from the porch will be sufficient.

a) Special Exception religious assembly uses: additional standards, residential motion to approve subject to Staff conditions - Michael Johnson. Second - Harry Alexander AIF

b) Special Exception estate residential, front yard build to line motion to approve subject to Staff conditions - Joseph Murphy. Second - Michael Johnson AIF

4. Public Hearing for Case #2891 – The City of Oxford has filed a request for modifications to the Land Development Code.

Planning Comments: Staff is proposing several modifications to the signage and definitions provisions of the Land Development Code. Staff met with the Ordinance Review Committee on Wednesday, August 31, 2022 to discuss these modifications. The following modifications reflect those conversations:

7.2.6 Sign Lighting.

All lighted or illuminated signs shall be constructed to prevent any undue glare in any direction which may interfere with traffic or become a nuisance to adjoining property. Except as otherwise provided, no sign or similar device shall flash or move. The message or image on any sign shall not be changed more than once per day. Interior illuminated business signs located within a three-foot radius and visible from any exterior window shall not move or flash. Signs providing noncommercial public service information such as “time and temperature” are permitted.

Rope Lighting

Rope lighting shall include any rope lighting for commercial structures along the exterior of a structure, exterior and interior of a storefront, along the perimeter of any window or within three feet of the interior of any window of said structure. Such rope lighting shall not be afforded any nonconforming status under this Code. All rope lighting, regardless of its time of installation, shall be deemed a violation of this Code and shall be removed. In an effort to allow the owner of the rope lighting a period to amortize the capital costs associated with the lighting, this paragraph shall not take effect until 30 days after the effective date of this zoning text amendment.

7.2.9.6 Business Signs, Generally:

g. Permanent signs and sign support materials shall be constructed of metal, painted or stained wood, masonry, glass, ceramics, concrete, or other materials if approved by the Director of Planning. Corrugated plastic is not an allowed material for permanent business signage.

7.2.9.8 Freestanding signs, monument signs and entry signs for multi-structure developments.

a. Height: Freestanding business or development entry signs may not be taller than six (6) feet high.

b. Size: The maximum sign area for a freestanding business or development entry sign shall be 40 square feet.

c. Design: Monument signage shall be constructed of a decorative base, sign face and a cap. All structural members that support the sign shall be enclosed with brick, decorative masonry, natural and decorative stone, masonry with a stucco finish, or painted metal to make them not be visible.

c d. Number of signs. Unless otherwise authorized in Section 7.4, signs are limited to no more than one per lot provided that where a lot has frontage on two public streets and has a minimum frontage of 300 feet on either street and a combined frontage greater than 650 feet, the number of freestanding signs may be increased to two.

d.e. Existing freestanding business signs, including pole signs, over six (6) feet tall, may remain until a new business locates on the property.

e.f Multi-structure Development Signs. Subdivisions and developments with multiple structures may display one (1) monument sign not to exceed six (6) feet in height and twenty-four (24) square feet in sign area per primary entrance into the development. In addition, developments containing multi-unit dwellings may display one (1) wall sign on the leasing or management structure not to exceed twenty (20) square feet in sign area.

f.g Ornamental Entry Structures. Entry structures into a multi-structure development that are not signs and are larger than allowed for sign structures may be considered by Special Exception.

g.h highway Corridor: Freestanding business or development entry signs for property adjacent to a State highway may request a larger sign by special use. Additional standards for granting the Special use are as follows:

iv. Requested signage may not be taller than eight (8') feet in height.

vii. The maximum sign area shall be forty (40) square feet.

10.2.273 Signs: Signs: Any outdoor display, device, figure, painting, drawing, message, plaque, poster, billboard, or other display surface and its supporting structure which is designed, intended to be used to advertise or inform, any part of the advertising or information contents of which is designed to be primarily viewed from any place on the traveled way of a street or highway. These may include (but not be limited to):

- a. Awning – A building mounted sign that provides additional functionality as a shelter. Lettering or symbols can be incorporated into the drop or valance or the awning surface. Awning signs may be illuminated, but internal illumination is not permitted.
- b. Banner, commercial: Any type of cloth, fabric or other material normally displayed between poles, attached to buildings or other supports which advertises any business, product, goods or service, but not to include “public service” banners.
- c. Banner, public service: Temporary banners(s) used to promote the civic, social, educational, cultural, moral, economic or industrial welfare of the community which are of a general public interest and not for the purpose of private financial gain.
- d. Business sign: A sign, which directs the attention of the general public to a business, product, service or activity, conducted upon the premises where such sign is located. Business signs shall be classified as an accessory business use and shall be permitted in all commercial and industrial zones. Business signs shall only be allowed on the premises upon which such business is located and any other type of “off-premises” business sign, other than shopping center entrance signs and outdoor advertising signs, is prohibited.
- e. Construction Sign. The signage to be included on each site requiring a land disturbance permit. Signage shall include at a minimum “Construction Site – No Trespassing”, the contractor’s name, 24-hour emergency contact number for the contractor, the name of the QCP, and a 24-hour emergency contact number for the QCP. Signage shall be visible from the street, public right of way, or proposed public right of way. Signage shall not be larger than 3 square feet and shall be considered a temporary sign in accordance with the City of Oxford’s Land Development Code.
- f. Digital billboard: Any billboard which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes, fiber optics, or other similar technology. Digital billboards include computer programmable, microprocessor controlled electronic, or digital displays that display electronic images, graphics, or pictures, with or without textual information.
- g. Flashing sign: A sign, the illumination of which is not constant in intensity when in use, except that illuminated signs which indicate time, date, temperature or other public service information, shall not be considered to be flashing signs. This shall include traveling messages, or any other electronic or mechanical movement of the message.
- h. Foot candle: See Section 10.2.11.5.
- i. Freestanding sign: Any sign (such as a monument or post sign) mounted on a support structure and placed on or anchored in the ground and which is independent from any building or other structure.
- j. Ground sign. See monument sign.
- k. Illuminated sign: A sign in which light is incorporated.
- l. Incidental signs: Business signs customary and incidental to the business conducted on premises such as “self-service,” “Master Charge,” “Visa,” or any other type of sign erected within any building.
- m. Marquee: A sign that is mounted to a permanent canopy. Commercial buildings in the 20th century, particularly hotels and theaters, commonly featured suspended canopies of metal, glass, and/or wood over entrances. These signs generally included lights or changeable messages.
- n. Monument sign: A freestanding sign that has a solid support structure with a base that is at least the width of the sign structure.
- o. Nonconforming sign. See section 3.1.6.
- p. Outdoor advertising sign: A sign which directs the attention of the general public to a business, product, service or activity not conducted upon the premises where such sign is located, and commonly known as “billboards.”
- q. Pennant: Any type of cloth, fabric or other material normally displayed on poles, strings, wires or by other means which contains distinctive colors, patterns or shapes and contains no business name, logo or other type of commercial message.
- r. Portable signs: Any business sign or outdoor advertising sign not permanently attached to a building, post, or other type of foundation and which is capable of being moved by means of lifting or rolling on wheels with a minimum of difficulty by disconnection of wiring, bolts, or other anchors.
- s. Post Sign: A freestanding sign that is mounted on one or two support posts.

t. Projecting sign: Any sign attached to a building, which projects outward from the building, normally at a 90-degree angle.

u. Rope Lighting: Rope lighting, also known as fiber-optic cable lighting, is made up of tiny lights, available in either incandescent or LED bulbs, spaced about an inch apart and surrounded by clear, flexible PVC tubing.

v. Sign area: The entire width within a single, continuous perimeter inclosing the outer dimensions of the actual message or copy area. It does not include decorative trim, customary extensions or embellishments nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one display face shall be counted in computing the actual sign area.

w. Temporary signs: Any sign not intended to be permanently located on the premises, usually noticing property for sale or rent, announcing a new business or new construction activity, or election related messages. Temporary signs are intended to be displayed for a limited time period, and they are not permanently affixed to the ground or any structure. They include, but are not limited to, signage methods such as banners or posters; and may take the form of "spike signs" that are affixed into the ground with metal spikes or stakes, or affixed to other solid objects with nails or staples or by other means. Such signs shall not be construed to be a "portable sign" as defined above.

x. Wall Sign. Lettering, symbols, and decorative elements that are intended to draw attention to, identify or brand a business that are painted on, applied to, or attached to the wall of a building.

y. Window Sign: Signage, including lettering, symbols, and decorative elements that are intended to draw attention to, identify, or brand a business, that are painted on, applied to (decals), or attached to the front or back of a window or on the glass portion of a door.

z. Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the land development code regulations.

Recommendation: Staff recommends approval of the requested modifications to the Land Development Code.

Summary of Discussion: Riddell asks about wood enclosures for monument signs. Requet notes the problem of people cutting down a pole sign and mounting a monument sign on the bare post. Riddell said why could wood not be used to enclose monument sign, rather than masonry or metal. Requet clarified that the change pertained only to the base, not the sign.

Motion to recommend approval.

Move: Kirk Milam Second: Harry Alexander Status: Passed

5. Motion to Adjourn

Move: Joseph Murphy Second: Michael Johnson 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

City of Oxford
Planning Commission
Planning Commission
Monday, October 10, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

Angie Gragson; Benjamin Requet; Hollis Green; J.R. Rigby; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Rick Addy; Robert Baxter

Remote Attendance

Harry Alexander; 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. October Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

AIF

Move: Michael Johnson Second: Kirk Milam Status: Passed

3. Approval of minutes from the September 12, 2022 Meeting

Deferred until next meeting

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

Motion to approve

Move: Kirk Milam Second: Michael Johnson Status: Passed

1. Public Hearing for Case #2894 – Burroughs Restaurant Group has filed a request for a Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-in Service for property located at 1506 University Ave. (PPIN #8039)

Planning Comments: The subject property is +/- .63 of an acre parcel located on the south side of University Avenue. The applicant has just recently constructed a build housing Guthrie's Chicken on this site. The applicant was previously approved for a drive-through window on the east side of the build and is returning to propose a walk-up window on the west side of the building.

The applicant has expressed the desire to capture late night pedestrian business after the dining room has closed. They propose to facilitate this by removing the window closest to the west door and replacing it with a pass-through window. This will also entail the removal of one table on the interior which will be replaced with a service counter.

Staff believes that the proposed location on the side of the building will not be detrimental aesthetically, nor should it cause any stacking issues.

Recommendation: Staff recommends approval after making the finding that the requested walk-up window will not adversely affect the public interest, with the following conditions:

1. Approval is for the plan as submitted.
2. Public Hearing for Case #2898 – Alex Ali has filed a request for Final Plat Amendment for ‘Oxford Commerce Park, Lots 1 & 2’ for property located at 108 Commerce Drive. (PPINs #29161 & #29162) **(WITHDRAWN)**

C. **Public Hearings**

1. Public Hearing for Case #2892 – Joey Moore has filed a request for a Special Exception as provided in Section 5.6.1.8 Inappropriate/Appropriate Façade: Metal Siding for property located at 2600 Old Taylor Rd. (PPIN #35103) **Postponed from September**

Planning Comments: The subject property is +/- 2.46 acres and located at the southwest corner of Old Taylor Road and Landas Rd (CR 356). The applicant is seeking to construct a Service Station with two bays for future commercial and a second story at this location, the site plan for which is currently under review. In this Case, the applicant is requesting a Special Exception for the use of metal paneling in association with portions of the building associated with the second story.

The applicant has provided material specification sheets that indicate that the metal paneling proposed will be corrugated steel. This kind of paneling is inconsistent with the kinds of metal paneling previously approved by the Planning Commission.

Recommendation: Staff recommends denial of the requested Special Exception.

Summary of Discussion: Commissioner Milam asks if this is a change from their prior proposal. Planner Baxter indicates it is not, as they did not have the material specifications at the prior consideration. Commissioner Riddell asked staff why this material not allowed, as it is used on a lot of commercial properties. Director Requet explains that when redoing the Code the Mayor and Aldermen heard from many who wanted materials standards. So the code limits the use of some materials, related to the appearance of corrugated metal buildings. That evolved to now allow its use by special exception.

Motion to approve.

Commissioners Milam, Riddell, and Alexander voting to approve.
Commissioners Rigby, Johnson, and Murphy Voting to deny.

Move: Kirk Milam Second: Judy Riddell Status: Failed

2. Public Hearing for Case #2893 – Ran Management has filed a request for Site Plan Approval for ‘Evergreens C-Store’ for property located at 5093 George G “Pat” Patterson Parkway. (PPIN #40377)

Planning Comments:

The applicant, Ran Management, seeks Site Plan Approval for the Evergreens C-Store. The subject property is located at the corner of Hwy 314 and George G. “Pat” Patterson Parkway and measures 1.50 acres in size. The property is a corner lot and has frontage on both Hwy 314 and Pat Patterson Parkway. The applicant proposes to construct a new 7,000 sq ft service station with 5 pumps and a convenience store with retail space, a drive-through commercial space, and a second story.

The applicant received two Special Exceptions related to this site at the September, 2022 meeting of this Commission: a Special Exception for the location of a service station on the site Case #2887) and a Special Exception to install a drive-through window on the west elevation of the building (Case #2887).

Use and Parking Requirements

The use of this site for a service station was approved by Special Exception. 36 parking spaces are proposed, including 3 handicap spaces.

Coverage

The lot coverage in TNB is a maximum of 80% and 64% coverage is proposed. The total coverage measures 41,883 sq ft on the 1.5 acre lot (65,340 sq ft).

Other Review Elements

- Landscaping – The proposed landscape design meets all standards related to frontage trees, parking lot trees, edge plantings and through landscaping around the stormwater detention pond
- Tree Mitigation – There are no trees on-site that are large enough to require mitigation
- Architecture & Building Materials – Materials proposed include brick veneer, decorative stone, aluminum and glass storefront, cementitious siding (parapet) and EIFS (cornice). The pump island & canopy will match the materials of the building per LDC section 3.8.10.2.i.
- Sidewalk – Plans include the construction of a 5' concrete sidewalk along and adjacent to the property on the public right of way. The sidewalk will connect into the service station's facility and will be constructed to connect to future development in the area.

Engineering Comments

Access

Access to the site is proposed from two points, one on Highway 314 and one on Patterson Parkway. The access to Highway 314 will require a permit from the Mississippi Department of Transportation (MDOT).

Water and Sewer

Water will be provided to the development via an existing 12-inch water main running along Patterson Parkway. Sewer will be collected from the proposed facility into the existing 18-inch sewer main running along Highway 314.

Storm Water

Storm water management for this site plan is proposed to be handled by above ground detention area located along the western property line. The storm water management plan has not been approved as of yet. Approval of the storm water management plan shall be a condition of approval of the site plan.

Recommendation: Staff recommends approval of the site plan for Evergreens C-Store located at 5093 George "Pat" Patterson Parkway with the following conditions:

1. Approval is for the Site Plan as submitted. (Planning)
2. Permit from MDOT required for connection to Highway 314. A copy of the permit must be provided to the office of the City Engineer. (Engineering)
3. Final approval of the storm water management plan. (Engineering)

Summary of Discussion:

Chair Rigby questions the location of the drive through. The plan shows it nearest the northeast corner, and he is curious about the stacking plan. Why not put it where could be more stacking area?

Engineer for applicant John Granberry replies that they do not anticipate much stacking as it is a pickup, not a wait for food window. Rigby reconfirms the location and notes that would seem to have the window on the passenger side of cars. Granberry acknowledges this could be a concern and replies that it may have to be moved. He will talk to the architect about the placement and might relocate it to the south and west location.

Motion to approve subject to Staff conditions.

3. Public Hearing for Case #2896 – David Blackburn has filed a request for a Modification to the Oxford Commons Planned Unit Development as provided in Section 2.6.16.9 for property located in the Oxford Commons PUD. (PPINs #4705, #4712, #26553, #26626, #34946, #34959, #35511, #35512, #35513, #35514, #35515, #35516, #35744, #35745, #35746, #35747, #35748, #35749, #35750, #35751, #35752, #35753, #35754, #35755, #35756, #35757, #35758, #35759, #35760, #35761, #35762, #36015, #37317, #37318, #37319, #37320, #37321, #37324, #37325, #37907, #4721, #26605, #27714, #27715, #27716, #27718, #27720, #27721, #27876, #28528, #31270, #33596, #33597, #33598, #33599, #35763, #35764, #35765, #35766, #35767, #35768, #36094, #36095, #23803, #26627, #26628, #26629, #26630, #26631, #34467, #35118, #36017, #36096, #26621, #31266, #32820, #35586, #35587, #35769, #36702, #37910, #38120, #38121, #38122, #38123, #38370, #39474, #39390, #39475, #39753, #39754, #39755, #39756, #39757, #39758, #39806, #40363, #40330, #40326, #40327, #40331, #40381, #40715, #40721, #40737, #41200, #41205, #4502, #33805, #34983, #34984, #35082, #35500, #35501, #35502, #35503, #35504, #35505, #35506, #35507, #35508, #35509, #35510, #35517, #35518, #35519, #35520, #35521, #35522, #35523, #35524, #35525, #35526, #35527, #35528, #35529, #35530, #35591, #35531, #35532, #35568, #35533, #35576, #35534, #35535, #35536, #35537, #35589, #35538, #35575, #35539, #35540, #35541, #35542, #35573, #35772, #35773, #35774, #35775, #35776, #35777, #35778, #35779, #35780, #35781, #35782, #35783, #35784, #36517, #36701, #36713, #37276, #37277, #37278, #37279, #37280, #37281, #37282, #37283, #37284, #37285, #37286, #37287, #37288, #37289, #37290, #37291, #37292, #37293, #37294, #37295, #37296, #37297, #37298, #37299, #37300, #37301, #37690, #37696, #37689, #40179, #36715, #38639, #37303, #37304, #37305, #37307, #37308, #37309, #37310, #37311, #37313, #37314, #37315, #37316, #38133, #38134, #38135, #38136, #38137, #38138, #38139, #38140, #38141, #38142, #38143, #38144, #38145, #38146, & #38147)

Planning Comments:

As a result of recent experiences, Mr. Blackburn is seeking a modification to the Oxford Commons Planned Unit Development (Case #2896), a Special Exception for a Gated Entry (Case #2895), and a new Preliminary and Final Subdivision Plat for 'The Preserve, Phase 5 at Oxford Commons' (Case #2897). The Oxford Commons PUD was last modified in April 2019.

