

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, July 10, 2023, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

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

Remote Attendance

Kirk Milam

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
- B. July Legal Advertisements
 1. Call to Order
 2. Approval of the Agenda
Move: David Spragins Second: Joseph Murphy Status: Passed
 3. Approval of minutes from the June 12, 2023 Meeting
Move: Harry Alexander Second: David Spragins Status: Passed
 4. Staff Report
 - a. Planning Staff Report
 - b. Building Official's Report
 5. Map of Cases this Month
<https://coogis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=ff8873ac54dc47a481c5f2c8a64d4be1>
- C. Administrative Approvals
 1. Case #2977-A – Aretha Powell 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 101 Luther Street. (PPIN #6328) **(POSTPONED FROM JUNE) Should an objection to the use be received by the Planning Department, the use shall be reviewed as a Special Exception**
 2. Case #2979-A – Nickel Smith has filed a request for Site Plan Approval for property 'Connie's Chicken' located at 2622 Jackson Avenue West (PPIN #7875)
- D. Consent Agenda
Commissioner Spragins made a motion to approve the consent agenda.
All in favor.
Move: David Spragins Second: Joseph Murphy Status: Passed

1. Public Hearing for Case #2980 – Fred Graves has filed a request for Preliminary and Final Plat Approval for ‘Belk Boulevard Business Park’ for property located at the intersection of Belk Boulevard & Mississippi Highway 7 (PPIN #16269)
2. Public Hearing for Case #2981 – Jason Bailey has filed a request for Site Plan Approval for property located at 408 Galleria Lane (PPINs #21056 & #21057)

E. 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 #2982 – Michelle McAuley has filed a request for a) a Variance from Section 5.8.4.4a.i Neighborhood Conservation Overlay District: Yard Standards, Front Yards and b) a Variance from Section 5.8.4.4a.iii Neighborhood Conservation Overlay District: Yard Standards, Rear Yard for property located at 216 Sivley Street (PPIN #5478)

Ben Requet presented on behalf of the city.

Planning Comments: The subject property is located on .35 acres on Sivley Street. The site is vacant, and it is located in the Neighborhood Conservation Overlay District. This particular lot is located in the curve of Sivley Street, near Price Street. The topography of the lot slopes considerably from the rear of the site towards the front. The applicant is requesting a 12’ front yard build-to line variance and a 6’ rear yard setback variance to facilitate the construction of a new two-story home.

The proposed building site is located in the Neighborhood Conservation Overlay, in which Front Yard setbacks are determined by the Director of Planning using the unique characteristics of the street and reflecting the established pattern of setbacks in the neighborhood as specified in section 5.8.4.4 of the Land Development Code. The front setback is determined by the neighboring properties, and the new building must sit no further back from the street or closer to the street than the two direct neighbors.

In this instance, the structures on the adjacent properties are located approximately 49’ (210 Sivley) and 68’ (212 Sivley) from their respective property line. The applicant is requesting a 12’ variance to allow the new home to be constructed 37’ from the property line. The applicant contends that Sivley Street is a unique street in Oxford because it is curvilinear as it traverses the high ridge from North 11th Street down to Price Street. The applicant also notes that the location of this property, in the curve, is unique and that coming closer or stepping back would not alter the general rhythm to the street.

The rear setback requirement for the Neighborhood Conservation Overlay District is 20’. In order to push the house as far back as possible on the front of the lot, the applicant is proposing to position a portion of the garage 6’ into the rear setback, thus necessitating a variance.

Staff is sympathetic to the circumstances in this instance, but it does seem that the proposal is design driven. The applicant could modify the plan to detach the garage, which would allow it to be 5’ from the property line and 5’ from the existing structure, or a different design with less programmed on this lot could be proposed. While the impacts in this situation may be less noticeable because the home is located in a curve, Staff does not see a hardship in this particular instance to warrant supporting the requested variances.

Recommendation: Staff recommends denial of both variances.