This modification proposes 3 changes to the Oxford Commons PUD:

1. A change to the Vehicular Circulation Design proposes to change a public roadway to a private drive that allows for emergency access through a portion of Tract G. This change relates to the other requests by the applicant but specifically due to the desires to install a gate.
 - a. The application notes that an easement is granted to the City of Oxford.
 - b. A pedestrian access easement is granted to the Oxford Commons HOA for the use of the sidewalks along the private driveway.
2. The total quantity of Residential Units in Tract G is reduced from 67 (approved in 2019) to 44.
3. A few minor revisions to the Clarification & Summary of Conditions list.

The primary change to the PUD is to change a portion of Lakewood Hill Drive from a public road that connects to Pin Oak, eventually Commonwealth, and F.D. Buddy East Parkway in order to allow a gate. Since gated entries are prohibited across a public road according to city ordinances and state law, the applicant has withdrawn the previously considered subdivision request for 'The Preserve, Phase 5' in order to reduce the total quantity of lots, and to change the road to a privately owned and maintained road in order to facilitate the gate request.

Gated entries have been the subject of many conversations and requests to the Commission over the years. The Guiding Principles stated in the Vision 2037 Comprehensive Plan and the Land Development Code are expressions of the community's vision and values that establish six fundamental design and planning principles to guide Oxford's future growth.

Principle #1 recognizes Oxford's historic ways of town planning and encourages those traditions as a framework for future growth. Historically, single-family developments in the City of Oxford do not have gates restricting access and are contrary to Principle #1 of these guiding principles. However, in recent years, the Commission has approved gated entries for some multi-family developments. The current Land Development Code did incorporate many design and safety

elements as part of the review for these requests.

Principle #4 encourages a densely connected network of streets and roads that serve all users of the transportation network and gates can limit and even disrupt this connectivity. The applicant is proposing a modification to the Oxford Commons PUD that proposes to change the vehicular circulation plan from what was previously approved by the Planning Commission and Mayor and Board of Aldermen. This change, in order to facilitate the gated entry request, will limit connectivity options in the Oxford Commons development.

Since its inception, the Oxford Commons PUD intended to have a robust and interconnected street network, east/west and north/south. While a few changes have been made to the PUD over nearly two decades, the interconnected streets, including Lakewood Hills Drive, have remained a constant element.

Engineering Comments:

As stated in the report for Case 2897, Final Plat for Preserve Phase V, the change of a segment of Lakewood Hills Drive from public right-of-way to a private drive does have some impact on traffic circulation within Oxford Commons. The immediate impact will be to direct all traffic within the Oaks Development back to the intersection of F.D. "Buddy" East and Sisk Avenue rather than allowing some traffic the option to continue on Lakewood Hill Drive to Pin Oak, where it would then enter Sisk Avenue. Future development within the Oaks may require an evaluation of the traffic impact at this intersection and a signal may be required beyond what has been previously considered in traffic studies due to the change in interconnectivity. This would be evaluated with construction of future phases of the Oaks, excluding Phases 7, 8, 19 and 27 which should not warrant a traffic signal due to the number of homes at this time.

All infrastructure for Lakewood Hills Drive was designed and anticipated for construction according to City specifications. Staff was preparing for a final inspection of the infrastructure earlier in the summer and has visually observed that sidewalks, curb and gutter and stormdrains are present for the most part. Staff does foresee that the City will be approached to assume ownership and maintenance of this portion of roadway at some point in the future due to maintenance costs as has been the case on multiple other streets that were initially retained as private. In most instances, the streets were not constructed to City standards and/or there is a lack of certification regarding the construction, which creates a financial risk and/or burden for the City and prohibits a recommendation for acceptance. Staff has recommended that a final inspection of the existing roadway infrastructure be performed with a possible exception being the video inspection of the storm drain pipes, which is normally completed by the City but may be completed by the developer in this instance. The completion of the final inspection and resulting Engineer's Certification of compliance with all City of Oxford specifications would allow for the street to be dedicated to the City in the future pending any necessary maintenance repairs, possible video inspection of the storm drains and possible installation of street lights.

As also stated in Case 2897, Section 4.5.9.3 of the Land Development Code requires that no permanent dead-end streets shall be longer than 800 feet in length. The proposed City owned portion of Lakewood Hills Drive to the west of the proposed gate appears to meet that requirement based on measurements from aerial imagery from Pin Oak drive to the proposed western cul-de-sac (approximately 775'). Any gate would be required to be equipped for emergency access including use by Oxford Utilities and North East Mississippi Electric Power Association to read the water, irrigation and electric meters each month and make any repairs. In the event of an emergency requiring alternate means of ingress and egress beyond the public streets, the gates would be opened for public use. Given the presence of multiple large diameter pipes under the roadway that will be expensive to maintain, staff also requests the emergency access easement be provided in writing with maintenance requirements and responsibilities noted and requiring the roadway to be maintained for use from each end at all times.

Recommendation: Staff is not supportive of the request to modify the PUD because it will limit the intended interconnected street circulation for residents and other citizens.

One email in opposition has been received.

Chair Rigby states that he understands the modifications to the PUD, but thinks it will be helpful to hear the presentations on the other two related cases before starting the discussion. Requet presents the staff report on the requested subdivision modification and the gate request. Staff recommends approval of the subdivision request, and denial of the gate request.

Summary of Discussion:

Paul Koshenina presented all three Oxford Commons cases (Case #2895, #2896 & #2897) to the Planning Commission on behalf of Mr. Blackburn. He made a clarification that the current road is still privately owned by Mr. Blackburn because it has not yet been presented to the City for acceptance of ownership and maintenance. Mr. Koshenina acknowledges that Mr. Blackburn is agreeable to having the road and infrastructure inspected. He stated that this request is an attempt to minimize through-traffic on this roadway and to make them safer. Mr. Koshenina to reiterate that the three lot owners of this subdivision will be responsible for the ownership and maintenance of the infrastructure and the dam.

Chairman Rigby inquired if the two lot owners in this phase will have access through the gate? Mr. Koshenina acknowledged that they would have access through the gate and that all HOA members will have pedestrian access through the gate. Chairman Rigby expressed concerns about the circulation issues that are being created by this request. Chairman Rigby inquired if alternative road locations were considered. Mr. Koshenina indicated that they did evaluate other potential locations for the road but they are not feasible due to the terrain. Chairman Rigby noted that the Commission has already seen two additional plats for the Oaks, the east of the Preserve, that are provided access from Lakewood Hill Drive. If this road is privatized, what is the plan for providing access? Mr. Koshenina noted that Precision intends to submit plans for approval for construction of Buddy East Parkway to those subdivisions that have been approved and that utilities will be provided.

Chairman Rigby mentioned that the plat indicates the City will keep maintenance of the water line under Lakewood Hill Drive but if utilities can come up Buddy East, then the City does really have an interest in maintaining 2200 feet of water line. Mr. Koshenina noted that any water line that provides fire access has to be publicly maintained. Chairman Rigby stated that based on his experience you can build your home as far off of the road as you want to but it is your responsibility to get the utilities from the road to your home and that this is the same instance but it is stretched considerably. Mr. Koshenina stated that this water line extends to the east to the cul-de-sac and into the phases of the Oaks. Chairman Rigby questioned who is financially responsible for maintaining it. Mr. Koshenina stated that perhaps that is a conversation that needs to be had. Reanna Mayoral (City Engineer) commented that there are not many instances where a water line extends this far but that they do like to have water lines create a loop but there are merits to both sides of the conversation. Chairman Rigby inquired on the total number of homes planned to be constructed in the Oaks. Mr. Koshenina acknowledged that the PUD allows for 389 homes. Chairman Rigby stated that circulation options does factor into the conversation based on how many homes are constructed and concerns with circulation on Sisk Avenue, especially if it becomes the only east/west connector.

Commissioner Milam inquired about the sewer line connecting over to the Oaks. Mr. Koshenina stated that the sanitary infrastructure will come with the extension of Buddy East but there could be a future connection to the lift station on Lakewood Hill Drive but it is intended that the sewer lift station is intended to be private. Commissioner Milam expressed concerns about a private segment in the middle of a public sewer system and if the public needs to make a change or a repair, then they are dependent on the private person in the middle agreeing to do what the City wants to do. Mr. Koshenina acknowledged that it is a legitimate concern and that it could be discussed just like the water line issue. Commissioner Milam asks if the amendment of the PUD is allowing other portions of the PUD to be gated. Ben Requet (Director of Planning) stated that any other proposals to gate a road would require a PUD modification.

Commissioner Riddell noted that the PUD modification does not have an application, and that there is not a justification for why the applicant is making the request; every time we have a variance or a special exception there is a reason why and I haven't heard that. Pope Mallette (City Attorney) it's a good question because we are conflating these to get to the final issue which is the gate. But we do have to take them separately and ask yourself if the requirement for a PUD Amendment met

here and then ask yourself if the subdivision meets the statutes and the ordinances. Starting with the PUD Amendment, Mississippi sort of weirdly says that a PUD change, the whole point of granting PUD's with all the varying zoning within the PUD, is that it is planned out in advance and everyone gets their say down to roads and alleyways and generally what sort of use will be had. Some states say that a PUD modification can be different than a rezoning but Mississippi says that if you modify a PUD that you should meet the same standards for modification.

You should show a substantial change in the neighborhood and a need for the requested change. We don't always put out that requirement because it is not a change in the zoning because the zoning within it is staying the same. I can tell you that there is a Mississippi Supreme Court opinion that says you do have to find that those things sufficient for public change and need have been satisfied for a PUD amendment. We have that issue come up every now and then and it is usually not challenged as a rezoning but it does have certain elements of the rezoning. I am not sure what the specific change and need is. The owner of that plat is making that request and I am not sure what the underlying change and need is nor do I know if the Planning Staff has gotten exactly to that question because for a number of other reasons their recommendation was to deny the request.

Chairman Rigby stated that the Land Development Code provides specifically for modifications to a PUD and I think in the way it is worded it is not a rezoning. The way that I understand that roadways and circulation don't typically appear in zoning, they appear in a plat. In a PUD you would have the conceptual roads and so there seems to be some interstitial space where a typical rezoning and what is laid out in the master plan. In this case, it is a substantive change to the PUD but like you said it is residential zoning either way.

Commissioner Milam stated that he still doesn't understand why there is a need to do this and that needs to be put forth since you're asking to change the circulation flow for a lot of people that bought houses in this area. Mr. Koshenina stated that the need is a desire to make these internal roadways as safe as possible. This PUD has been here for a long time and sometimes things change and morph and the vision of how traffic flows and the ideas of what is safe and what is not do change. In this scenario, the homeowners in the Preserve will still have all the ways to get to the commercial center that they do now, which is currently one, Sisk Avenue.

We don't intend to modify the PUD now or in the future to eliminate the secondary access from the Preserve area that will connect in front of Malco, so they will have multiple [points of access. There are no lot owners in the Oaks, the area east of the high school. That area is under construction, no homes have been sold is my understanding. So, anyone that purchases a home will understand how they access their home and how to get to highway 6 or highway 7.

Commissioner Riddell asked what is the reason for why they want this? David Blackburn stated that he inherited the PUD in 2012 and it is a big property and as you develop it you find ways to improve. As we have developed out the Preserve area and the area where my personal home is, we have realized that is not a great area for a major thoroughfare to go through. We do see the reality with how we will get to Highway 30 and it will make this road more of a major thoroughfare. We are designing the road to handle a lot of traffic from Highway 30 to Buddy East to Sisk Avenue. It is built for that kind of traffic.

The area that we are talking about is a two-lane road with two blind spots. I have been speaking to everyone on that road and I have spoken with all but one or two that are not in favor of it. This is more of an internal street to handle the traffic of the people in that neighborhood. Now it has become apparent that this is the best solution going forward. Concerning private of public of the water or sewer, I am fine with whatever is best for the City. There were a couple rumors that the HOA paid for these roads to be built and cleared but I own these roads personally.

Commissioner Alexander noted that in 2015 (Case #2483) on page 2, the recommendation has to do with the three entities coming together on different items but how the PUD would enhance the community as a whole with the connectivity that it is proposing. If you go to page 20 it does show the two main connectors east and west were Lakewood Hill Drive and Sisk Avenue and with the

addition of the Oaks area and Buddy East, to me it makes a lot of sense to leave the PUD the way that it is.

Greg Jones (Preserve Resident), David is correct that the road is not designed for public through traffic but if it is approved, I don't think the HOA would be thrilled with maintaining the road and the lake. I would not be happy to have to pony up to cover the cost of that road and water in the future. Chairman Rigby clarified that the private portion of the road would be maintained strictly by Lot 3 ownership. Greg Jones also said that he will maintain the maintenance of the road and water, you are going to incur the cost of the gate and the maintenance of the gate. Mr Blackburn affirmed this. Greg Jones stated that this will prevent us from having to extend west from the dead-end of Lakewood Hill Drive over to the Malco. Chairman Rigby acknowledged that that is not being requested tonight.

David Blackburn stated that the homes to the west of Preserve Phase 5 on Lakewood Hill Drive are already on a public road that he would not be maintaining. This would be a savings for the HOA, there is a dam that the HOA for Phase 5 would be maintaining.

Jameson Gilbert (Commons resident), Worked a lot overseas, many SOFA agreements, there is difficulty when there is private property, HOA property and public property all being gained access at different times. What happens when another homeowner replaces Mr. Blackburn in 10-15 years, will they be able to maintain everything, will it be passed on to the HOA, there are about 200 homes in the development, the goal is 1000, if that is never reached, this could be a major expense to the HOA. What is the liability to the HOA if someone gets hurt down the private road, will police be able to get there in a timely manner because of the gate, another thing for fire to have to go through.

David Blackburn stated that there is no way something that is private property can become the HOA responsibility without the HOA taking that responsibility. Not sure how the HOA could be held liable for private property. Chairman Rigby hypothetically if the bank foreclosed on your property, would the bank be liable for maintenance costs or would that fall to Lots 1 & 2. David Blackburn the Bank would be liable.

Commissioner Milam, if you don't own the property the responsibility doesn't pass through your deed. You said you'll take on responsibility of the road and the sewed and the dam, and that's you making a personal obligation, but if you don't own the property anymore then no one is obligated to take on that responsibility. David Blackburn said that the Preserve Phase 5 will have a sub HOA that is documented where who's responsible for what on that property. If the sewer doesn't work, that only serves one house. Commissioner Milam stated that the real concern is the dam. If the dam goes it hits everything in the Oaks. David Blackburn says best case scenario is he lives for another 50 years and maintains the dam for the entirety of that time. Worst case is what's happening now, the HOA is responsible for maintenance of the dam.

Pope Mallette this is a good question that led to a change today, there was wording that said that if the HOA was dissolved that the entire Preserve would have the responsibility in joint tenancy common to operate and maintain the dam. David has made the change to take that responsibility. The City's position is still that they don't recommend this because not sure if he is unable to take care of it that is expands back outward to who currently has that duty to preserve it.

Commissioner Riddell asked if someone were to come in next year and buy out Lot 3 would they take on this responsibility for the dam. David Blackburn stated that they would as a member of the subset HOA. Commissioner Riddell stated her concern is that this puts a lot of people and the City dependent on one person. David Blackburn states that the dam is currently HOA responsibility and he is offering to take the burden off the HOA. Chairman Rigby stated that concentrating that responsibility is not necessarily a benefit to the residents downstream of the dam. Much of the discussion has been that the proposed changes to the PUD create more problems than they solve. David Blackburn stated that he thinks this benefits the people that are most affected by this area and that there can be a good outcome for the City and all the residents that are affected by it.

Dick Dickerson (Commons Resident) stated that he lives on Lakewood Hill Drive. When they built their house 5 years ago, they liked that the neighborhoods were connected, the streets were landscaped, bike lanes, walking trails and a lake for all the residents to use. The masterplan was

attractive and appealing and was market as having these amenities. They would like it to remain that way. Their street was an east-west through street with access to Highway 30, Buddy East Parkway and a proposed recreational center at Buddy East and Sisk. The ideal way to get to the center would be down Lakewood Hill Drive.

He displayed the master plan that was given when they purchased as well as the original PUD documents from 2010, 2014, 2015 and 2019 all showing circulation. Changing that from how it was sold to them is a mistake. Agrees with the Planning Department that the gate shouldn't be allowed. Phases 7 & 8 of the Oaks show this connection. Chairman Rigby clarified that if this request is approved, phases 7 & 8 will require a plat amendment.

Motion to recommend denial of request
Approved Unanimously

Move: Michael Johnson Second: Kirk Milam Status: Passed

4. Public Hearing for Case #2897 – David Blackburn has filed a request for Preliminary and Final Plat Approval for 'The Preserve, Phase V, at Oxford Commons' for property located at Lakewood Hill Drive. (PPIN #40179)

Planning Comments: At the July 11, 2022 Planning Commission meeting, Mr. Blackburn received an approval recommendation from the Commission for Case #2869, a Final Plat of The Preserve, Phase 5 subdivision. This item was never heard by the Mayor and Board of Aldermen, and on September 15, 2022, the Planning Department received a request to withdraw Case #2869 from the applicant's engineer.

As a result of recent experiences, Mr. Blackburn is seeking a modification to the Oxford Commons Planned Unit Development (Case #2896), a Special Exception for a Gated Entry (Case #2895), and a new Preliminary and Final Subdivision Plat for 'The Preserve, Phase 5 at Oxford Commons'. This new subdivision proposal consists of a total of 3 lots, a reduction of 8 lots from the previously considered proposal. Lot 1 will measure approximately 2.47 acres, Lot 2 will measure approximately 2.585 acres and Lot 3 will measure approximately 20.446 acres. There are two additional areas of Limited Common Area/Conservation Area that have been added to this plat that were not previously considered.

Since the applicant is requesting a Gated Entry at both the west & east portions of Lakewood Hill Drive, the road, sidewalks, sewer, and lift station will all be privately owned and maintained; the City will still own and maintain the water line and an easement is provided. An easement is also provided to the City to allow emergency access across the private drive. The owner of Lot 3 will also provide to the Oxford Commons HOA, a pedestrian access easement along and across the private drive.

Engineering Comments:

Since the Planning Commission approval of Final Plat for the Preserve Phase V (Case 2869), the owner/developer has requested changes that impact infrastructure ownership and maintenance in addition to changing the lot layouts.

Access and Streets

This development will connect to Preserve, Phase III via an extension of Lakewood Hills Drive and to the future Oaks Phases 7 and 8. However, City ownership and maintenance will terminate at the western cul de-sac. An emergency access easement will be provided for the portion of Lakewood Hills Drive that extends to the east until it joins the portion of roadway noted as right-of-way as part of the Oaks Phases 7 and 8 Case 2833 (February 2022). Section 4.5.9.3 of the Land Development Code states that no permanent dead-end streets shall be longer than 800 feet in length. The City owned portion of Lakewood Hills Drive appears to meet that requirement based on measurements from aerial imagery. While the majority of the area of Lakewood Hills Drive shown on this plat will be privately owned and maintained, Staff has recommended that a final inspection of the existing roadway be performed with a possible exception being the video inspection of the storm drain pipes, which is normally completed by the City. The completion of the final inspection and resulting Engineer's Certification of compliance with all City of Oxford standards would allow

for the street to be dedicated to the City in the future pending any necessary maintenance and video inspection. Staff does believe that the City will be approached to assume ownership and maintenance of this portion of roadway at some point in the future due to maintenance costs and the completion of the inspection and certification would be important at that time.

The area designated for future extension of F.D. "Buddy" East needs to be noted as public right-of-way if it is to be dedicated as part of this plat.

The traffic impact requirements for new development within Oxford Commons have been fulfilled for the near future by the recently completed roundabout improvements on Sisk Avenue and F.D. "Buddy" East Parkway. The change from a City owned street throughout to a privately owned street does have an impact on traffic patterns within the development by directing traffic back towards the intersection of F.D. "Buddy" East and Sisk Avenue. This additional traffic is not impactful at this time or in consideration of the Oaks Phases 7 and 8. However, future development within the Oaks may require an evaluation of the traffic impact at this intersection.

Water and Sewer & Utility

Water and sewer infrastructure have been installed and are pending a final inspection. Water for the development will connect to an existing 8" City of Oxford water main that was capped at the current terminus of Lakewood Hill Drive and The Preserve, Phase III. The City will continue to own and maintain the water infrastructure within the private street and an easement will be provided. Due to the reduction in the number of homes being served, sewer from the site will be collected and flow by a private gravity sewer line into a privately owned and maintained lift station. It is possible that the developer may choose to extend gravity sewer towards the Oaks Phases 7 and 8 and the City would assume ownership of the sewer main at that time pending inspection. From the proposed public lift station, sewage will be pumped to an existing manhole on Lakewood Hill Drive at the existing terminus in the Preserve Phase III.

Stormwater, Common Area and Conservation Areas

As previously stated, the storm water detention requirements will be met by the rehabilitation of an existing earthen dam and lake. The dam/lake has been classified as a high hazard dam according to MDEQ Safe Dams Division and is therefore required to meet additional requirements for construction and maintenance. The Stormwater Management Plan was approved August 13, 2020.

Additional language is required regarding the common property areas and Stormwater management families. The following language, or some approved variation thereof, is required:

- All common property area(s), conservation area(s) and stormwater management facilities (any infrastructure that controls or conveys stormwater runoff) shall be maintained in perpetuity and cannot be developed for any other use that would limit or cause to limit the use of the common property area(s) and stormwater management facilities. The common property area(s) and stormwater management facilities shall be owned and maintained by the Property Owners Association or the development. Each owner shall own a proportionate share, as defined in the covenants or other recorded documents, of the common property area(s) and stormwater management facilities. Each owner shall bear responsibility for the continued maintenance of the stormwater management facilities following the ordinances of the City of Oxford and Lafayette County. An owner's interest in the common property area(s) and stormwater management facilities shall not be severed from their interest in their property.
- The common property area and conservation area parcels AD VALOREM tax value shall be assessed to each lot owner on a pro rata basis as part of each lot owner's total assessment. There also needs to be language on the plat regarding private ownership of storm drainage structures, retaining walls, and private alleyway.
- The City of Oxford maintenance for storm drainage and stormwater management facilities is limited to that located within the City of Oxford's dedicated right-of-way or property owned by the City of Oxford.
- All storm drainage outside of the dedicated right-of-way shall be owned and maintained by the

Property Owners Association or the development (or other owners as designated on the plat)

- All retaining walls shall be owned and maintained by the Property Owners Association or the development.
- All private alleyways shall be owned and maintained by the Property Owners Association or the development.
- All conservation areas shall be owned and maintained by the Property Owners Association or the development.
- Staff is still reviewing the plat for additional comments regarding the ownership of the common areas and conservation areas, including the lake and the dam. Given the importance of maintenance of the dam, Staff wants to be sure that there are sufficient mechanisms in place to ensure that the dam is properly maintained in perpetuity regardless of the status of any HOA.

Recommendation: Staff recommends approval of the requested Final Plat for 'The Preserve, Phase 5, at Oxford Commons' with the following conditions:

1. Approval of the Final Plat for 'The Preserve, Phase 5, at Oxford Commons' by the Mayor and Board of Aldermen is required. (Planning)
2. A copy of the stamped recorded covenants for the subdivision are to be submitted to the Planning Department prior to permitting. (Planning)
3. The applicant is required to record 14% of the land area into a conservation a conservation easement per the condition of approval from Case #2032. (Planning)
4. If approved by the Mayor and Board of Aldermen, an update to the Oxford Commons Conservation Area matrix and map is required. (Planning)
5. Approval is contingent on the approval of Case #2896 by the Mayor and Board of Aldermen. (Planning)
6. A copy of the covenants shall be submitted to staff for review and comment. A stamped and recorded copy of the covenants will be required before signing of the final plat. (Engineering)
7. An updated and complete set of site plans (as built construction drawings) for the subdivision shall be submitted before signing of the final plat. (Engineering)
8. Easements for drainage structures on lots (privately maintained) and lift station (privately maintained) referenced in the submitted construction drawings need to be shown on the final plat before approval will be granted. (Engineering)
9. The addition of language on the plat regarding ownership of common areas and conservation areas is required. (Engineering)
10. A copy of the MDEQ approval for water and sewer shall be provided prior to the case being heard by the Board. (Engineering)
11. All required bonds must be received prior to the case being heard by the Board of Alderman. (Engineering)

Summary of Discussion: Chair Rigby notes that they need to vote on the subdivision request since the PUD modification was denied. Requet states an additional condition to the recommendation, that the notes on the plat are subject to revision by the staff and City Attorney prior to being heard by the Mayor and Board of Aldermen. Commissioner Milam asks if the plat still has a private road on it with gated entry. It will have to be changed.

No motion made.

5. Public Hearing for Case #2895 – David Blackburn has filed a request for a Special Exception as provided in Section 3.11.3 Gated Entries for property located at 327 Lakewood Hill Drive. (PPIN #40179)

Planning Comments:

This is a request for a gated entry to proposed Lot 3 of 'The Preserve, Phase 5' subdivision. As a result of recent experiences, Mr. Blackburn is seeking a modification to the Oxford Commons Planned Unit Development (Case #2896), this Special Exception for a Gated Entry (Case #2895), and a new Preliminary and Final Subdivision Plat for 'The Preserve, Phase 5 at Oxford Commons' (Case #2897).

Since gated entries are prohibited across a public road according to city ordinances and state law, the applicant has withdrawn the previously considered subdivision request for 'The Preserve, Phase 5' in order to reduce the total quantity of lots, and to change the road to a privately owned and maintained road. As a result of this change, the applicant is requesting the ability to install a gate on the west and east end of the subdivision.

According to Section 3.11.3.2, a gate across a driveway to a multi-family development 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 exhibit provided with the application indicates a double entry gate (entry only and exit only) that appears to be constructed out of metal supported by brick columns. This proposal complies with this provision.
- b. Style and color of gates and other enclosures should be coordinated with nearby structures. – This proposal complies with this provision.
- 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 six 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. – This proposal complies with this provision.
- k. One pedestrian access gate shall be provided at each gated driveway entrance. – The request proposes an unobstructed sidewalk access for pedestrians.
- 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. – This proposal complies with this provision.
- 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. – The proposal exceeds

the minimum requirement by providing clear 16' wide access for each side of the dual gated entry. 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. – The applicant acknowledges this requirement.

Gated entries have been the subject of many conversations and requests to the Commission over the years. The Guiding Principles stated in the Vision 2037 Comprehensive Plan and the Land Development Code are expressions of the community's vision and values that establish six fundamental design and planning principles to guide Oxford's future growth.

Principle #1 recognizes Oxford's historic ways of town planning and encourages those traditions as a framework for future growth. Historically, single-family developments in the City of Oxford do not have gates restricting access and are contrary to Principle #1 of these guiding principles. However, in recent years, the Commission has approved gated entries for some multi-family developments. The current Land Development Code did incorporate many design and safety elements as part of the review for these requests.

Principle #4 encourages a densely connected network of streets and roads that serve all users of the transportation network and gates can limit and even disrupt this connectivity. The applicant is proposing a modification to the Oxford Commons PUD that proposes to change the vehicular circulation plan from what was previously approved by the Planning Commission and Mayor and Board of Aldermen. This change, in order to facilitate the gated entry request, will limit connectivity options in the Oxford Commons development.

Engineering Comments:

As stated in the report for Case 2897, Final Plat for Preserve Phase V, the change of a segment of Lakewood Hills Drive from public right-of-way to a private drive does have some impact on traffic circulation within Oxford Commons. The immediate impact will be to direct all traffic within the Oaks Development back to the intersection of F.D. "Buddy" East and Sisk Avenue rather than allowing some traffic the option to continue on Lakewood Hill Drive to Pin Oak, where it would then enter Sisk Avenue. Future development within the Oaks may require an evaluation of the traffic impact at this intersection and a signal may be required beyond what has been previously considered in traffic studies due to the change in interconnectivity. This would be evaluated with construction of future phases of the Oaks, excluding Phases 7, 8, 19 and 27 which should not warrant a traffic signal due to the number of homes at this time.

All infrastructure for Lakewood Hills Drive was designed and anticipated for construction according to City specifications. Staff was preparing for a final inspection of the infrastructure earlier in the summer and has visually observed that sidewalks, curb and gutter and stormdrains are present for the most part. Staff does foresee that the City will be approached to assume ownership and maintenance of this portion of roadway at some point in the future due to maintenance costs as has been the case on multiple other streets that were initially retained as private. In most instances, the streets were not constructed to City standards and/or there is a lack of certification regarding the construction, which creates a financial risk and/or burden for the City and prohibits a recommendation for acceptance. Staff has recommended that a final inspection of the existing roadway infrastructure be performed with a possible exception being the video inspection of the storm drain pipes, which is normally completed by the City but may be completed by the developer in this instance. The completion of the final inspection and resulting Engineer's Certification of compliance with all City of Oxford specifications would allow for the street to be dedicated to the City in the future pending any necessary maintenance repairs, possible video inspection of the storm drains and possible installation of street lights.

As also stated in Case 2897, Section 4.5.9.3 of the Land Development Code requires that no permanent dead-end streets shall be longer than 800 feet in length. The proposed City owned portion of Lakewood Hills Drive to the west of the proposed gate appears to meet that requirement based on measurements from aerial imagery from Pin Oak drive to the proposed western cul-de-sac (approximately 775'). Any gate would be required to be equipped for emergency access including use by Oxford Utilities and North East Mississippi Electric Power Association to read the

water, irrigation and electric meters each month and make any repairs. In the event of an emergency requiring alternate means of ingress and egress beyond the public streets, the gates would be opened for public use. Given the presence of multiple large diameter pipes under the roadway that will be expensive to maintain, staff also requests the emergency access easement be provided in writing with maintenance requirements and responsibilities noted and requiring the roadway to be maintained for use from each end at all times.

In addition to an easement for emergency access and maintenance of the water infrastructure within the private segment, Staff would request an indemnity agreement be provided for any damages associated with use of the private drive area between the gates.

Recommendation: Staff recommends denial of the requested Special Exception for a Gated Entry but should the Commission wish to approve, Staff requests the following conditions:

1. A final inspection of infrastructure previously proposed to be public be performed prior to installation of any gate. (Engineering)
2. An indemnity agreement be provided to the City for emergency access and maintenance of the water infrastructure including the water main and fire hydrants. (Engineering)
3. A written easement for emergency access noting the maintenance requirements and responsibilities and guaranteeing that the roadway will be maintained for use from each end at all times is required prior to installation of the gate. (Engineering)
4. A cul-de-sac meeting all City of Oxford specifications be constructed prior to the installation of any gate. (Engineering)
5. Approval is contingent on the gates being opened for public use in the event of an emergency requiring ingress and egress via the gated segment of Lakewood Hills Drive. (Engineering)
6. Approval is contingent upon the approval of Case #2896 & Case #2897 by the Mayor and Board of Aldermen.

Motion to deny

All voted unanimously to deny

Move: Michael Johnson Second: Kirk Milam Status: Passed

6. Public Hearing for Case #2899 – Eric Dahl has filed a request for Final Plat Amendment for 'Park Place Phase I & II' for property located at Professional Drive. (PPINS #20577, #26930, #20578 & #20579)

Planning Comments:

The subject property is located on Professional Drive and it is a part of the Park Place Phase I & II subdivision that consisted of 20 lots all intended for professional office uses. The Professional Office Park, Phases I & II (Park Place) Subdivision was approved for a Final Plat on August 17, 1999. In 2006, the applicant donated a portion of Lot 8 to the City of Oxford to allow a pedestrian bridge and a pathway to connect the Notting Hill Subdivision to the Bailey Branch Park.

It was later discovered that the legal description in the warranty deed was incorrect, and a corrected warranty deed for the property gifted to the City was filed in 2008. The subdivision was never modified to reflect the new lot lines; however, the owner did secure an updated survey that he believed was the new buildable area for the lots.

Therefore, the applicant is now requesting an amendment to the 'Park Place Phase I & II' subdivision that proposes to combine Lot 7 with Lot 8A (creating new Lot 7) and the remainder of Lot 8 with Lot 9 (creating new Lot 8). As previously mentioned, the portion of Lot 8 that was donated to the City of Oxford will be removed from the subdivision.

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:

At the time of this report, Staff has not yet provided comments regarding the proposed plat amendment to the consultant engineer or owner. This plat amendment proposes to modify existing lots 7, 8, and 9; and eliminate lot 8a and remove a portion of lot 8 that was deeded to the City of Oxford. The subdivision was originally platted in 1999. As shown on the original plat, lot 8A was intended to be a continuation of the right of way for Professional Drive. It was conveyed to the City of Oxford on December 12, 2006, by instrument 200618097. This conveyance was corrected on July 24, 2008, by instrument 200807154 which replaced lot 8A for a portion of lot 8. The proposed plat amendment combines the original lot 7, lot 8A, and a fraction of 8 into a new lot 7. It also combines the original lot 9 and a fraction of lot 8 into a new lot 9. The remainder of the original lot 8 will be removed from the subdivision. This property is owned by the City of Oxford and consists of the area described in instrument 200807154.

Water and Sewer

The original plat shows a sewer easement across lot 7. This easement is not shown on the amended plat. Based on the site plan for Office Park, this easement would need to extend into the new lot 9 as well. Based on the site plan for Office Park, there is no sewer line in Professional Drive that fronts these lots. Original construction plans from 1999 note an existing sewer line towards the rear of the lots that was to be relocated some. Currently, City sewer maps also show a sewer main towards the rear of the lots but that has not been confirmed. The location of the sewer line needs to be confirmed an easement noted on the amended plat. Prior to the request being heard by the Board of Alderman, Staff and the design engineer will consult further regarding plans for sewer access and additional notes may be required on the plat.

Per the original construction plans, there is an 8-inch diameter water main running along the west side of Professional Park Drive terminating at a fire hydrant north of the cul-de-sac turnaround. Water service lines should have been provided to each of the original lots with the original construction and these same service lines would be required to be used with the new lot configurations. New service connections would not be installed.

Other Utilities

The original plat has a note that all building setbacks are also drainage and utility easements. Engineering Staff requests a statement be included on the amended plat to the effect that any utilities installed before the plat amendment are legally there. If there are existing utilities present, it would be the responsibility of the property owner and the utility owner to resolve the matter per the law.

Traffic/Access

There are no existing driveway connections to the lots from Professional Park Drive. Access to Professional Park Drive will be evaluated with each site plan.

Floodplain

The original plat shows the extent of the flood plain. The amended plat does not show the extent of the flood plain. Portions of all the amended lots appear to be within the floodplain and this should be designated on the plat.

Sidewalks

There currently exists sidewalk along the east and west sides of Professional Park Drive up to the turnaround for the cul-de-sac. Any frontage along Professional Park Drive that lack a sidewalk would have to construct a sidewalk as part of the development of the lot.

Stormwater Management

Private lot drains are shown on the individual lots in the original construction plans. These would not be owned or maintained by the City. The construction plans also note on the preliminary grading plan that each lot is to have an earthen berm on all downslope lot lines and that the private storm drains for lots 1-10 will discharge into the creek with protected outfalls of at least 10' x 10' and 200# rip rap. There is no existing regional stormwater management for the Park Place Subdivision. Stormwater will need to be addressed as part of the site plan for the development of

the lots.

Recommendation: Staff recommends approval of the Final Plat Amendment for 'Park Place Phase I & II' with the following conditions:

1. Approval of 'Park Place Phase I & II' Amendment by the Mayor and Board of Aldermen. (General)
2. Approval is for the plan as submitted. (Planning)
3. Add statement to amended plat regarding any utilities that existed prior to October 10, 2022. (Engineering)
4. Add sewer easement. (Engineering)
5. Include the floodplain limits. (Engineering)
6. Each lot will be required to provide sidewalk and stormwater management at the time of site plan approval. (Engineering)

Motion to recommend approval subject to Staff conditions.