Summary of discussion: Chairman Rigby asked for questions or comments from the commission. Jonathan Mattox was present on behalf of the applicant and began discussing the plans presented. He spoke about the setback being relative to the house beside it and the house to the north is 10 feet from the center of this lot depriving them from taking advantage of the topography. Adjacent homes are built where the flat of the land meets the slope and this lot has flat area that is closer to the street, making it a unique circumstance. Jonathan continued to mention

that without the overlay this would be a non-issue in other areas.

Chairman Rigby asked Jonathan to clarify about the flat portion of the property being closer to the street. Jonathan responded that due to the grading they have an opportunity to build closer to the street, to which Chairman Rigby clarified an opportunity is not a hardship. Chairman Rigby continued to mention that the overlay existing and this being a vacant lot does not seem to be a hardship and that plans could have included the set back from the starting point.

Commissioner Riddell asked is the applicant considered detaching the garage. Jonathan replied that they have and the large retaining wall in the back of the property cuts off the back corner. He also said that the footprint of the home is relatively small in square footage, the lot slopes up in other directions. He does have a solution that will allow him to detach the garage and build further back and if the commission does not grant the request, then he would like to discuss another number that they would be more comfortable with, measuring in the curve is very tricky. Commissioner Riddell added that there is no elevation to show the property from the front with the porch.

Commissioner Alexander mentioned the steps in the plans and asked Jonathan to explain, given how steep the lot is. Jonathan responded that he does not have a plan for the front elevation, he added that the images included in the report are to show the differences in setback on Sivley street and that what the applicant is asking for will not disrupt the rhythm and continuity of the street. Chairman Murphy asked about the square footage of other homes in the area, Jonathan responded there is a variety of sizes in this neighborhood. Chairman Murphy asked is a different shaped home was considered, Jonathan replied that the retaining wall and lot size is the issue, not the shape of the home. Jonathan continued that the original plan did not require a rear yard variance but as they continued with design it pushed the home further back into the lot, and that the front yard variance requires more discussion.

Commissioner Riddell mentioned that 12 feet on Silvey is not 12 feet on every street. Commissioner Murphy asked if Jonathan wanted to speak on alternative plans mentioned earlier, if he thought this would not pass. Jonathan responded that he felt he could make it work without a rear yard request and he could make it work if he was only 6 feet forward instead of 12 feet and that he would need to speak with the client to discuss changing the plans. Chairman Rigby clarified that they would not need a back yard variance and that the front yard variance would be changed from 12 feet to 6 feet making the corners of the home fit into the setbacks. Jonathan agreed. Commissioner Riddell asked if any of the neighbors have commented, Ben replied that the planning department has not heard from any of the neighbors. With no further questions or comments Chairman Rigby asked for a motion.

Commissioner Milam made a motion to approve the request.

Milam, Alexander and Riddell in favor.
Murphy, Rigby and Spragins against.

Move: Kirk Milam Second: Harry Alexander Status: Failed

3. Public Hearing for Case #2983 – KPS Group (Andrew Olds) has filed a request for Site Plan Amendment for 'Oxford Surgery Center' for property located at 499 Azalea Drive (PPIN #17270)

Robert Baxter presented on behalf of the city.

Planning Comments: The subject property is +/- 2.47 acres located on Azalea Drive and is the current site of the Oxford Surgery Center. The applicant is proposing to expand the building to the south and add +/- 4,622 sf of additional space that would contain new operating rooms and storage/preparation space as well as additional parking. The resulting building will be +/- 19,283 sf.

Use and Parking Requirements – The use remains appropriate for the TNB zoning as the expanded facility will remain under 20,000 sf. Parking is calculated at 1 space for each 250 sf of gross floor area. 77 spaces are required and 77 are provided.

Coverage – TNB districts allow for 80% impervious coverage and the applicant is proposing 55%. Per comments from the Site Plan Review Committee regarding Fire and Environmental Services

access, coverage will likely increase slightly to allow for additional room to maneuver vehicles.