Move: Kirk Milam Second: Judy Riddell Status: Passed

7. Public Hearing for Case #2900 – The City of Oxford has filed a request for a Zoning Map Amendment for property located at Professional Drive. (PPIN #31943)

Planning Comments:

The subject property is located on Professional Drive and it is a part of the Park Place Phase I & II subdivision that consisted of 20 lots all intended for professional office uses. The Professional Office Park, Phases I & II (Park Place) Subdivision was approved for a Final Plat on August 17, 1999. In 2006, the applicant donated a portion of Lot 8 to the City of Oxford to allow a pedestrian bridge and a pathway to connect the Notting Hill Subdivision to the Bailey Branch Park.

It was later discovered that the legal description in the warranty deed was incorrect, and a corrected warranty deed for the property gifted to the City was filed in 2008. The subdivision was never modified to reflect the new lot lines; however, the owner did secure an updated survey that he believed was the new buildable area for the lots.

In 2017, the City rezoned all property located in the City Limits of Oxford using, at that time, the latest parcels available from the Tax Assessor. It appears that deed issues may have created some confusion with the zoning. The +/- .158 acres of Lot 8A should have been zoned the same as the other properties in the Park Place subdivision, (SCO) Suburban Corridor, and the +/- .439 acres of Lot 8 deeded to the City of Oxford should have been zoned (INST-G) Institutional Government.

State Requirements for Rezoning: The criteria to rezone property are cited in a number of Mississippi cases and are as follows:

"Before a zoning board reclassifies property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2) (a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning." (Burden v. City of Greenville, 1999).

In another case, the court stated: "Before property is reclassified, applicant seeking rezoning must prove beyond by clear and convincing evidence either that there was mistake in original zoning, or that character of neighborhood had changed to such an extent as to justify rezoning and that public need existed for rezoning". (City of Biloxi v. Hilbert, 1992)

Finally, Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, stated: "Under the "change and mistake" rule of municipal zoning, based on the presumption that the

original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning.

Therefore, the merits of the applicant's request for rezoning, based on the criteria established in the cited cases, is as follows:

Mistake: The (INST-G) Institutional Government zoning of the +/- .158 acres of Lot 8A is a mistake because that property is not owned by a governmental agency. This property should be zoned (SCO) Suburban Corridor like the other properties located in the Park Place Phase I & II subdivision. Also, the +/- .439 acres of Lot 8 that is not zoned is a mistake. It should be zoned Institutional Government since it is City of Oxford property.

Change and Need: As this zoning is a mistake, there is not a justification of change and need for this rezoning.

Recommendation: As a result of this mistake, Staff recommends approval of the request to rezone the subject property measuring approximately +/- .158 acres from (INST-G) Institutional-Government to (SCO) Suburban Corridor and approximately +/- .439 acres of City of Oxford property that is not zoned to (INST-G) Institutional-Government.

Motion to recommend approval.
Passed unanimously

Move: Kirk Milam Second: Michael Johnson Status: Passed

8. Public Hearing for Case #2901 – Andy Callicutt has filed a request for a Special Exception as provided in Section 2.6.9 Suburban Center – Dwelling Unit Density, ground floor residential for property located at Oxford Way. (PPIN #8903)

Commissioner Joseph Murphy was absent from case #2901 thru #2903

Planning Comments: The subject property is +/- 4.56 acres and located on the north side of Oxford way just east of the Stillwater development. The applicant is proposing a mixed-use development consisting of two, three-story, multi-family residential buildings and two, two-story, commercial buildings. The site plan for this development is currently under review.

The applicant is looking to keep the two uses separate between the buildings which would entail having residential on the ground floor. Use of ground floor residential is a Special Exception in SCN districts.

The applicant states that this will keep the harmony within the buildings and provide a consistent feel with the rest of the Oxford Farms Development and that the unique design of each of the respective buildings lend themselves to keep the uses coherent within the buildings.

Staff is not opposed to this plan. The residential building that fronts Oxford Way will serve as a transition in density between the commercial buildings and the lower density residences in the Stillwater development. The other residential building is located towards the rear of the development and also serves as a transition between the commercial buildings and the undeveloped areas along Bailey Branch creek.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the use of ground floor residential will not adversely affect the public interest.

Summary of Discussion: Commissioner Milam asked if we have similar requests? Rigby notes this is the first time he has seen this type of mix. Commissioner Riddell asks why they want to do this? What is the need? Joey Moore Engineer for the applicant states that the owner has a tenant who wants to rent out a certain way and is trying to accommodate that tenant. Milam indicates a concern about a special exception granted just to accommodate a possible tenant.

Moore indicates that the developer is trying to get the commercial area going and this could make it work as he thinks residential will sell better if commercial is not there. Rigby thinks it interesting that they are doing a "mixed use" development without mixed use buildings. Milam notes that it does not always make sense to have residential above commercial. Riddell states it is not really mixed use if the buildings do not mix uses in them. Rigby notes that the development is mixed. There is more discussion on the nature of or intended meaning of mixed use.

The City Attorney states that the Commission needs to decide if this is in the public interest; and staff wants you to consider that this is not always a good idea. Staff found it acceptable in this case for specific reasons. If so, does not set a precedent. There is further discussion about the proposal in relation to other types of proposals. Then Baxter reminds the Commission that the property is zoned Suburban Corridor, not Traditional Neighborhood Business. It is primarily a commercial district.

Motion to approve with the finding that this Special Exception will not adversely affect the public interest.

Commissioners Milam, Riddell, Rigby, and Alexander voting For.
Commissioner Johnson voting against

Move: Kirk Milam Second: Harry Alexander Status: Passed

9. Public Hearing for Case #2902 – Andy Callicutt has filed a request for Preliminary and Final Plat Approval for 'Oxford Farms Subdivision, Phase 9' for property located at Oxford Way. (PPIN #8903)

Planning Comments: The subject property is +/- 4.56 acres and located on the north side of Oxford Way just east of the Stillwater development. The applicant is proposing a mixed-use development consisting of two, three-story, multi-family residential buildings and two, two-story, commercial buildings. The site plan for this development is currently under review.

This request is for Preliminary and Final Plat Approval for a single-lot subdivision for this property. The proposed lot meets the dimensional requirements for SCN District. Staff has received draft covenants for this subdivision.

Engineering Comments:

Lot 1 Oxford Farms, Phase 9 is a proposed development within Oxford Farms located in the northeast of the site. The tract is bounded on the south by Oxford Way, the east by Bailey Branch Creek and the west by the Stillwater Oxford Condominiums development.

Access

Access to the site is proposed from two points on Oxford Way. The western drive will share access with the Stillwater development. An existing shared access easement is shown on the plat as well as the previously approved plat of Stillwater Oxford Condominiums, Phases 1 and 2. The eastern drive will share access with the undeveloped property adjacent, currently shown to be owned by the Andrew Callicutt Irrevocable Trust. There is a note on the plat that indicates shared access easements of varying width along all shared access drives. This easement needs to be shown graphically on the plat for the eastern access drive.

Water and Sewer

Water and sewer to the site will be provided from and to existing main lines running in Oxford Way. Appropriately sized lines and connections will be a part of approval of the construction drawings provided with the site plan application.

Storm Water

Storm water management for this development will be by a regional detention facility and will be a part of approval of the construction drawings with the site plan application. The plat includes required language indicating ownership and maintenance of the facility will be the responsibility of the owner (s) within the development.

Floodplain

A significant portion of this tract lies within the bounds of the special flood hazard area for Bailey Branch Creek. This area has been removed from the floodplain administratively by FEMA with a Letter of Map Revision Based on Fill (LOMR-F). Therefore, this property will not be subject to the flood damage prevention ordinance of the City of Oxford.

Recommendation: Staff recommends approval of the requested Preliminary and Final Plat for 'Oxford Farms, Phase 9' with the following conditions:

1. Approval of 'Oxford Farms, Phase 9' is required by the Mayor and Board of Aldermen. (Planning)
2. Stamped recorded copy of the covenants shall be provided to the Planning Department prior to permitting. (Planning)
3. Shared access and parking easement shall be graphically depicted along the eastern access drive. (Engineering)

Rigby asks if there is a reason that the second condition is highlighted. Baxter notes that is a mistake.

Motion to approve subject to Staff conditions.

Passed unanimously

Move: Kirk Milam Second: Harry Alexander Status: Passed

10. Public Hearing for Case #2903 – Alecian Mathis has filed request for a) a Variance from Section 3.6.2.5.g Care Centers – Additional Standards, Arterials and b) a Special Exception as provided in Section 2.6.8 Suburban Corridor – Front Yard Build-to Line, Maximum for property located at 7 CR 204. (PPIN #35771)

Planning Comments: The subject property is a +/-3.77-acre lot in the Adams Hwy 30 Commercial Subdivision. The applicant is looking to construct a building to house Little Angels Daycare. The daycare (Group Care Facility) is proposed to be 4,768 sf and will serve children from infants to 5 years. These requests are for a Variance and a Special Exception to facilitate the construction of this project. The Site Plan for this project is still under review.

a) Variance from Section 3.6.2.5.g Care Facilities – Additional Standards, Arterials: Per Section 3.6.2.5.g, daycares (Group Care Facilities) are required to be located on arterial roads. This provision is included because daycares differ from general commercial in that traffic flows are highly concentrated just before and after work and then minimal at other times. CR 207 is a local road that serves a church and several residences. CR 207 was recently annexed in to the City and is still a rural local road with widths as small as 16 ft in places.

The applicant states that the site is currently in a commercial subdivision, that there are no other structures fronting the road near this site and that locating the daycare on an arterial would not be as safe as the current location.

Staff is aware of the need for additional daycare facilities in the City and acknowledges that this property is one lot removed from an arterial, however, Staff has found eight other daycares in Oxford and all but one are situated on arterials or on major collectors. The other one, The Children's Academy, is on a local road off of Heritage Drive that exclusively serves commercial developments.

Additionally, Staff has concerns about the turn from CR 207 onto Highway 30. When Highway 30 is flowing well, sight lines from CR 207 are limited to the east due to both a hill and a curve in the road. At peak times, traffic backs up significantly from the intersection at Oxford Commons Boulevard making turns from and onto CR 207 difficult. The addition

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.

Recommendation: Staff finds that the criteria for a variance are not met, and therefore recommends denial of the requested variance. Should the Commission wish to approve this Variance, Staff would like to note that the Site is still under review by the Site Plan Review Committee and very likely will require change to the currently proposed Site Plan.

b) Special Exception as provided in Section 2.6.8 Suburban Corridor – Front Yard Build-to Line, Maximum: The applicant is requesting the ability to exceed the 58-foot front-yard build-to line to allow for a row of parking and an adequate pickup/drop-off lane as well as the necessary travel lane in front of the building. Staff believes this an appropriate request for this location and this use.

Recommendation: Staff recommends approval after making the finding that the requested Special Exception will not adversely affect the public interest, with the following conditions:

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.

2. Approval is contingent upon receipt of a variance to allow the use on a local road.

Staff noted the receipt of a letter of support for the variance.

Summary of Discussion: Commissioner Johnson asks why the applicant believes this location will be safe, given staff concerns. Jeff Williams for the applicant states that this site is not far from Hwy 30 and that buffer will be helpful here. He states reasons why the location would not be a significant concern for this use. He thinks the safety issue is having room to maneuver and get onto Hwy 30. He notes that there is another nearby daycare next to TSC that is not on an arterial road. Commissioner Milam asks the definition of an arterial or corridor. He mentions day care centers downtown. He believes the definition is a technicality, especially comparing it to a downtown daycare. And he mentions other day care centers with certain types of access.

Baxter comments on the comparison, relating it to traffic daily fluctuations. There is further discussion of different day care centers and their access. Chair Rigby discusses the element of the difference between a variance and special exception. There is less leeway for a variance. Commissioner Riddell says she does not have enough information to determine if this is a problem without knowing how many children will be at the center and how many cars will be coming and going daily.

Timothy Garner representing applicant states that it is planned for no more than 75 children. It was to be larger, but the site cannot accommodate a larger facility. He states that the current location near Kroger is far less safe than this location will be. Riddell asks how many cars can be stacked. Garner states that maybe up to 50 cars could stack. He states that would not usually happen. Riddell states that maybe this is one where there are staggered drop off and pick up times? Garner agrees.

The applicant is asked by Riddell about the drop off / pick up. Ms. Mathis states that it is spread out between 7 and 9 am, and they have to be picked up by 6pm. Milam notes that day care drop off pick up is usually staggered. He thinks there is a great need for the service, and the location makes sense to him. He does not think allowing the variance will affect traffic conditions. Riddell

agrees that it will not have a big impact on this road. The owner notes that many of her clients are from this area, not adding to traffic. Staff notes the current site plan indicates they could stack up to 22 cars. Rigby notes that could change as the site plan review evolves. Jeff Williams notes that the city limit is the east side of this property.

a. Variance - Commissioner Johnson motion to approve; Second by Commissioner Milam
Passed unanimously

b. Special Exception - Commissioner Milam motion to approve with Staff conditions; Second by Commissioner Johnson
Passed unanimously

11. Public Hearing for Case #2904 – Betty Jane Gary has filed a request for a Variance from Section 4.8.6.1 Sidewalks for property located at 703 Lincoln Ave. (PPIN #8399) **(TABLED)**
12. Public Hearing for Case #2905 – Betty Jane Gary has filed a request for Preliminary and Final Plat Approval for 'Gary Subdivision' for property located at 703 Lincoln Ave. (PPIN #8399) **(TABLED)**
13. Motion to Adjourn

Move: Michael Johnson 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

City of Oxford
Planning Commission
Planning Commission
Monday, November 14, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

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

Remote Attendance

Kirk Milam

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. November Planning Commission Memorandum
- B. November Legal Advertisements
- C. Planning Commission Agenda
 1. Call to Order
 2. Approval of the Agenda
Move: David Spragins Second: Harry Alexander Status: Passed
 3. Approval of minutes from the September 12, 2022 and October 10, 2022 Meetings
Move: David Spragins Second: Harry Alexander 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>
- D. Consent Agenda
Move: Joseph Murphy Second: Harry Alexander Status: Passed
 1. Public Hearing for Case #2917 – The Wesley Foundation has filed a request for Site Plan Approval for property located at 425 Jackson Avenue West. (PPIN #5762)
- E. **Public Hearings**
 1. Public Hearing for Case #2904 – Betty Jane Gary has filed a request for a Variance from Section 4.8.6.1 Sidewalks for property located at 703 Lincoln Ave. (PPIN #8399) (TABLED from October)

Commissioner Riddell enters the meeting.
Cases 2904 & 2905 presented concurrently.

Planning Comments:

The applicant seeks a Variance from Section 4.8.6.1 of the Land Development Code which states that sidewalks (or alternative walkways where authorized) are required for new development in all zoning districts. The applicant has also filed a request for a multi-lot subdivision, Case #2905.

The applicant states that granting the proposed variance would not be detrimental to the neighborhood, and that eliminating the sidewalk will reduce the amount of clearing and grading along Lincoln Avenue during development of the new lots.

The Pathways Commission first considered this subject and met with the applicant's engineer at their regular meeting on September 26th. That letter is attached. The Commission did not offer a recommendation, citing the need for more information about significant trees on the site or alternate options to both install sidewalk in the location while protecting the existing trees.

The Pathways Commission evaluated the project again at their October 24th meeting. The applicant's engineer was present on behalf of the applicant. No further information was provided about existing trees or possible solutions to allow for the installation of a sidewalk while protecting the trees on-site. The Commission voted 5-0 (with one abstention) to recommend denial of the variance to the Planning Commission. That letter is attached.

Engineering Comments:

The owner of the property proposed to be subdivided into the Gary Subdivision has filed a request for a variance from the requirement to construct sidewalks along the road frontage of Lincoln Avenue.

Engineering staff have visited the site to inspect the topography and condition of the area immediately behind the existing curb on Lincoln Avenue. The topography of the property is rolling and relatively level behind the existing curb. There are several trees and a fence along the existing right-of-way that will need to be mitigated during development of homes on the lots. Therefore, they pose no real obstruction to the construction of a sidewalk.

Further, Lincoln Avenue is a narrow street with parking allowed on one side. The addition of a sidewalk in this location, together with the existing sidewalk across the street, will provide added safety for pedestrians. Especially with the potential addition of four new homes to the area.

The design engineer has stated that they plan to construct detention systems in the front yards and that this may interfere with grading for construction of the sidewalk. Staff has requested construction plans to review and make further assessment but does not have those at the time of this report.

Based on the facts available at this time, it is the opinion of staff that the construction of sidewalks does not constitute a hardship in this case. Therefore, Engineering recommends denying the variance application.

Recommendation: Staff recommends denial of the requested variance.

Summary of Discussion:

Jeff Williams representing the applicant speaks. He notes information related to tree removals, as discussed as the Pathways Commission. Some of the trees to be removed will be due to installation of the required sidewalk. Chair Rigby asks for the tree survey.

Brad Walsh speaks, representing developer (relative of the developer), discussing the loss of trees. Chair Rigby asks about a grading plan. Williams notes these will be done by the future lot owners as they decide what to build. Rigby notes that grading is relevant since there appears to be only one drainage outlet along Lincoln in this vicinity. Williams states the lots will have front of the lot detention area. Discussion about the drainage continues. Walsh notes that drainage could be

improved if the sidewalk was not built, which will cause the trees to be removed.

Riddell asks why a house currently under construction on Lincoln was not required to install a sidewalk. Director Requet notes that it was not part of a subdivision. Riddell also asks why the city cannot fix an existing sidewalk on the other side of Lincoln. City Engineer Mayoral responds that this is the first time she has heard about a problem with the existing sidewalk. She also notes that new subdivisions must provide sidewalks without regard to connectivity; but the Planning Commission can allow the variance to not install a sidewalk. She also noted the potential that the installation of driveways could also wind up requiring many of the trees close to the street to be removed.

Milam notes that it is fine to have general rules for subdivisions, but most of historic Oxford was laid out with sidewalks on one side of the street. He concurs that perhaps an additional sidewalk is not needed for this subdivision. Rigby concurs that it is unlikely that the sidewalk will go further west. Riddell again notes that repairing the existing sidewalk on the other side of the street makes more sense than putting in a new sidewalk – at this location. There were no further questions regarding the sidewalk variance.