Other Review Elements

- Landscaping – A landscape plan has been provided that show new edge plantings and parking lot trees. The dumpster enclosure will require screening on three sides, but as the current dumpster location will need to be modified, this is not reflected in the current plans. As no significant trees are proposed to be removed, no tree mitigation is required for this site.

- Building Materials – Similar building materials, brick veneer and cast stone water table, are proposed for the addition to match as closely as possible the existing building. To provide a more seamless transition, both the existing and new brick veneer will be lime-washed which should hide any variation between the materials.

Engineering Comments – The proposed site plan does not alter vehicular access. Sidewalk is required along the frontage of the property. A private sewer main will be extended to the addition and should be noted as private on the plans. A cleanout is required at the right-of-way connection point. There are not currently any proposed changes to the water service, indicating that the building will be connected to the existing water service within the existing building. The building addition does require stormwater management, which is proposed through a subsurface system within the parking lot. Staff has provided technical comments regarding the stormwater plan submitted and does not anticipate any issues with a future approval. Additional grading is shown within the site to direct water to the detention system.

Recommendation: Staff recommends approval of the requested Site Plan Amendment for 'Oxford Surgery Center' with the following conditions:

1. Approval is for the plan as submitted with needed corrections as per the Site Plan Review Committee. (Planning)
2. And updated landscape plan showing proper landscape screening around the dumpster. (Planning)
3. Approval is contingent on approval of a stormwater management plan. (Engineering)
4. Approval is contingent on completion of technical corrections required for the construction plans. (Engineering)
5. Certificate of occupancy will not be granted until the stormwater certification has been received and accepted by Engineering Staff and all technical corrections have been shown on the plans. (Engineering)

Summary of discussion: With no questions or comments Chairman Rigby asked for a motion.

Commissioner Spragins made a motion to approve the requested site plan amendment subject to staff conditions.

All in favor.

Move: David Spragins Second: Harry Alexander Status: Passed

4. Public Hearing for Case #2984 – Trezevant Realty Corporation (John Trezevant) has filed a request for a) a Variance from Section 2.6.9 Suburban Center District – Rear Yard Setback Line, Minimum and b) a Variance from Section 2.6.9 Suburban Center District – Side Yard Setback Line, Minimum for 'Galleria II' for property located at 1001 Merchants Drive (PPIN #7868) **(POSTPONED)**
5. Public Hearing for Case #2985 – Trezevant Realty Corporation (John Trezevant) has filed a request for Final Plat Amendment for 'Galleria II' for property located at 1001 Merchants Drive (PPIN #7868) **(POSTPONED)**

6. Public Hearing for Case #2986 – Alecian Mathis has filed a request for a Variance from Section 3.6.2.2 Care Centers and Care Homes: Parking for property located at 1559 Charger Lane (PPIN #35771)

Robert Baxter presented on behalf of the city.

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. This request is a Variance from the minimum parking standards for the use.

Parking for daycares is calculated at one space for each employee and one space for each five enrolled persons at maximum capacity. Per communications with the applicant's design team, there will be 6 supervision spaces with the following capacities: Infants – 10, 1s – 10, 2s – 10, 3s – 12, 4s – 20 & 5-9s – 13. Per rule 1.8.2 'Staffing Ratios' of the MSDH 'Regulations Governing Licensure of Child Care Facilities' Amended 1/12/2022, the following number of staff would be required: Infants – 2, 1s – 2, 2s – 2, 3s – 1, 4s – 2 & 5s – 1. This a total minimum of 10 caregivers, without any additional staff, requiring 10 parking spaces. With 75 potential children at maximum capacity, this would require an additional 15 spaces for a total of 25. The applicant is requesting to provide 16, a variance of 36%.

The applicant contends that 6 spaces for non-staff parking is sufficient and that “due to the nature of this business, the drop-off area will be utilized at a far greater ratio than the parking spaces. Imposing a strict application of the Land Development Code is not practical for the nature of this business and will only create more impervious coverage and unnecessary costs. A granting of this variance will only benefit this property and the adjoining properties and neighborhood because it will decrease impervious coverage.”