Motion to Approve

Move: David Spragins Second: Harry Alexander Status: Passed

2. Public Hearing for Case #2905 – Betty Jane Gary has filed a request for a Preliminary and Final Plat Approval for 'Gary Subdivision' for property located at 703 Lincoln Ave. (PPIN #8399) (TABLED from October)

Cases 2904 & 2905 presented concurrently.

Planning Comments:

Updated 11.14.22. The applicant sent an email on 11.11.2022 with three additional exhibits: a letter, a map of neighboring lots to the proposed subdivision, and a copy of the court case Desoto County vs. Anthony and Quma Vinson. The email was sent to Planning Department Staff and Council, the Planning Commission, and the applicant's Engineer. The exhibits are included at the end of this report.

This is a request to subdivide an existing +/- 2.60 acre lot into 5 lots. The underlying zoning is Traditional Suburban Residential and the site is located in the Neighborhood Conservation Overlay District. The property features frontage on both Buchanan and Lincoln Avenues. There is one existing home on the lot that fronts Buchanan Avenue, which is the home of the applicant and is a contributing structure in the South Lamar Historic District. The applicant seeks to create 4 lots at the rear of the property, all of which will front Lincoln Avenue. The proposed area to be divided into 4 lots measures +/- .71 acres. The remaining acreage would remain with the existing house as the 5th lot in this subdivision.

The proposed lots vary in size slightly, from +/- .17 to +/- .18 acres. Lots zoned Traditional Suburban Residential are required to measure at least 7,500 sq ft—a requirement that is met exactly by this subdivision. Each lot features approximately 71.5 ft of street frontage, while rear lot lines range from 68.48-72.27 ft.

The applicant notes that stormwater will be addressed at each site individually as buildings are proposed and built.

Major subdivisions of property are rare in Oxford's historic districts as most of the historic core is built out and has been for some time. Subdivisions should be considered carefully to ensure that the necessary growth and development of the city is careful and that the historic downtown core of Oxford can handle approved infill projects.

The Conservation Overlay District, as noted in Section 2.6.18.1 of the Land Development Code, encompasses Oxford's "distinctive older neighborhoods and commercial areas which contribute

significantly to the overall character and identity of the community” and is meant to address the following goals:

- A. To protect and strengthen desirable and distinctive physical features, design characteristics, and the unique identity, charm and flavor of Oxford’s older neighborhoods;
- B. To protect and enhance the livability of the city, strengthening civic pride;
- C. To promote new compatible development and prevent blighting influences and reduce conflict caused by insensitive and incompatible development;
- D. To promote and retain affordable housing; and
- E. To encourage development design that builds connectivity to adjacent developments and the surrounding community and makes a positive contribution to Oxford’s evolving cityscape

Additionally, one of the factors of Site Plan Review as laid out in Section 9.2.10.2.g of the LDC states that the following should be considered, “General site arrangement, amenities, and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial negative impact on such property values.”

While the proposed subdivision meets the minimum TSR zoning requirements for lot size, the proposed lots are not of typical size or street frontage for Lincoln Avenue. With a couple of exceptions, most neighboring lots on Lincoln Avenue have at least 100 ft of street frontage on Lincoln. The Commission shall consider if the proposed smaller lots are appropriate in this context, and if the proposed subdivision is in-keeping with the character and rhythm of the existing lots on the street.

Staff recommends that the applicant create a 4-lot subdivision: 1 lot with the house on Buchanan and 3 lots in the proposed 4 lot area. 3 lots featuring +/- 95.45 ft of street frontage would be more in-keeping with the size of the existing lots on Lincoln.

One additional item which has not been addressed by the applicant is the existing Historic Tree on the adjacent owner’s lot, at 904 South 11th Street. The tree is shown as #10 on the attached map of Oxford’s historic trees. According to section 98-141 of the City Municipal Code, “No person, utility, or department shall prune, excavate below the dripline, remove or otherwise disturb such trees without the approval of the tree board”. Staff has made this approval a condition of approval for any future development of the newly subdivided lots.

Engineering Comments:

The Gary Subdivision is proposed to subdivide a single parcel 138D-28-154.00 in 4 separate lots averaging 0.18 acres in size. The parcel is located on the north side of Lincoln and west of South 11th.

Access

Each lot will front and have direct street access to Lincoln Avenue. Sidewalks are required along the full frontage of Lincoln unless a variance is approved. Pedestrian easements may be required along the frontage in areas where the sidewalk cannot be constructed in the right-of-way.

Water and Sewer

Water and sewer to the site will be provided from and to existing main lines running in Lincoln Avenue. A utility easement of at least 10 feet will be required along the road frontage.

Storm Water

Storm water management for this development will be performed by each individual lot owner as lots are developed. Each lot will be required to submit, for review and approval, a stormwater management plan to the office of the city engineer prior to a building permit being issued. This will be the first residential subdivision with individual stormwater management systems though the practice is common in commercial subdivisions.

The implementation of a new tracking software within the Development Services department will allow holds to be placed on each individual lot and those holds can be easily seen, tracked, and enforced to ensure that the stormwater plan is submitted and approved prior to beginning

construction. Due to the existing drainage conditions within the property, consideration will need to be made regarding the development of each proposed lot to avoid restricting the existing drainage patterns. For example, there is an existing drainage ditch that runs through one of the proposed lots that will require installation of a pipe to convey the water to the existing infrastructure. The ownership of this pipe will need to be determined and noted on the plat. This situation was discussed in a meeting with the owner and design engineer and it was stated that deed restrictions would be created that would require the same design engineer for all lots to ensure that the designs implemented properly considered the entire property and drainage area, rather than only the smaller, individual lots.

Staff has not received any plans or other documents representing this discussion at the time of this report. Additional language will be required on the plat to ensure that each lot owner is made clearly aware of the stormwater requirements and responsibilities.

Staff Recommendations:

Staff recommends denial of the requested Preliminary and Final Subdivision Plat for 'Gary Subdivision' as proposed and instead recommends that the applicant create a 4 lot subdivision: 1 lot with the house on Buchanan and 3 lots fronting Lincoln. Should the Commission wish to approve the requested Plat, Staff recommends the following conditions:

1. Approval of 'Gary Subdivision' is required by the Mayor and Board of Aldermen. (Planning)
2. Stamped recorded copy of the covenants shall be provided to the Planning Department prior to permitting. (Planning)
3. 10-foot utility easements across frontage of all lots needs to be shown. (Engineering)
4. Pedestrian easements for sidewalks across frontage needs to be shown where applicable. (Engineering)
5. Additional language is required on the plat regarding stormwater ownership and responsibility prior to the case being heard by the Board of Alderman. (Engineering)
6. Approval of construction plans regarding general grading and drainage necessary to ensure that water is conveyed to the existing stormwater infrastructure must be approved prior to the case being heard by the Board of Alderman. (Engineering)
7. Any future site work will be reviewed and approved by the Tree Board to ensure that the historic white oak at 904 S 11th Street is not affected (Planning)

Summary of Discussion

Discussion of the subdivision proceeded. Chair Rigby noted concerns about the stormwater and the historic tree. Proposed Lot 4 will affect the dripline of the tree. Walsh discusses the use of semipermeable pavers to assist the tree. Further discussion about the historic tree between Walsh and Chair Rigby. Rigby asks who defines the dripline of the historic tree. Requet replies that it would be a finding by the Tree Board, but that Staff would work with the engineer to determine distances. Rigby notes the need of input from the Tree Board before any decision about the dripline impact.

Rigby also notes the stormwater issues. He asks how they can approve stormwater with only one drain and no detention until homes are proposed. Williams notes discussion with staff where concern was not blocking the drainage outlet; stating he would be the engineer for all the lots. Rigby notes that all drainage will be surface, confirmed by Williams. Rigby asks for the plan, and Williams notes there is no way to know until the houses are proposed. Hopefully the homes will not use all the indicated buildable area. Walsh notes the potential for deed restrictions if needed. Rigby asks Requet about a restriction requiring Williams to be the engineer for these lots. Would they have a site plan review? Requet replies no, only a review by the City Engineer and Planning.

Alexander notes that the four lot as proposed would require tree removal. Williams notes the potential for saving trees on lots. Alexander also notes that the survey he saw was from 2007. and

Williams states it has been updated. Alexander then asks about how adding four lots of the proposed size along this side of Lincoln will affect the character of this street. He suggests maybe doing three lots, making it easier to save more of the trees. Walsh talks about the size of the homes to be proposed, and the historic size of lots in old Oxford. Riddell notes that she is ok with the smaller size of the proposed lots. Spragins asks about site plans for the individual lots. Rigby states that they could propose a requirement for staff review for them.

Walsh then states that they are not currently seeking approval for the residual lot on Buchanan. They believe there is potential for further subdivision there in the future as a future phase. Rigby notes that the larger parcel is being subdivided, and lots in the subdivision have to cover the entire parcel. Walsh then asks for Buchanan to be a future phase. Rigby indicates the problem with that term for small in town parcels.

Martha Witherspoon, resident of Lincoln, notes a concern that 4 small lots will be created, and then later they can propose more lots on Buchanan. Rigby explains how the process would work. Witherspoon states her understanding that the neighbors would get to comment on any proposals on Buchanan. Walsh states his understanding that the neighbors would not have "veto power". They are trying to avoid that, rather than asking for 10 lots now. But he does not want to limit his family options.

City Attorney Watkins notes that the City cannot know what the law will be in the future. They can call it phased, but when it comes forward in the future; the state law at that time would prevail. There is no guarantee of how any future development application would be processed. Rigby asks how it would go now. Watkins says cannot be said in a vacuum. He cannot give a firm answer. If came in tomorrow, with Preliminary and Final Plat for Phase 2; the "veto power" is how the state law currently operates. Someone could challenge the proposal. Then findings would have to be made about amending the subdivision plat. Rigby states the City said it is a subdivision, it falls under that legal nuance. If it is considered a "Phased Development" then we don't know? Watkins said generally, yes.

Tommy Rosser, resident of Lincoln Avenue, states his concerns about the lot sizes. He thinks there is not one lot on Lincoln that is as small as these. Rigby notes the three lot option would be more in keeping. Walsh states his belief that the code allows lots this small. Rigby notes the trend has been toward larger, not smaller lots. Rosser stated that in reducing the lot sizes it is changing the character of the neighborhood.

Ford Dye of Lincoln notes his relationship with the developer. But notes his concerns about drainage and standing water. If further built up would likely cause problems for the owners. He supports the three lot version.

Rigby asks Mayoral asks about prior times that approval has been given for lot by lot stormwater. She states we now have a computer tracking system will allow the city to hold permits until stormwater is resolved. But not yet experience to allow the lots to be coordinated to protect the new and existing homeowners in the area. She states that the process would have to be resolved before the subdivision goes to the Board of Aldermen. Rigby asks the proportion of whole lot drains through to Lincoln rather than Buchanan. Mayoral thinks maybe 50%?

Riddell asks if they have considered something other than lot by lot? Williams states that no pipes have been considered.

Alexander asks if they plan to sell the lots or build homes and sell the homes? Walsh states two lots will be retained by family; but don't plan to build and sell. Alexander asks about size, and Walsh thinks no more than 2,200 sf. Alexander states that if have to build up the lots, that will create problems for the neighbors. Walsh states that the neighbor already has a problem. Riddell asks the requirement if new building does not make it worse. Rigby notes that there is the potential to make it worse. The lack of information about the drainage is of concern.

Williams indicates the problem is undersized pipe under the street.

Murphy asks why doing Preliminary and Final at same time. Requet replies this is not uncommon since all infrastructure is already in place. They are mainly requesting a final plat approval. Murphy

asks why not do preliminary and wait to get answers. Requet states that the Final Plat will let them sell the two lots that are ready to be conveyed. Riddell asks if waiting would help? Williams states that Final allows them to sell lots. Williams states they cannot indicate drainage until know where and what size houses. Riddell states that developers do all that and sell the lots. Williams states they can do that when planning all the infrastructure. The city infrastructure is already in place. Rigby states there is no grading plan, but you want to start moving dirt? So why not wait until there are houses? Walsh notes nothing can happen until there is a Final Plat. Riddell notes that Cedar Bend did a lot before they sold the lots, and got the infrastructure done first. Rigby asked again if it will be three or four lots. He does not feel clarity on tree or grading and stormwater coordination. Difference between 3 and 4 lots could make a difference here.

No further comments. Rigby moves to table it until questions on tree and coordination of drainage are resolved. Murphy asks to also get information from Engineering about the pipe capacity in Lincoln.

Motion to table. All in favor.

Move: J.R. Rigby Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2906 – 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 1418 Adams and 433 North 15th. (PPIN #6162)9)

Commissioner Milam recused from case

Planning Comments:

The applicant requests approval for a Special Exception to create a Residential Common Interest Development on an existing property located at Adams Avenue and North 15th Street. The existing L-shaped lot has a house fronting Adams (1418 Adams Avenue) and a house fronting N 15th (433 N 15th Street) with another dwelling unit in the rear yard. There are no plans to add additional units at this time, though an addition to the house at 1418 Adams was discussed in a complimentary review by the Historic Preservation Commission at their October meeting.

The current lot is overbuilt according to the current Land Development Code, as the current lot size does not allow for two primary dwelling units on a lot of this size. If one of the primary residences were to be removed from the site, another could not be built that would meet the current code.

Per Section 3.5.1.3 of the code, two parking spaces per dwelling unit are required for homes on individual lots in suburban residential zones. If either house undergoes renovation, the parking should be brought into compliance with this requirement.

Staff has received draft RCID covenants detailing the boundaries of each unit and the proposed common elements.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that creation of a RCID at this location will not adversely harm the public interest with the following conditions:

Summary of Discussion:

Rigby restates the situation. Kenwright confirms the assessment. Jeff Williams represents the developer. No specific comments.

Steve McDavid states his understanding of the proposal that it must still meet the code requirements. Requet confirms that understanding related to the zoning and the conservation overlay district. McDavid wants reassurance that this would remain two units only. Requet and Williams confirm that. McDavid also asked about what size structures can be rebuilt? Requet states that the entire size would be considered, but it currently is already bigger than allowed. The process for figuring out the coverage was further discussed.

Riddell asks about the house on N. 15th, and the potential for making that a “granny flat”. Someone is currently there. Requet states that it is an existing nonconformity.

Rigby confirms that if they took something down, freed up some impervious surface, it would free up some coverage. McDavid asks if currently at maximum. Riddell states that a variance could be asked. There is more discussion of potential ways to use the existing dwellings or rebuild. Request discusses the options.

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

4. Public Hearing for Case #2907 – John Albriton has filed a request for Final Plat Amendment for 'The Grove at Grand Oaks, Phase V, Lots 75 & 76' for property locate at 1008 Morris Drive. (PPINS #38004 & #38221)

Commissioner Milam returns.

Planning Comments: The subject property is located on Morris Drive in the Grand Oaks PUD and is two lots (75 & 76) in Phase V of the 'Grove at Grand Oaks' subdivision. The applicant is requesting to amend the plat to transfer +/- 0.086 acres of Lot 76 to Lot 75. The resulting properties will meet the minimum lot size requirements for the underlying zoning and the setbacks will be governed by the standards set forth in the Grand Oaks PUD.

Attached with this case file are letters of approval from other owners in the subdivision that the applicant has deemed adversely affected or directly interested. 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.

Recommendation: Staff recommends approval of the Final Plat Amendment for 'The Grove at Grand Oaks, Phase V, Lots 75 & 76' with the following conditions:

1. Approval of 'The Grove at Grand Oaks, Phase V, Lots 75 & 76' by the Mayor and Board of Aldermen. (General)
2. Approval is for the plan as submitted. (Planning)

Motion to recommend approval subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2908 – Stillwater Oxford, LLC (Andy Callicutt) has filed a request for a Special Exception as provided in Section 3.5.1.2.c Dwellings – Detached: Districts Permitted, 4 Bedrooms for property located on Oxford Way and Stillwater Lane (PPINS #18836 & #8903)

Planning Comments: The subject property is located on Oxford Way north of the Farmview intersection. The applicant is requesting to modify the previously approved Site Plan for The Cottages at Oxford Farms (Stillwater) to change 23 detached, 3-bedroom units into 20 detached, 4-bedroom and 3 detached, 5-bedroom units. Detached units with 4 or more bedrooms require a Special Exception per Section 3.5.1.2. This request also necessitates a site plan amendment which is the subject of Case #2909.

The only changes to the approved Site Plan will be designating existing driveways as guest parking. 301 spaces are required and the applicant is providing 345 spaces.

The applicant states that the request is spurred by the demand for the 4-bedroom product. The Adelia development in Oxford Farms, a detached 4-bedroom development, has seen significant demand. The applicant is looking to replicate the success of the Adelia in this portion of Stillwater.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the conversion of 23 3-bedroom units into 20 4-bedroom and 3 5-bedroom units will not adversely affect the public interest, with the following conditions:

1. Approval is for the plan as submitted.

Motion to approve subject to Staff conditions.

Move: Joseph Murphy Second: David Spragins Status: Passed

6. Public Hearing for Case #2909 – Stillwater Oxford, LLC (Andy Callicutt) has filed a request for a Site Plan Amendment for 'Stillwater' (The Cottages at Oxford Farms) for property located on Oxford Way and Stillwater Lane (PPINS #18836 & #8903)

Planning Comments: The subject property is located on Oxford Way north of the Farmview intersection. The applicant is requesting to modify the previously approved Site Plan for The Cottages at Oxford Farms (Stillwater) to change 23 detached, 3-bedroom units into 20 detached, 4-bedroom and 3 detached, 5-bedroom units.

The only changes to the approved Site Plan will be designating existing driveways as guest parking. 301 spaces are required and the applicant is providing 345 spaces.

All other aspects of the approved Site Plan are unchanged.

Engineering Comments: The site plan for this development was approved as planning Case #2656. The proposed amendment is only related to an increase in the number of bedrooms some of the units will have.

Sewer and Water Service

The development is connected to City sewerage and water. There are no changes to the sewer and water layout or ownership from the originally approved site plan.