While Staff is sympathetic to the desire to minimize impervious coverage and to reduce costs to the business, the potential for 75 children to be enrolled simultaneously with only 6 parking spaces (1 accessible space) is problematic. While some parents will likely use the pick-up/drop-off lane, due to the lack of parking spaces it is likely that parents will also park in the through lane of the parking lot creating congestion as some cars are temporarily blocked. Staff does acknowledge that the majority of the day, the demand for parking is low, however, a demand surge for parking occurs during a 30–45-minute window in the morning and afternoon.

Recommendation: Staff recommends denial of the requested Variance.

Summary of discussion: Chairman Rigby asked if there was stacking of cars would it back out to Highway 30, Robert replied yes, more than likely. Chairman Rigby asked how many vehicles would be able to stack front the street to the door. Ben Requet replied that it would be about 3-4 cars. The applicant was present virtually. He commented that they have made changes to the site to meet the requirements of the city and the client. With no further questions or comments Chairman Rigby asked for a motion.

Commissioner Murphy made a motion to deny the requested variance.

All in favor of denial.

Move: Joseph Murphy Second: Harry Alexander Status: Failed

7. Adjourn

Commissioner Alexander made a motion to adjourn.

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

If you need special assistance related to a disability, please contact the ADA Coordinator or visit

the office at: 107 Courthouse Square, Oxford, MS 38655. (662) 232-2453 (Voice) or (662) 232-2300 (Voice/TTY)

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, August 14, 2023, 5:00 pm - 8:00 pm
City Hall Courtroom

In Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Harry Alexander;
J.R. Rigby; Jaclyn Colameta; Joseph Murphy; Kate Kenwright; Kirk Milam; Paul
Watkins; Reanna Mayoral; 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. August Planning Commission Memorandum

To access the video for this public hearing please click the following link:

<https://www.youtube.com/watch?v=1wl6ma5LZUE&list=PLOF67Ud5n0KH9-Kw4TVSrhUNgQ0AqLEL8&index=40>

B. August Legal Advertisements

1. Call to Order

2. Approval of the Agenda

Commissioner Smith made a motion to approve.

Move: Erin Smith Second: Harry Alexander Status: Passed

3. Approval of minutes from the July 10, 2023 Meeting

Commissioner Milam made a motion to approve.

Move: Kirk Milam Second: David Spragins Status: Passed

4. Staff Report

a. Planning Staff Report

b. Building Official's Report

5. Map of Cases this Month

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

C. Administrative Approvals

1. Case #2987-A – Barry Engelman 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 105 Lakeway Drive. (PPIN #6468) Should an objection to the use be received by the Planning Department, the use shall be reviewed as a Special Exception

D. Consent Agenda

Commissioner Spragins made a motion to approve.

Move: David Spragins Second: Erin Smith Status: Passed

1. Public Hearing for Case #2988 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Preliminary Plat for The Heights Phases 10, 11, & 12' for property located at Buddy East Parkway (PPIN #4503)
2. Public Hearing for Case #2989 – LT2, Inc (Larry Britt) has filed a request for Final Plat for 'Grand Oaks Ph VIII Part 1' for property located at Fazio Drive (PPIN #26136)
3. Public Hearing for Case #2990 - Elliott and Britt Engineering P.A. (Kevin McLeod) has filed a request for Preliminary Plat and Final Plat for 'Highway 6 West Properties' for property located at the intersection of Highway 6 and Howell Loop (PPIN #7686)
4. Public Hearing for Case #2991 – Elliott and Britt Engineering P.A. (George Ashmore) has filed a request for Preliminary Plat for 'The Evergreens, Phase 5' for property located at George G "Pat" Patterson Parkway (PPIN #24879)
5. Public Hearing for Case #2996 – Capstone Development (Mac Monteith) has filed a request for Final Plat Amendment for 'The Lamar – Phase 4' located at the west end of Cincinnatus Boulevard. (PPIN #5067)

E. 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 #2992 – Specialty Orthopedic Group (Sparky Luster) has filed requests for a) a Variance from Section 2.6.7 Front Yard Build-to Line, maximum and b) a Variance from as Section 3.9.2.5.a Medical Facilities – Additional Standards for property located at intersection of Ferndale Boulevard and Concordia Avenue (PPIN #4562)

Robert Baxter presented on behalf of the city. (YouTube video begins at 15:50 - 20:41)

Planning Comments: The subject property is +/- 3.44 acres located at the northwest corner of Highway 30 and Concordia Drive in the Colonnade Crossing Subdivision. The applicant is proposing to construct a 2-story medical office and surgery center to house Specialty Orthopedic Group. A site plan for this project is under consideration as Case #2993. These requests are to facilitate that site plan.

a) Variance from Section 3.9.2.5.a – Additional Standards: The first Variance is from the additional standard that medical uses inside of the TNB cannot exceed a building footprint of 20,000 square feet. The applicant is proposing a footprint of +/- 24,151 sf.

The applicant states that: "The orthopedic medical surgery building in question is specifically designed to provide advanced medical treatments, state-of-the-art equipment, and specialized care to address the needs of individuals suffering from orthopedic conditions. The facility will also provide Ambulatory Surgical Facilities (ASC). Due to the specialized nature of its operations and the need to accommodate medical procedures, here are some of the additional dimensional requirements

for ASCs that are unique to this type of facility/building:

1. Procedure Rooms: ASCs require larger, specialized procedure rooms to accommodate surgical equipment, medical staff, and patients. These rooms must have sufficient floor area, height, and clearances to allow for safe and efficient surgical procedures.
2. Recovery Areas: ASCs must include dedicated recovery areas where patients can be monitored and cared for after surgery. These areas have specific space requirements, including adequate room for patient beds or recliners, privacy partitions, and space for medical equipment and staff.
3. Sterile Processing Area: ASCs require a designated area for sterile processing where medical instruments and equipment are cleaned, disinfected, and sterilized. These areas have specific layout requirements to ensure proper workflow, infection control, and separation from other patient care areas.
4. Corridors and Circulation Spaces: ASCs must have larger than normal corridors and circulation spaces to accommodate the movement of patients, staff, and medical equipment, ensuring ease of access and emergency egress.
5. Sanitation/linen/laundry processing areas: ASCs require specific areas for storage, supply, and proper laundering of linen and laundry which are separated from other patient and staff areas

These are not all but some of the dimensional requirements that led to the larger than allowed footprint.

In terms of the neighborhood impact, the variance for the orthopedic medical surgery building will be a positive addition. The facility will bring specialized medical expertise and advanced treatment options to the neighborhood, improving the overall healthcare landscape. This will not only benefit residents who require orthopedic care but also attract medical professionals and support staff to the area, contributing to local economic growth. By incorporating proper traffic management plans, providing ample parking facilities, and efficient waste management strategies, any potential disruptions to the neighborhood will be effectively minimized. The overall result will be a well-integrated facility that contributes to the neighborhood's vitality and provides a valuable service to the community.”

Staff agrees with this assessment. Due to the nature of this medical facility as a surgical center, by necessity the ground floor will have its offices more spread out than a doctor's or dentist's office. This combined with the size and placement requirements of rooms in the building generally account for the difference between this plan and a non-surgical medical use of similar to number of staff and patients.

recommendation: Staff recommends approval of the requested variance to exceed a 20,000-sf footprint for a medical use in a TNB District with the following conditions:

1. Approval is for the plan as submitted.

b) Variance as provided in Section 2.6.7 Front Yard Build-to Line, maximum:

The second variance request is to exceed the 58' maximum build-to line at the north and east front yards. The applicant requests 44 additional feet (102' total) on the east and 92 additional feet (150' total) on the north. The property is a three-fronted lot and the proposed building meets the build-to on the south side towards Highway 30.