Access, Streets, and Roads

All streets within the development are privately owned and maintained by the development. There are no changes to the street layout from the originally approved site plan.

Sidewalks

All sidewalks within the development are privately owned and maintained by the development. There are no changes to the sidewalk layout from the originally approved site plan.

Retaining Wall

All retaining walls are privately owned and maintained by the development. There are no changes to the layout of the retaining walls from the originally approved site plan.

Stormwater Management

Stormwater management for this development is accomplished with two surface detention basins. The proposed site plan amendment makes no changes to the size of the building footprints or increases to the amount of impervious cover. There are no changes to the originally approved stormwater management plan.

Recommendation: Staff recommends approval of the requested Site Plan Amendment with the following conditions:

1. Approval is for the plan as submitted.

2. Approval is contingent on the approval of the requested Special Exception for the use of 4- and 5-bedroom units. (Case #2908)

Motion to approve subject to Staff conditions.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

7. Public Hearing for Case #2910 – Andy Callicutt has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Dwelling Unit Density, ground floor residential for property located at Farmview Drive in Oxford Farms. (PPIN #35714)

Planning Comments: 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 subject property was previously considered for a YMCA facility that received site plan approval from the Planning Commission in March 2020 (Case #2599).

In September 2021, the applicant received a Special Exception approval (Case #2790) to construct a senior living development consisting of 26 single-story duplex and triplex cottages. The applicant now returns to the Commission with a Special Exception request to allow ground floor residential but no longer exclusively for seniors. The developer is requesting the change from one-story cottages to two-story townhomes in order to construct buildings already in use in other phases of the Oxford Farms development.

This new proposal consists of 4 four-plex townhomes and 4 six-plex townhomes that are consistent in style with those townhomes constructed at the Stillwater development. Each building will be two stories in height and this proposal removes the garage component and instead provides surface parking for each of the units. The development will now consist of 32 3-bedroom units and 8 4-bedroom units. A pool and a clubhouse are now proposed in previously approved greenspace. The buildings materials will be consistent with the already constructed townhomes in the Stillwater development and are supportable by Staff.

When this property was annexed into the City around 2014, the original intent for this particular site was for it to be a YMCA, and the zoning of Neighborhood Business was applied. Since the YMCA is no longer a reality at this location, and now that the assisted living facility is under construction and additional housing exists to the north and east, Staff believes this location to be appropriate for additional residential development. The applicant has chosen to go forth with the special exception request prior to submitting the development for site plan review.

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

1. That the granting of the Special Exception shall not adversely affect the public interest.
2. If building permits have not been issued within 18 months, the Special Exception shall expire.

Summary of Discussion:

Chair Rigby summarized the prior and new requests at this location, related to changed marketing plans. Riddell discusses a concern about why there is such a limited mix of uses if it is TNB. Requet notes the concern, and states that the zone does allow the flexibility to modify preferred uses based on local market conditions. He notes that this is a national concern affected by changing retail markets. Riddell and Requet discuss the nature of mixed uses. Is it mixed uses in buildings or mixed uses in developments? Requet said true mixed use buildings are still being contemplated elsewhere in the overall development. There were no further questions.

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: David Spragins Status: Passed

8. Public Hearing for Case #2911 – Larry McAlexander has filed a request for Site Plan Approval for 'The Evergreens Farmers Market' for property located on George G "Pat" Patterson Parkway. (PPIN#24879) **(POSTPONED)**
9. Public Hearing for Case #2912 – Stewart Rutledge has filed requests for a) a Variance from

Section 5.7.6.2 Buffers and b) a Special Exception as provided in Section 2.6.5 Neighborhood Residential: Structure Height, maximum for property located at 1016 Molly Barr. (PPIN #5030)

Planning Comments: The subject property is located on the south side of Molly Barr Road, directly west of the multi-purpose Depot Trail on approximately +/- 1.46 acres. The narrow property is currently vacant and is covered with mature trees. At the October 2021 Planning Commission, the Commission denied a variance request to the required 50' buffer located adjacent to the Depot Trail.

Staff has met with the applicant several times over the last year to discuss a new variance request for this property. The application before the Commission is a result of those conversations, discussion with the University of Mississippi and meetings with the Pathways Commission. In this instance, the applicant is requesting two approvals from the Commission A) a variance from the required 50' buffer adjacent to a trail reducing it by 25' at the north end of the property to 4' pm the southern end of the property, and B) a special exception to allow 3-story buildings. Included in this packet are letters of support from Ian Banner (University Architect and Director of Facilities Planning), and Don Feitel on behalf of the City of Oxford Pathways Commission.

A) The application states that the property is approximately 110 feet wide and with the buffer, the developable property is reduced to 60' (actually 50' with the side yard setback), which is not viable for a residential structure, parking, and the required fire access thus creating a hardship. The proposed plan differs from what was previously considered in design by placing the 11 proposed 3-bedroom units on the west side of the property to minimize visual impacts to the trail. This was a concern that has been previously raised with the Falkner Flats development on Old Taylor Road. Provided in the packet is an analysis by that applicant that demonstrates the differences in height, massing, distance and landscaping between the Faulkner Flatts development and the proposed Trailhead development.

The area between the subject property and the trail itself contains existing vegetation such as privet, grasses, kudzu, mature trees, etc. A buffer adjacent to the trail is required to provide a healthy planting plan that screens the development from the trail itself. The developer also worked with a landscape architect to develop a conceptual planting design that achieves this requirement. If the variance is approved, the landscaping plan will be fully developed with the site plan request.

Additionally, the applicant immediately recognized that this was the beginning (or end) of the Depot Trail, otherwise known as a trailhead. In working with their engineer and landscape architect, the applicant is proposing several improvements to City property that will enhance the trail. The request indicates six parking spaces on the north end of the property in the City right of way that will offer residents and visitors with another place to access the trail. A sidewalk is proposed that will connect these parking spaces to the trail. The proposal also indicates a trailhead entry (branding) structure, similar to the structure over the Tanglefoot Trail, and several benches and bike racks available to the public. All of these proposed improvements within the City right of way will be installed at the developer's expense and they will be turned over to the City for ownership and maintenance.

Finally, the applicant is proposing to construct a pedestrian connection at the southern portion of the site that will provide access for residents of CB Webb. An easement will be provided to the City of Oxford for residents to access the property. Staff has received multiple calls for a connection to the trail from CB Webb over the past few years.

Recommendation: The narrowness of this property, combined with the 50' buffer requirement do present a unique hardship. The applicant has carefully and thoughtfully worked to address concerns previously raised by the Commission, Staff and others. This new design attempts to provide the minimum variance, along with the minimum impact to the trail. Therefore, Staff recommends approval of the variance with the following conditions:

1. Any improvements made to the City of Oxford right of way requires a revocable license from the Mayor and Board of Aldermen.

2. The proposal in the Site Plan submittal shall be substantially the same as what is presented in this request unless City Staff require any technical changes.

3. Should the applicant not be able to provide the improvements as presented in this request, a new request will be required by the Planning Commission.

B) In the Neighborhood Residential zoning district, the maximum building height is limited to two stories (38'), but a Special Exception for a third story (40') may be requested. The applicant is requesting the ability to construct three story buildings at this location with the ground floor being used for parking and storage, while the upper floors will be heated/cooled living space. The decision to add a third story to the proposed structures was an effort to reduce the overall footprint of the buildings, and to minimize the required parking in order to preserve as much of the vegetative buffer for the trail.

As proposed, the three-story buildings will still comply the building height of 38', with the proposed buildings measuring approximately 36' from the ground to the peak of the roof. Each garage will provide two tandem parking spaces for each unit. This proposal requires a total of 25 parking spaces for the development and the applicant is proposing a total 28 (this does not include the 6 parking spaces provided for trail access).

The proposal indicates four attached duplex units and three detached units for a total of 11 units on the site. Each unit contains a total of three bedrooms. The architectural elevations for these buildings reflect an attractive building design with balconies on the second and third floors. The buildings will be constructed primarily of brick and wood or Hardie-board siding and they feature metal railings, exterior doors to the balconies and windows with shutters. Staff previously expressed concerns with the northern most unit and the building orientation, but the architect has designed the unit to have architectural front features presenting towards Molly Barr Road.

As previously stated, the area between the subject property and the trail itself contains existing vegetation such as privet, grasses, kudzu, mature trees, etc. A buffer adjacent to the trail is required to provide a healthy planting plan that screens the development from the trail itself. The developer also worked with a landscape architect to develop a conceptual planting design that achieves this requirement. If the variance is approved, the landscaping plan will be fully developed with the site plan request.

Additionally, the applicant immediately recognized that this was the beginning (or end) of the Depot Trail, otherwise known as a Trailhead. In working with their engineer and landscape architect, the applicant is proposing several improvements to City property that will enhance the trail. The request indicates six parking spaces on the north end of the property in the City right of way that will offer residents and visitors with another place to access the trail. A sidewalk is proposed that will connect these parking spaces to the trail. The proposal also indicates a trailhead entry (branding) structure, similar to the structure over the Tanglefoot Trail, and several benches and bike racks available to the public. All of these proposed improvements within the City right of way will be installed at the developer's expense and they will be turned over to the City for ownership and maintenance.

Finally, the applicant is proposing to construct a pedestrian connection at the southern portion of the site that will provide access for residents of CB Webb. An easement will be provided to the City of Oxford for residents to access the property. Staff has received multiple calls for a connection to the trail from CB Webb over the past few years.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the development will make improvements that enhance the trail for residents and visitors, and that the development will also provide better access for the CB Webb residents by providing a sidewalk and easement from the property line of the development (west side by CB Webb) to the Depot Trail. Staff requests the following conditions of approval:

1. Any improvements made to the City of Oxford right of way requires a revocable license from the Mayor and Board of Aldermen.

2. This approval is contingent upon the developer constructing the six parking spaces, sidewalk from parking to trailhead, trailhead improvements subject to final approval by Staff that includes benches, bike racks, approximately 26' x 16' pergola trailhead structure with signage as discussed with Staff, and the sidewalk connection from CB Webb to the Depot Trail with an easement to the City of Oxford providing access to the connection by residents.

3. If building permits have not been issued within 18 months, the Special Exception shall expire.

Summary of Discussion:

Chair Rigby summarizes the requests. Requet adds more detail about the variance request. Murphy asks about the process for the parking space calculations. Why are only 25 spaces needed. He states a concern that more guest spaces are not required. Riddell discusses the tandem spaces under the units, commenting that the design is good; but she thinks it not practical that people will use the tandem spaces in roommate situations. Rigby asks about the maximum parking spaces allowed. Riddell asks if the code has any guidance about tandem spaces, as they often do no work in these situations. Requet discusses more about tandem spaces.

Stewart Rutledge representing the developer spoke about the proposal. He discusses the changes from the prior proposals and the expense of the modifications. He said there is no more space for more parking. Rigby asks if a parking space could be put between the units. Joey Moore representing the applicant stated perhaps between the duplexes, but likely not enough room between the detached units. Rigby suggests perhaps if for subcompact vehicles only for those spaces? Michael Gray Jones project architect discusses the design challenges of the proposed buildings in designing parking spaces. He notes one could do it, but it will visually affect the architecture. Rigby notes the potential that residents would use the trailhead parking and along the entry drive and the concerns that would bring. Jones notes the potential that residents will use the OUT Bus, as there is a stop in the area; and the need for limiting parking spaces. Moore and Rutledge discuss the necessity of enforcement.

Riddell brings up the buffers, asking if some parking could be allowed there, using part of the buffer area? Rutledge notes that concerns would be expressed by the Pathways Commission. She notes the current problems with people parking along Molly Barr. Rutledge suggests if the Commission would consider approving the variance and special exception with a commitment from the developers to work with planning to get these extended parking ideas implemented. It is possible that Pathways Commission would be very opposed to these ideas.

Riddell asks about a condition that if dangerous parallel parking happens along Molly Barr, they would need to come back and add parking within the buffer area.

Rutledge states the developers would be happy to comply with that.

James Justice speaks representing the Community Green subdivision and other area homeowners. They have the same parking concerns as already discussed. He thinks it a density and parking problem. He states that cars parking along Molly Barr is an improvement for them as cars are now not parking in their neighborhood. He believes parking will flow into other area streets. They find the architecture proposed to be fine, but the parking is going to be a big problem. There are not going to be enough spaces for the residents and their guests. They like the trailhead and benches, but there is a traffic flow problem on Molly Barr. Justice states more elements of concern related to parking in the area. He is also concerned with the height variance. He proposes tabling it to look for more solutions.

Rigby asks Requet about the parking and area multi-family housing. Requet notes that two area existing apartment developments (Molly Barr Ridge and Molly Barr Trails) have changed from renting by the unit to renting by the bedroom. There are different parking requirements for that type of rental, which means their parking spaces likely may not comply with those standards. They just learned this and will be discussing it with the management of these developments. They think the parking along Molly Barr may be guests at these developments.

Rutledge talks about how Community Green was affordable in the beginning. Similarly, these proposed dwellings will be in a good location with access to trails and transit. He believes that the condition related to use of the city buffer for parking will help. He states the intent is to sell the units. Alexander mentions how tandem parking can work, but it is already in other developments.

He asks Requet about the process for approval if they had to modify the development based on parking concerns. There is more discussion of the means to adjust and accommodate parking for this development at the site plan process. He proposes to present two versions of a site plan, one using the buffer area. Rigby asks Requet about the process for considering the site plans. Rutledge proposes presenting a site plan with a variance to allow parking in the buffer area. Rigby suggests they work with staff on finding the best option they can devise. Requet states that if they propose parking in the buffer, then it would require an additional variance. Rigby acknowledges that. Rutledge requests that they move on the current requests.

There is more discussion about the buffers and variances. James Justice speaks again about the buffer vs. parking and the concerns of the Pathways Commission. He volunteers to assist in the discussions. Rigby notes the landscaping buffer and potential for more parking. Rutledge discusses how they have worked and what changes might work.

Riddell asks about lot coverage. Riddell talks more about parking potential.

A. Motion to approve subject to Staff conditions with modification to allow 25' variance the length of the property for the purpose of parking - Riddell; 2nd - Alexander; All in favor.

B. Motion to approve subject to Staff conditions - Riddell; 2nd - Murphy; All in favor.

10. Public Hearing for Case #2913 – Rick Hollander has filed a request for a Special Exception as provided in Section 3.8.12 Small Craft Brewery: Districts Permitted for property located at 100 Depot St. (PPIN #5780)

Planning Comments:

Updated 11.14.22: The applicant provided Staff with an updated parking and floor plan. The parking plan now indicates a total of three parking spaces being added on the east side of Depot Drive. As a result, there will not be a need for a site plan review for the addition of those spaces. Should businesses be added to Units 1-3, additional parking will be required and those spaces will be subject to a site plan review. Condition #1 is modified to reflect these changes. Also, Staff is requesting a landscaping bed at the south end of the additional parking that will also include the planting of a parking lot tree.

The subject property is located on Depot Street but has frontage along Jackson Avenue, across from the Courtyard Marriott Hotel. The site measures approximately +/- .54 acres and has a vacant building (former Better Brands) on it. The property is surrounded by University of Mississippi property, but is confronted by TNB across Jackson Avenue to the north. This property was the subject of several requests related to a proposed multi-family development that is no longer planned.

In previous cases, the existing vacant building was proposed to be demolished. Now, the owner of the building is planning to renovate the interior and exterior in order to provide 3 leasable office spaces ranging from +/- 400 sq/ft to +/- 900 sq/ft and a larger space, measuring approximately 3,500 sq/ft with an outdoor patio, that will be leased by Mr. Hollander for Circle and Square Brewing.

The applicant is proposing to locate Circle and Square Brewing, aiming to be the first microbrewery (a type of Small Craft Brewery as defined by ABC) in Oxford. The application notes that Circle and Square Brewing will operate a 7-barrel system with a total fermenting capacity of approximately 35 barrels and 8 serving tanks with approximately 8-12 taps running at all times. The applicant intends to brew approximately 600 barrels per year with 80% of it being sold in the tap room while the remaining 20% will be distributed as required by state law.

The proposed location borders the University Depot, the Depot Trail, and the Ford Center with a large parking lot. Mr. Hollander believes that this location is ideal because the nearest resident is approximately ½ a mile away, resulting in minimal disruption to the residential area.

Parking for a microbrewery is based on the total of seats provided in the facility (1 space per 4

customer) seats, plus a parking spot for each employee that is working during the largest shift. The proposal indicates that a total of 18 spaces (15 based on seating and 3 employee spaces) will be required for this establishment. The applicant states that the owner of the building is considering several options but they include a plan a total of 22 spaces. While 15 of the spaces will be created through restriping of the existing asphalt, seven new spaces are proposed on the east portion of Depot Drive; as a result, a site plan review will be required with the potential for stormwater detention for the newly created spaces.

A parking easement or agreement with the University was not provided. The application does note that the Ford Center parking lot is generally available for public use with the exception of special events i.e. Ford Center planned events, gameday weekends, etc.

A Small Craft Brewery has several additional standards of review. They are listed below with the applicant's direct responses included.

3.8.12.5 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.

This should be a non-issue considering we are not adjacent to a residential use. Beer will be brewed during normal working hours (Monday-Friday 9am to 4pm) and beer distribution loading out of our facility will occur during the same hours. Our food shipments will also be received during these hours.

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

This should also be a non-issue considering we are not adjacent to a residential use. We will utilize a vertical pallet jack as needed for daily operations rather than a forklift.

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.

Spent grain is the biggest concern during the brewing process from an odor standpoint. We have space allocated inside the facility to store the spent grain in closed containers. Additionally, our intent is to donate the spent grain to local cattlemen in the greater Oxford area as a feed supplement.

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

We have space allocated indoors for the spent grain to be stored in closed containers.

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

1. Prior to Units 1-3 being occupied by businesses, additional parking will be required to comply with the code requirements. This parking may be provided through a shared parking agreement with an adjacent property owner, or through constructing additional parking on the site. Additional parking constructed will be subject to a site plan review.

2. The additional three parking spaces are subject to review and approval by the City Engineer.

3. A landscaping bed shall be installed at the southern portion of the additional parking that includes a parking lot tree.