The applicant states that in addition to this being a three fronted lot:

“In order to meet the Ordinance requirement for development on this lot, a building would need to have a dimension of approximately 193' so that the building walls could encroach into the Build-to zone of all 3 streets. A building of that size would not fit into the character of the neighborhood. The area and subdivision (Colonnade Crossing) which the property is located are commercial properties and several commercial development sites are already underway in the Colonnade. Additionally, located across Molly Barr Road (to the South), there are currently two medical office buildings (Dermatology Associates of Oxford & MS Eye Consultants) with plans for additional expansion. The proposed SOG Medical Facility use along with the building design will blend seamlessly with the architectural style and character of the neighborhood.”

Staff views this as a reasonable request. This building layout meets the build-to towards the most significant frontage of the three. A footprint that meets all three build-to lines would remove that presence on Highway 30.

Recommendation: Staff recommends approval of the requested variance to exceed the front build-to lines at the east and north front yards by 44' and 92' respectively with the following conditions:

1. Approval is for the plan as submitted.

Summary of discussion: With no questions or comments from the commission or audience Chairman Rigby asked for a motion.

Commissioner Alexander motioned to approve the variance for additional standard, subject to staff conditions.

Commissioner Spragins seconded. All in favor.

Commissioner Milan motioned to approve the variance for front yard build too line, subject to staff conditions.

Commissioner Alexander seconded. All in favor.

- Public Hearing for Case #2993 – Specialty Orthopedic Group (Sparky Luster) has filed a request for Site Plan Approval for 'Specialty Orthopedic Group' for property located at Colonnade Crossing Subdivision, lot 8 (PPIN #4562)

Robert Baxter presented on behalf of the city. (YouTube video begins at 20:43 - 23:20)

Planning Comments: The subject property is +/- 3.44 acres located at the northwest corner of Highway 30 and Concordia Drive in the Colonnade Crossing Subdivision. The applicant is proposing to construct a 2-story medical office and surgery center to house Specialty Orthopedic Group. This request is for approval of that site plan.

Use Requirements – The plan calls for a 2-story building of +/- 43,450 sf with a +/- 24,151 sf footprint. Medical uses of over 25,000 sf are Special Exceptions in the TNB district. Medical uses also cannot exceed a footprint of 20,000 sf in the TNB. A variance (Case #2992) for relief from this provision is being requested.

Parking Requirements – Parking for medical uses is calculated at 1 space for each 250 sf of gross floor area. For this proposed use, 174 spaces are required at a minimum and 218 are allowed at a maximum. The applicant has proposed to exceed the parking maximum by 10 spaces and has requested an administrative waiver from the Planning Director. This waiver was granted June 23, 2023.

Coverage, Height, and Setbacks – Properties in TNB districts are limited to 80% lot coverage, and 77.5% is proposed. Height is limited to 40 ft and 40 ft is proposed to top of the parapet. Because this lot has frontage on three public streets, the north, east, and south sides will be considered fronts while the west side will be a side. Front build-to lines are 0' to 58' and side setbacks are 10'. The proposed building meets the south build-to and west setback while a variance from the north and east build-to lines has been requested (Case #2992).

Other requirements:

- Landscaping – A landscaping plan has been proposed that indicates foundation plantings, edge plantings, screening, street and parking lot trees that comply with LDC standards.
- Lighting – A photometric plan has been proposed that shows no light bleed at the edges of the site.
- Architecture and Building materials – The primary building materials will be stucco, brick and masonry block with aluminum storefront windows. The building presents attractive fronts towards all three streets while also incorporating the dumpster and generator screening into the south façade.
- Signage – Some signage is indicated on the architectural elevations, though a separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:

Water and Sewer

Water and sewer infrastructure was constructed as part of the preliminary and final plat for Colonnade Crossing, including future connection points for this lot. All water and sewerage within the site are privately owned and maintained.

Traffic/Access

Access to the site will be from two driveway openings on Concordia Avenue

Sidewalks

There is an existing public sidewalk along the frontages with Concordia Avenue, Ferndale Boulevard, and Highway 30.

Stormwater:

Stormwater runoff from this site will be collected and conveyed to an existing regional stormwater management facility previously constructed as part of the Colonnade Crossing Subdivision. The regional stormwater management facility was approved in Case #2860 – Final Plat Approval for Colonnade Crossing – Phase 2.

Recommendation: Staff recommends approval of the Site Plan for ‘Specialty Orthopedic Group’ with the following conditions:

1. Approval is for the plan as submitted.
2. Approval is contingent upon the approval of a Variance for the front-yard build to line maximum and a variance from Section 3.9.2.5.a (Case #2992)

Summary of Discussion: With no question or comments from the commission or audience Chairman Rigby asked for a motion.

Commissioner Spragins made a motion to approve subject to staff conditions. All in favor.

Move: David Spragins Second: Harry Alexander Status: Passed

4. Public Hearing for Case #2994 – Dermatology Associates of Oxford (Lyndsay Shipp) has filed a request for Variance from Section 7.2.9.7.c Wall Signs: Maximum allowed for property located at 1682 Highway 30 East (PPIN #39720)

Ben Requet presented on behalf of the city. (YouTube video begins at 23:18 - 43:08)

Planning Comments: This is a request for a variance from the signage requirements of the Land Development Code. Dermatology Associates of Oxford (DAO) is nearing completion of the construction of their new building. The subject property is located along the south portion of Highway 30, west of Park Drive between the two western roundabouts.

The signage requirements of the Land Development Code limit a business to a total of 3 signs (Not more than 2 on a single façade). A business may propose signage in a variety of ways including wall signage, projecting signage and monument signage, but they are limited to a total of 3. The total area allotted to a business for wall signage is proportional to the linear frontage towards a city street and the distance that the building is located from that city street, but no business is allowed to have more than 200 square feet of wall signage. Projecting signs may be 40 square feet but based on the square footage of the building area, they may have a maximum size of 60 square feet (an example of a projecting sign is The Graduate sign on North Lamar). Finally, a freestanding or monument sign is limited to a maximum signage area of 40 square feet.

In this instance, the Dermatology Associates of Oxford building has more than 100' linear feet of frontage towards Highway 30 and because the building is more than 30 from the pavement edge, DAO is allowed the maximum quantity of wall signage of 200 square feet. DAO intends to utilize two wall signs with channel letters that spell out “Dermatology Associates of Oxford” from their existing location. These signs will be displayed on the north (Highway 30) and south (parking lot) facades of the building. The applicant is proposing an additional wall sign on both of these façades displaying the DAO logo. The total signage wall signage area on the north façade (Highway 30) with the two signs is calculated at +/- 155 square feet. The total signage wall signage area on the south façade (parking lot) with the two signs is calculated at +/- 169 square feet. The combined wall signage proposed is approximately 324 square feet: approximately 124 square feet more than the maximum for wall signage.

The application notes that this site is peculiar than others in Oxford due to the recent improvements to Highway 30 that resulted in the increased height of the roadway by at least 3 feet. The applicant believes that due to the increased elevations of Highway 30 and the consecutive roundabouts has made it important for their patients to be able to identify the office. Also noted in the application is that the city has denied a request for roadside signage to the office. Staff is

unaware of a request for a roadside sign but any sign near Highway 30 would likely be located in the right-of-way and require a revocable license by the Mayor and Board of Aldermen.

The application states that current sign allowance is not adequate for the size and location of the building. Staff worked with the signage design professional on alternatives available for this building, including the potential for a projecting sign that could be situated in a prominent location creating maximum visibility for its customers, but the applicant's desires were for the requested proposal.

The applicant expresses concerns with providing adequate signage for their medical office building so that it may be easily identified from Highway 30, especially while traversing the roundabouts. Staff believes that the applicant could accomplish through an alternative sign package that includes a combination of wall signage and a projecting sign. It could also be accomplished by with the channel lettering sign on the front and back of the building with the logo of the building on the Highway 30 side of the building. There is no question that the topography presents a hardship that was not created by the applicant, but Staff does not believe that this hardship justifies a 62% increase in signage area when alternatives signage plans or when a lesser variance could be granted accomplishing the desired intent.