4. That the granting of the Special Exception shall not adversely affect the public interest.

5. If building permits have not been issued within 18 months, the Special Exception shall expire.

Summary of Discussion:

Requet asks for a modification to condition 3 to allow Staff discretion on placement of the landscape bed.

Chair Rigby stated a prior concern about University ownership of some of the property. Requet states that this is in the process of being resolved. Riddell states that that approval should be contingent upon that approval. Requet agrees.

Riddell also notes concerns about the parking given the size of the brewery and the serving area (50 seats). The owner, Rick Hollander, speaks to the operations planning. He explains why they believe three employees will be sufficient for what is planned.

Murphy asks if this is the same ownership group as the prior proposal. Hollander states that it's a different group though they are still involved with the property.

Murphy then asks about a prior shared parking agreement. Sumner Abraham, speaks about the parking agreement as one of the former owners. They had a shared parking agreement with the University. The University has indicated they would be amenable to a shared parking agreement with the new group but there is none currently. There were no further questions.

Motion to approve subject to Staff conditions with condition 3 modified.

Move: Joseph Murphy Second: Kirk Milam Status: Passed

11. Public Hearing for Case #2914 – Ramiro Munoz has filed requests for a) a Special Exception as provided in Section 3.11.9 Unenclosed Rooftop and b) a Special Exception as provided in Section 2.6.8 Suburban Corridor, Front Build-to Line, Maximum for property located at Highway 6 West near Park West. (PPIN #37934)

Planning Comments:

The proposed new building will be located on 1.7 acres along Highway 6, and will serve as a restaurant. Zoned (SCO) Suburban Corridor District, the site currently has a concrete slab and utilities. The new 8,850 sf commercial building will front along Highway 6. There is existing storm water detention on-site that currently serve this property. The site plan is currently under review for this property.

The applicant seeks two Special Exceptions which are detailed below with Staff recommendations.

a) Special Exception as provided in Section 3.11.9 Unenclosed Rooftop

The proposed commercial use of unenclosed rooftop area requires approval by special exception. The applicable standards of review for this special exception use relate primarily to safety concerns and include standards for barriers (between the use area and roof parapet), the use of non-breakable serving items for food and drink (when applicable), a ban on any exterior food or drink preparation area, seating requirements, and building code requirements.

The proposed unenclosed rooftop at this location will be used for dining. The plans show 6 ft wide planters that will provide the necessary physical barrier so that patrons cannot stand within 6 ft of the edge of the rooftop.

Recommendation:

Staff recommends approval of the special exception after making the finding that use of an unenclosed rooftop will not adversely affect the public interest, with the requirement that the applicant acknowledges adherence to the following standards from the LDC section 3.11.9.5 that cannot be addressed by drawn plans:

1. Non-breakable materials. All food and drink served or consumed on an unenclosed rooftop shall be served on or in non-breakable items.
2. Distribution. All food and drink served or consumed on an unenclosed rooftop must be prepared for consumption within the interior of the building, but, once so prepared, may be transported to the unenclosed rooftop by either a patron or employee of the retailer.
3. Seating requirement. On any unenclosed rooftop, there must be seating available for all persons present on said unenclosed rooftop, and the number of patrons shall not at any time exceed the number of available seats.

b) Special Exception as provided in Section 2.6.8 Suburban Corridor, Front Build-to Line, Maximum
The applicant seeks approval to exceed the maximum front yard build-to-line for this property by about 20 ft. The maximum for this property is 58 ft as specified for the (SCO) Suburban Corridor zoning.

As the applicant notes in their application, the existing buildings to the east and west of the proposed building both exceed the 58 ft build-to-line. This request would be in harmony with the surrounding commercial areas and reflects the current building patterns for commercial properties in this area along Highway 6.

Recommendation:

Staff recommends approval after making the finding that the requested special exception will not adversely affect the public interest.

Summary of Discussion:

Alexander asks about the walkway on page 4 of the plan. He states there are 6 tables outside. Kenwright confirms that. There were no further questions.

A. Motion to approve subject to Staff conditions - Alexander; 2nd - Spragins; All in favor

B. Motion to approve - Spragins; 2nd Murphy; All in favor

12. Public Hearing for Case #2915 – David Blackburn has filed a request for Site Plan Approval for The Crossing at Oxford Commons Phase 2 located southwest from the intersection of Sisk Avenue and Commonwealth Boulevard. (PPIN #4958) **(POSTPONED)**
13. Public Hearing for Case #2916 – David Blackburn has filed a request for Preliminary and Final Plat Approval (Amended) for The Crossing at Oxford Commons Phase 2 located southwest from the intersection of Sisk Avenue and Commonwealth Boulevard. (PPIN's #4958, #39807, #39475, #40363, #40364, #40365, #40366, #40367, #40715, #40716, #40717, #40718, #40719, #40720, #40721, #40722, #40723, #40724, #40725, #40726, #40727, #40728, #40729, #40730, #40731, #40732, #40733, #40734, #40735, #40736, #40737, #40738, #40739, #40740, #40741, #40742, #40743, #41200, #41201, #41202, #41203, #41204, #41205, #41206, #41207, #41208, #41209, #41210, #41211, #40311, #40381, #40382, #40383, #40384, #40385, #40386, & #40387) **(POSTPONED)**
14. Motion to Adjourn
Move: Joseph Murphy 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)

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, December 12, 2022, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

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

Remote Attendance

Michael Johnson; 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. December Planning Commission Memorandum

B. December Legal Advertisements

1. Call to Order

2. Approval of the Agenda

Move: Kirk Milam Second: Harry Alexander Status: Passed

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

Move: Joseph Murphy Second: David Spragins Status: Passed

4. Staff Report

a. Planning Staff Report

b. Building Official Report

5. Map of Cases this Month

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

C. Consent Agenda

Passed unanimously by those present

Move: Joseph Murphy Second: Harry Alexander Status: Passed

1. Public Hearing for Case #2916 – David Blackburn has filed a request for Preliminary and Final Plat Approval (Amended) for The Crossing at Oxford Commons Phase 2 located southwest from the intersection of Sisk Avenue and Commonwealth Boulevard. (PPIN's #4958, #39807, #39475, #40363, #40364, #40365, #40366, #40367, #40715, #40716, #40717, #40718, #40719, #40720, #40721, #40722, #40723, #40724, #40725, #40726, #40727, #40728, #40729, #40730, #40731, #40732, #40733, #40734, #40735, #40736, #40737, #40738, #40739, #40740, #40741, #40742, #40743, #41200, #41201, #41202, #41203, #41204, #41205, #41206, #41207, #41208, #41209, #41210, #41211, #40311, #40381, #40382, #40383, #40384, #40385, #40386, & #40387)

(POSTPONED FROM NOVEMBER) (POSTPONED)

2. Public Hearing for Case #2918– Capstone Development (Mac Monteith) has filed a request for Final Plat Amendment for ‘The Lamar – Phase 4’ located at the West end of Cincinnati Boulevard. (PPIN #5067)
3. Public Hearing for Case #2919 – Chan Patel has filed a request for Final Plat Amendment for ‘Tallahatchie Oxford Baptist Association, lots H - L’ for property located at the intersection of Slack Road and University Avenue. (PPINs #9202, #9203, & 9204)**(POSTPONED)**
4. Public Hearing for Case #2920 – Chad Phillips has filed a request for Site Plan Amendment for ‘Cambridge Station’ for property located at 801 Frontage Road. (PPIN #8531)

D. Public Hearings

1. Public Hearing for Case #2905 – Betty Jane Gary has filed a request for a Preliminary and Final Plat Approval for ‘Gary Subdivision’ for property located at 703 Lincoln Ave. (PPIN #8399)
(TABLED FROM NOVEMBER) (POSTPONED)
2. Public Hearing for Case #2921 – Larry McAlexander has filed a request for Variance from Section 98-118 (c & d) Performance criteria for stormwater management for ‘The Evergreen Farmers Market’ for property located on George G. “Pat” Patterson Parkway. (PPIN #24879)

Planning Comments:

The applicant requests a variance from the City’s stormwater requirements. “The Evergreens Farmers Market”, a proposed restaurant/market, will be located a 5093 Pat Patterson Parkway. The subject property is located between George G. “Pat” Patterson parkway and M-Trade Park, south of the first roundabout north of Hwy 314. The site is 2.33 acres in size and has entry access off both Pat Patterson Parkway and a proposed access road. The applicant is also requesting Site Plan Approval at this meeting (Case #2911).

The applicant requests an exemption from stormwater detention requirements due to the fact that the site sits in a floodplain. The application states that in order to provide an adequately sized detention pond on-site, dirt would have to be brought in to raise the site’s elevation approximately six feet to install the five-foot-deep detention pond. The application states that,

“Currently, during heavy rainfall events, the parking along MTrade Park’s south property line floods, as does approximately 1/3 of the property seeking the variance. If the site’s elevation is raised approximately six (6) feet, the volume of water that the site currently takes on would all be displaced into MTrade Park’s parking area. In order for both sites to remain in their current states, the developer has agreed to keep the proposed grades on the subject property at or near existing grades, allowing water from heavy rainfall events to spread out over a portion of his parking areas so as not to negatively affect MTrade Park. It is being requested this be allowed in lieu of a constructed detention pond.”

The application for variance is for relief from all of the City of Oxford’s Stormwater Management Ordinance.

Engineering Comments

This proposed alternative to stormwater management for this site does not meet the performance criteria under Section 98-118 of the Stormwater Management Ordinance and a variance is therefore required. However, it does offer the benefit of maintaining the existing floodplain. The design and variance request proposes that the site will be graded to maintain the existing elevation of the floodplain, which will function as a natural detention system. The portion of the site that will function as a floodplain is predominantly a paved parking lot. The developer has agreed to allow the parking lot to be inundated during flooding events, not unlike the way the McAlexander Drive at M-Trade Park currently functions. This will require maintenance and cleanup of the parking lot by the developer after each flood event.

The intent of the City of Oxford’s Stormwater Management Ordinance is to prevent adverse impacts to adjoining properties from increased runoff rates and volumes associated with

development. The proposed design fulfills that intent. This particular site has unique pre-existing flooding issues that make it difficult to implement standard stormwater management. It is staff's opinion that the implementation of standard stormwater management measures and with the corresponding placement of fill, or earthwork, to raise the site elevation could result in worsening the flooding of McAlexander Drive at M-Trade Park. The project site is low lying and a portion of it is within a floodplain that is drained by a shallow and relatively flat ditch. The existing ditch drains a larger basin that extends to the north beyond the project site location and M-Trade Park. This larger basin is the main contributor to the volume of runoff that must pass through the floodplain and causes flooding.

This floodplain includes portions of McAlexander Drive at M-Trade Park. The floodplain acts as a natural overflow or storage area for water along a floodway in large storm events. During these larger events, water overflows from the floodway into the adjacent floodplain where it remains until the water in the floodway goes down. This natural system helps reduce flooding by providing a temporary storage area for the water, much the same way as a detention system operates. During significant rainfall events, both the project site and McAlexander Drive at M-Trade Park are inundated with water. Due to the relatively unique nature of the site and surrounding area, a standard stormwater detention basin constructed on the project site to capture site-specific runoff would not reduce the overall flooding in the floodplain. To construct a site-specific detention system above the existing water table, a fill of earthen material would need to be placed to elevate the final grade of the site. This fill would reduce the floodplain (or storage area) along the frontage with McAlexander Drive at M-Trade Park. The bottom of the basin of a standard detention system would likely be below the base flood elevation due to the high-water table. This would result in the basin backfilling with floodwater more than it would fill with site runoff. The basin would effectively function as a reduced-volume floodplain---it would hold less volume than that currently available within the natural floodplain on the site.

Floodplains act as natural storage for flows that exceed the capacity of a channel. When the floodplain is lost due to placement of fill material (earthwork), peak flood elevations in the remaining floodplain can rise, and flow velocities can increase. If this site were filled, McAlexander Drive at M-Trade Park could experience higher peak elevations during flooding events while experiencing little benefit from a site-specific stormwater management facility. Conversely, preservation of the floodplain on this site helps reduce the impacts of flooding on adjacent sites and provides a natural storage for water during large rainfall events.

Recommendation:

Staff supports this request for a variance due to the unique nature of the site and the owner's commitment to preserving the floodplain in its current state.

Summary of Discussion:

Commissioner Murphy asks if special permits were needed for building in a flood plain. Kevin McLeod, project engineer responds describing the requirements for building in the flood plain. Chair Rigby notes that the building will be higher than the parking area. Rigby also asked the City Engineer about the floodplain standards. He wonders how Engineering plans to handle other building requests in this flood plain area. Engineer Mayoral describes the city plans for how it will respond to future development requests. They are looking at in the future make less use of detention and more use of retaining the existing flood plain to retain water.

Murphy asks about the floodplain map and if water would cross over the road. After auditory technical difficulties, the discussion resumes about how to prevent water crossing the road. McLeod notes that since it is in the floodway with some large storms, it will be under water regardless. Mayoral is satisfied that the design is sufficient to handle the anticipated water volume on the site. Murphy asks about the calculation needed to determine how fast water will run off the site. McLeod asks if he wanted that done for the entire area, not just this site. Murphy affirms that intent. McLeod said his client had not requested that calculation.

Rigby notes that the decision related to retaining the dirt in the floodplain and not removing it. Mayoral states that it will work as a means of handling flood waters.

Commissioner Milam asks Mayoral about the design of the retention. That is discussed.

Motion to approve

Commissioners Spragins, Alexander, Rigby, Johnson and Milam voting to approve.
Commissioner Murphy voting to deny.

Move: Kirk Milam Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2911 – Larry McAlexander has filed a request for Site Plan Approval for 'The Evergreens Farmers Market' for property located on George G "Pat" Patterson Parkway. (PPIN #24879) **(POSTPONED FROM NOVEMBER)**

Planning Comments:

The applicant seeks Site Plan Approval for "The Evergreens Farmers Market", a proposed restaurant/market, to be located a 5093 Pat Patterson Parkway. The preliminary plat for the property, the three-lot subdivision which includes this lot, was approved in November of 2021 (Case #2809).

The subject property is located between George G. "Pat" Patterson parkway and M-Trade Park, south of the first roundabout north of Hwy 314. The site is 2.33 acres in size and has entry access off both Pat Patterson Parkway and a proposed access road. The applicant proposes to build two buildings on-site: a 9,600 sq ft two-story building with a kitchen and dining area as well as a second-floor outdoor seating area, and a 2,548 sq ft two-story building with leasable space and another dining area.

Use and Parking Requirements

The use of this property as a restaurant is allowed as a special use in the (TNB) Traditional Neighborhood Business District and the Neighborhood Residential District. The proposal includes two separate lots, but the applicant has calculated the parking in total for the two. For lot 1, 50 spaces are required and 80 bays are proposed. This puts lot 1 over the parking maximum (more than 25% the minimum parking standards). For lot 2, 96 bays are required and 102 bays are proposed. While lot 1 is overparked according to the parking requirements of the Land Development code, when taken together the two lots have an overall parking minimum of 146 bays. 182 bays are proposed, which is 25% more than the minimum parking requirement, and within the requirement that no use may exceed the minimum parking standards by more than 25%.

Coverage

Lot coverage in the TNB district is allowed at a maximum of 80% and 63% is proposed for this project.

Other Review Elements

- Architecture & Building Materials – Materials proposed for both buildings include architectural CMU, board & batten siding, metal railings and roofing, and metal & glass garage doors.
- Landscaping & Tree Mitigation – The proposed landscape design meets all standards related to frontage trees, parking lot trees, and edge plantings. No tree mitigation is required at this location. There is one tree on-site and it will remain in-place.
- Sidewalks – The applicant proposes 5' sidewalks along Pat Patterson Parkway and the planned access road, as well as three bridges/sidewalks to access the adjacent MTrade Park.

Engineering Comments:

Water and Sewer & Utility

City water and sewer will serve the site. Water service will connect to an existing water main in McAlexander Drive at M-Trade Park right-of-way. Sewerage will connect to an existing sewer line manhole in McAlexander Drive at M-Trade Park right-of-way located west of the western property corner. Water and sewerage located within the property boundary shall be privately owned and maintained.

Traffic/Access

Access to the property will be from two points, one from the south access road that connects George Patterson Parkway to McAlexander Drive (M-Trade Park) and one connecting to George

Patterson Parkway about midway between roundabouts.

Driveway Drainage Pipes

Both access points to the project site must cross ditches located within the City's right-of-way. The City is requesting that these pipes be upsized to the minimum diameter that in the engineering staff's professional opinion is appropriate to handle the flow in the ditches.

Sidewalks

There is currently no sidewalk on the project site. The site plan proposes sidewalks along the frontage with the access road or George Patterson Parkway as well as three pedestrian footbridges that will cross the ditch between the site and M-Trade Park.

Stormwater Management

A variance from the stormwater management ordinance has been requested and is addressed under case #2921. Instead of a standard stormwater management facility with a detention system, this project proposes to instead preserve the existing floodplain and floodplain volume by grading the western half of the site to maintain the existing elevations. This will allow the proposed parking lots to be inundated during a flood event. While the preservation of floodplain volume does not fully address the stormwater management requirements in the engineering staff's professional opinion it will result in the development of this site having the least negative impact on the current flooding conditions.

Recommendation: Staff recommends approval of the site plan for the Evergreens Farmers Market with the following conditions:

1. Approval is for the Site Plans as submitted. (Planning)
2. Approval is contingent on approval of the variance requested in Case #2921 or the subsequent approval by staff of an alternate stormwater design, including necessary changes to the site plan, in the event that the variance is denied. (Engineering).

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Harry Alexander Status: Passed

4. Public Hearing for Case #2915 – David Blackburn has filed a request for Site Plan Approval for The Crossing at Oxford Commons Phase 2 located southwest from the intersection of Sisk Avenue and Commonwealth Boulevard. (PPIN #4958) **(POSTPONED FROM NOVEMBER)(POSTPONED)**
5. Public Hearing for Case #2922 – Jay Evans has filed a request for Site Plan Approval for 'Savannah Square Mixed-Use' for property located at 1000 North Lamar Boulevard. (PPIN #5122)

Commissioner Alexander recused from the case.

Planning Comments: The subject property is +/- 2.51 acres at the Savannah Square development at the intersection of North Lamar and Pleasant Drive. This site previously housed Local Color and two detached dwellings. The applicant is proposing to construct two additional buildings, 'Building A' fronting North Lamar that will have 9,120 sf ground floor commercial and three floors of residential units, 'Building B' fronting Pleasant Drive that will be three floors of residential units. The residential portion of 'Building A' will have 16, 2-bedroom units and 5, 3-bedroom units, while 'Building B' will have 24, 1-bedroom units and 3, 2-bedroom units.

Use and Parking Requirements

The use of ground floor residential in a TNB district requires a Special Exception. The applicant sought, and was granted this Special Exception at the June 2022 Planning Commission meeting (Case #2873).

31 spaces are required for the commercial portions of the development and 91 are required for the residential, a total of 122. 140 spaces are provided which is within the allowed parking maximum.

Coverage

The TNB district allows for 80% lot coverage and 73.7% is proposed with this development.

Building Height

'Building A' is proposed at 4 stories and 48' tall and 'Building B' is 3 stories and 32' tall. A fourth story (up to 50') in the TNB district requires a Special Exception. The applicant sought, and was granted this Special Exception at the June 2022 Planning Commission meeting (Case #2873).

Other Review Elements

- Architecture and Building Materials – The two buildings will be similar in style with cementitious siding and brick veneer as the primary facade materials. Building 'A' will have cast stone veneer around the storefronts. Section 5.6.1.3 requires that buildings over 3 stories recess or step back 1.2 feet for every additional foot of height. The building roof slopes back at a 1.2:1 ratio which the applicant states will present a three-story façade towards and while this is not the traditional way buildings have met this requirement, Staff believes this meets the spirit of the LDC and prevents the building from looming over the street.
- Sidewalks and Connectivity – Sidewalks are indicated between the on-street parking and the roads in a similar fashion to the Morgan buildings directly to the south. These sidewalks connect to the existing sidewalks to the south on North Lamar and the sidewalk network inside the rest of the Savannah Square development.
- Landscaping & Tree Mitigation – The proposed landscape design meets all standards related to frontage trees, parking lot trees, and foundation plantings. Tree mitigation is not needed on this site as all significant trees fall within building footprints, sidewalks, drives or utility easements.

Engineering Comments: Much of the history of this development is available in previously Planning Commission case reports including Cases #2300 (June 2018), #2441, #2583 and #2847. There are a few changes required of the plans submitted but they are technical in nature and should not impact the overall form or function of the proposed development.

Access and Streets

Improvements were made to the City owned portion of Pleasant Drive during the construction of Savannah Square. These have not yet been presented for final inspection and acceptance. Certificate of Occupancies will be held until these improvements are accepted by the City. The proposed plan takes access from North Lamar, Ivy Road and Pleasant Drive. The proposed plan includes parking on frontage of North Lamar and Pleasant Drive, although there are some technical corrections required. Specifically, the dimensions of the parking spaces require approval and the layout of the northernmost space requires changes due to the non-typical shape. Staff is concerned about the potential for vehicular damage due to the unexpected turn of the curb within the actual parking space. Grading of the sidewalk is required to ensure compliance with all ADA requirements regarding both longitudinal and transverse slope.

Staff is also concerned about the proximity of the parking places on Pleasant Drive to the roundabout and requests additional and conversations regarding the appropriateness of that location. It is possible that some parking spaces may have to be removed from the site plan to comply with safety recommendations. Any parking granted on City right-of-way is considered to be by permitted by a revocable license.

Traffic

As previously noted in Case #2300, a traffic impact study was required for this development. The Study was prepared by Neel-Schaffer, with counts taken during the AM and PM presumed peak hours (6-9 AM and 3-6 PM) on January 24, 2017 and March 30, 2017. At that time, there was a discrepancy in the number of beds and the square footage of retail space between the study and the site plan. The study provides an analysis based on 4,500 Square Feet of Specialty Retail and 388 beds, while the site plan appears to indicate approximately 7200 SF of commercial space and 206 bedrooms. The project narrative states there will 5,214 SF of retail.

As previously noted, the study makes recommendations for improvements on North Lamar and on Pleasant Drive. The study states that the peak hour warrant is met at the Pleasant Drive intersection with North Lamar. However, due to the proximity to Williams, a signal is not recommended at this location. Staff concurs with this finding based on the peak hour analysis.

The report does recommend that a left turn lane of a minimum 165' be installed on North Lamar at the intersection with Pleasant. The study also recommends a dedicated northbound right turn lane on North Lamar into the development. Construction plans indicating this required turn lane were provided to the City in June 2019. The curb and gutter line shown in the current, proposed, construction plans indicates the addition of this turn lane although the required striping is not shown. The study also recommends a dedicated right turn lane out of the development and a shared left/thru lane. At the time of the first approvals in June 2018, the proposed right turn lane appeared to conflict with the existing driveway of Local Color, which entered Pleasant Drive at an angle very near North Lamar. For that reason, staff determined that the right turn lane would not be required. The last recommendation of the study is that all intersections comply with the AASHTO "green book" regarding intersection sight distance requirements and stopping sight distances. The engineer has previously submitted a stamped certification of the site distance analysis according to the AASHTO Green Book.

Water and Sewer

Changes are required in the locations of the water meter banks. These meters need to be installed at the right-of-way lines for North Lamar and Pleasant drive and not at the building as shown.

Stormwater

The developer proposes to meet stormwater requirements through a system of subsurface detention pipes and a surface pond. Staff has technical questions and the design engineer has provided a response to those questions that is under review. All stormdrains associated with this plan are privately owned and maintained, including those that encroach on the right-of-way.

Ownership and Maintenance

Engineering staff has asked questions regarding the ownership of the multiple parcels within this site plan and of the adjacent parcel. The subsurface detention for the previously constructed Savannah Square crosses the parcel line into property noted on the tax map as the Grove on North Lamar. Given that these developments are on separate parcels, being constructed at different times and could presumably be sold and operated independently, staff believes that additional cross-access and drainage easements should be provided. Specifically, a drainage easement should be provided for the existing subsurface detention system that is on the parcel now being developed. Cross access easements should be provided between both phases. It is not clear who will be responsible for ownership and maintenance of the subsurface and surface detention systems although staff has been told it will be the responsibility of Savannah Square. These types of ownership and maintenance questions are typically addressed through the creation of plats and/or covenants. Staff has raised these questions for response.

Recommendation: Staff recommends approval of the requested Site Plan for 'Savannah Square Mixed-Use' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. Improvements to North Lamar must be provided according to the Traffic Impact Study and to staff's approval. (Engineering)
3. Technical corrections to the plans regarding locations of the water meters must be made prior to the issuance of any water and sewer taps. (Engineering)
4. Sidewalks on public right-of-way must be constructed to ADA requirements regardless of what is provided on the construction plans. Engineering Department should be contacted for any questions at any point in the process. (Engineering)
5. Approval of the stormwater management system must be granted prior to the issuance of any water and sewer taps. (Engineering)
6. Technical corrections to the plans regarding the parking places within city right-of-way must be made prior to the issuance of any building permits. (Engineering)
7. Any parking granted on City right-of-way is considered to be by permitted by a revocable license.

(Engineering)

8. Documents required regarding ownership and maintenance, including any easements, covenants, etc., must be provided prior to the issuance of any Certificate of Occupancy.
(Engineering)

9. An inspection and recommendation to the Board for acceptance of infrastructure improvements on Pleasant Drive must be completed prior to the issuance of any Certificate of Occupancy.
(Engineering)

Summary of Discussion:

Chair Rigby asked City Engineer Mayor about the upgrades to N. Lamar and the traffic study. She believes the improvements will be sufficient for this project, including the new turn lane. Project Engineer Joey Moore from the audience stated that the curb was already correct and that the striping just needed to be added

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

6. Public Hearing for Case #2923 – Andy Callicutt has filed a request for Site Plan Approval for ‘The Landing at Oxford Farms’ for property located at Oxford Way. (PPIN #8903)

Commissioner Alexander returned for case.

Planning Comments: The subject property is +/- 4.56 acres and located on the north side of Oxford way just east of the Stillwater development. The applicant is proposing a mixed-use development consisting of two, three-story, multi-family residential buildings (A&D) and two, two-story, commercial buildings (B&C).

Use and Parking Requirements

The use of ground floor residential in a SCN district requires a Special Exception. The applicant sought, and was granted this Special Exception at the October 2022 Planning Commission meeting (Case #2901).

108 spaces are required for the commercial portions of the development and 70 are required for the residential, a total of 178. 178 spaces are provided.

Coverage

The TNB district allows for 80% lot coverage and 73.7% is proposed with this development.

Building Height

The residential buildings are proposed at 3 stories and 33’ tall. The commercial buildings are proposed at 2 stories and 30’ tall. SCN allows for up to 4 stories and 50’ in height.

Other Review Elements

- Architecture and Building Materials – The proposed architecture is generally in keeping with the rest of Oxford Farms. The residential buildings will have brick veneer and fiber cement siding as the primary façade materials while the commercial buildings will have brick veneer and cast stone panels. The commercial buildings will make use of metal as accent materials for the windows, balconies, and parapet caps.
- Sidewalks and Connectivity – A multi-use path already exists along Oxford Way that this development will tie into with additional sidewalks that will connect to all buildings and the Stillwater development.
- Landscaping & Tree Mitigation - The proposed landscape design meets all standards related to frontage trees, buffers, and foundation plantings. One parking lot tree needs to be changed as a Sweetbay Magnolia is not an allowed parking lot tree. Tree mitigation is not needed on this site as the site was previously cleared.

Engineering Comments:

Sewer and Water Service

The development is connected to City sewerage and water. The water mains within the site will be maintained by the City to the meters and easements will be required to be shown on the plans and provided to the City. The water mains need to be a minimum of 10' from the building, which may require some adjustment along Oxford Way. This has been discussed with the design engineer and he believes this can be accommodated with slight adjustments to the parking lots. The sewer within the site is privately owned and maintained.

Access, Streets, and Roads

All streets within the development are privately owned and maintained by the development. Cross access easements are required for the private streets/drive aisles.

Sidewalks

All sidewalks within the development are privately owned and maintained by the development.

Stormwater Management

Stormwater management for this development is accomplished with two subsurface detention basins. Comments have been provided to the design engineer for necessary changes. The stormwater plan should be approvable with some technical corrections. This work will include a connection to the unnamed branch of Bailey Branch. Additional inspections will be required upon completion of this work to ensure that the creek banks are stable.

Floodplain

As noted in the case report for the plat (Case 2902), a significant portion of this tract lies within the bounds of the special flood hazard area for Bailey Branch Creek. This area has been removed from the floodplain administratively by FEMA with a Letter of Map Revision Based on Fill (LOMR-F). Therefore, this property will not be subject to the flood damage prevention ordinance of the City of Oxford.

Recommendation: Staff recommends approval of the requested Site Plan for 'The Landing' with the following conditions:

1. Approval is for the plan as submitted. (Planning)
2. An updated landscaping plan with appropriate parking lot trees will be provided to Staff prior to the issuance of any permits. (Planning)
3. Easements are required for the water mains to be maintained by the City. (Engineering)
4. Cross-access easements are required for the private streets/drive aisles. (Engineering)
5. Prior to the issuance of any Certificate of Occupancy, an inspection must be made of the connection to the unnamed branch of Bailey Branch to ensure that the work has been completed in an acceptable manner. (Engineering)

Motion to approve subject to Staff conditions.

Move: Harry Alexander Second: Kirk Milam Status: Passed

7. Public Hearing for Case #2924 – Andy Callicutt has filed requests for a) Special Exception as provided in Section 3.9.2.2.c Districts Allowed, b) Special Exception as provided in Section 2.6.9 Front Yard Build-to: Maximum, and c) Variance from Section 3.9.2.3 Parking for 'Oxford Farms Medical Building' for property located at Oxford Way. (PPIN #8903)

Planning Comments: The subject property measures approximately +/- 3.50 acres and is located on the south side of Oxford Way, across from the Landing at Oxford Farms. This property was the subject of two requests in 2020, a Special Exception from the front yard build-to line requirement, and a variance from the parking requirements; both of these requests were approved by the Commission. The applicant is proposing a medical office building and is returning to the

Commission with three new requests for this property.

A) Special Exception for a Medical Office Building (Section 3.9.2.2.c)

A medical office use located in the (SCN) Suburban Center District requires a Special Exception when the proposed use exceeds 25,000 square feet. The applicant is proposing to construct a two-story medical office building that measures approximately +/- 40,000 square feet (20,000 SF on the ground floor and 20,000 SF on the second floor) and it will operate as a medical office with ambulatory surgery center.

Recommendation: After making the finding that the use is consistent with other businesses in the area and that it will not adversely affect the public interest, Staff recommends approval of the requested Special Exception with the following conditions:

1. The Special Exception is for the plan as submitted.
2. The Special Exception shall expire if permits have not been issued in 18 months.

B) Special Exception for a Front-Yard Build-To Line in Excess of 58' (Section 2.6.9)

A Special Exception was previously granted for this site that allowed the building to be located 150' from the property line. At that time, a medical office use was also proposed and the applicant wanted to ensure that there was adequate patient parking near the primary entrance. This proposal places the building closer to the property line and it reduces the quantity of parking in front of the building. The building is located approximately +/- 87' from the property line on Oxford Way, and it is certainly consistent with similar special exception requests in this zoning district.

Recommendation: After making the finding that the location of the building will be much improved from what was previously approved by the Commission and that it will be consistent with other buildings in close proximity to this site, and as a result, will not adversely affect the public interest, Staff recommends approval of the requested Special Exception with the following conditions:

1. The Special Exception is for the plan as submitted.
2. The Special Exception shall expire if permits have not been issued in 18 months.

C) Parking Variance (Section 3.9.2.3)

In 2020, a parking variance was granted by the Planning Commission to allow the then proposed medical office building to exceed the 25% parking maximum by a total of 27 parking spaces. A new site plan is being proposed for a different medical office building, but that applicant would like to request the ability to again exceed the 25% parking maximum. The proposal indicates that the nearly +/- 41,000 square foot medical office building requires a total of 164 parking spaces but due to this particular use, the facility will necessitate 103 employees and it will have a considerable quantity of patient load.

Therefore, the applicant is requesting the ability to exceed the 25% parking maximum by a total of 20 spaces. This redesign places the majority of parking in the side and rear portions of the building, a change from the previously approved variance. This request results in six fewer parking spaces provided (225) than what was previously provided (231). The proposal indicates a healthy landscaping screen in front of a three-rail fence that will help screen the parking lot from view on Oxford Way.

Recommendation: Due to the intensity of the proposed use that requires more than 100 employees, the potential for a peak patient load of 100-115 people, and the design places the majority of the parking in the side and rear portions of the property, Staff supports the request for a variance to provide an additional 20 parking stalls with the following conditions:

1. The variance is for the plan as submitted.

Chair Rigby summarizes staff recommendations. Milam asks if the applicant has gotten a certificate of need for the surgical center. Project engineer Joey Moore states that he is unsure but that the applicant would not progress with the project without that certificate.

Special Exception A - Motion to approve subject to Staff conditions - Commissioner Spragins; 2nd - Commissioner Alexander; AIF

Special Exception B - Motion to approve subject to Staff conditions - Commissioner Alexander; 2nd - Commissioner Milam; AIF

Variance C - Motion to approve subject to Staff conditions - Commissioner Murphy; 2nd - Commissioner Alexander; AIF

Move: Second: Status: Passed

8. Public Hearing for Case #2925 – Andy Callicutt has filed a request for Site Plan Approval for 'Oxford Farms Medical Office Building' for property located at Oxford Way. (PPIN #8903)

Planning Comments: The subject property measures approximately +/- 3.50 acres and is located on the south side of Oxford Way, across from the Landing at Oxford Farms. This property was the subject of two requests in 2020, a Special Exception from the front yard build-to line requirement, and a variance from the parking requirements; both of these requests were approved by the Commission. This case relates to three new requests in Case #2924.

The applicant is proposing a medical office building and is returning to the Commission with three new requests for this property.

Use and Parking Requirements

A medical office use located in the (SCN) Suburban Center District requires a Special Exception when the proposed use exceeds 25,000 square feet. In this instance, the proposal indicates a two-story building that measures +/- 40,000 SF. A Special Exception for this use to exceed 25,000 square feet is one of the requests in Case #2924.

164 spaces are required for this medical office use but a development may exceed the minimum required by 25%, or in this case 205 spaces may be provided. The proposal indicates a total of 225 spaces. A variance for the additional 20 spaces is one of the requests in Case #2924.

Coverage

The SCN district allows for 80% lot coverage and 77.52% is proposed with this development.

Building Height

The proposed two-story building will measure approximately +/- 37.4' in height.

Other Review Elements

- Architecture and Building Materials – Brick and glass will be the primary façade materials for this building, although, the proposal does indicate an aluminum composite system used for accent purposes on the building.
- Sidewalks and Connectivity – Sidewalks are indicated along Oxford Way and they connect with sidewalks in the interior of the parking lot.
- Landscaping & Tree Mitigation – The proposed landscape design meets all standards related to frontage trees, parking lot trees, and foundation plantings. Tree mitigation is not needed on this site.

Engineering Comments:

Access

The proposed site has 2 points of access: one onto Oxford Way, and one onto an existing shared drive with Rayner eye Clinic.

Water and Sewer

Water to the facility will be supplied via an existing 8 inch City of Oxford water main. An 8 inch tap will be required for fire protection to the building.

Sanitary Sewer will be discharged to an existing stub to a City of Oxford sewer main and is privately owned and maintained within the site.

Storm Water

Storm water management for the proposed facility will be handled by underground detention

facility. The stormwater management plan is still under review, but it is anticipated it can be approved soon.

Recommendation: Staff recommends approval of the requested Site Plan for the 'Oxford Farms Medical Office Building' with the following conditions:

1. Approval is for the Site Plan as submitted. (Planning)
2. Approval is contingent upon the approval of Case #2924. (Planning)
3. Approval of the Stormwater management facility. (Engineering)

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

9. Motion to Adjourn

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)