Recommendation: Staff recommends denial of the requested variance.

Summary of discussion: Chairman Rigby opened the discussion by clarifying the measurements with Ben. Commissioner Milam asked if the applicant thought of changing the size of the sign. Applicant Jay and Lyndsay Shipp were present to reply that they thought the number of signs was the issue and not the size and would like to have the symmetry with all sides of the building. Commissioner Milam asked if four signs would be approved if they fit within the square footage allowed. Ben replied that the city consistently applies the limit of three signs to all businesses. He continued to state that a monument sign would help but that there are topography issues, a slop by the roadway, the building being close to property line and has met the applicant on site to help find an alternative. Chairman Rigby asked if the 200 sq ft max was just for wall signs. Ben replied that it is just for wall signage.

The applicant stated that the architect design had incorporated the signage to help to break up the large wall space and the signs go with the aesthetics of the building. Commissioner Murphy mentioned that the signage is usually on the original site plan and if the applicant knew about the signage. Ben replied that it was explained during the site plan approval process with the architect and that signage is always a separate approval from site plan approvals. Commissioner Murphy asked the applicants if they were aware of the signage, they replied no and that they also own the building next door, so he was aware of some signage regulations but not all.

Commissioner Smith asked if the logo would be visible from both directions? The applicant replied that the road being raised, and the age of the clientele would benefit from having more signs. Ben added that in the site plan report signage was mentioned as being reviewed as a separate compliance. John Granberry, the project engineer was present and stated that the building was designed utilizing these signs and that the architects changed mid project. Granberry went on to mention that the south of the building is only visible to the parking lot so it will not be in the public view and intended to help elderly patients so that they enter the correct building. The applicant added that they would be willing to do a monument sign as the fourth business sign but given the topography issues they cannot have a monument sign. Chairman Rigby clarified that the applicant was willing to take one of the walls signs down for a monument and asked if they would use a projecting sign. The applicant replied no and that the monument was the only one they considered. With no further questions or comments Chairman Rigby asked for a motion.

Commissioner Murphy made a motion to approve subject to staff conditions.
Commissioner Alexander seconded.
Spragins, Rigby, Smith and Milam voted against. Motion failed.

Move: Joseph Murphy Second: Harry Alexander Status: Failed

5. Public Hearing for Case #2995 – Foresite Group, LLC (Jack Johnson) has filed requests for a) a Variance from Section 3.8.9.3.c Restaurants - Parking, b) a Special Exception as provided in Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max and c) a Variance from Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max for property located at Sisk Avenue and Commonwealth Boulevard (PPIN #26626)

Robert Baxter presented on behalf of the city. (YouTube video begins at 43:15 - 58:40)

Planning Comments: The subject property is a +/- 1.91-acre site located at the southeast corner of Sisk Ave and Commonwealth Boulevard, just north of Della Davidson Elementary. The applicant is proposing to build a +/- 4,992 sf restaurant with an associated drive-thru (Chick-fil-a). A site plan is currently under review by Staff. These requests are to facilitate this Site plan.

a) Variance from Section 3.8.9.3.c Restaurants - Parking:

Parking for restaurants with drive windows is calculated at 10 spaces plus 1 space for each 4 seats of total capacity. For this plan, 90 seats are proposed, so 33 spaces are required at a minimum and 41 are allowed at a maximum. The applicant has proposed 62 spaces, 21 over what is allowed.

The applicant contends that Chick-fil-A has multiple times more employees than a typical restaurant with drive-through which is a major contributing factor to the amount of needed parking. This is not necessarily applicable to other restaurants within the same zoning district.

Staff feels that this is a reasonable request. Due to the increased staffing, which allows the drive thru queue to clear in a timely manner and keep associated traffic internal to the site and away from school traffic as much as possible with this site, additional patron parking is needed.

Recommendation: Staff recommends approval of the requested variance for 21 spaces of additional parking with the following conditions:

1. Approval is for the plan as submitted.

b) Special Exception as provided in Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max:

This lot has frontages on three public rights-of-way: Sisk Ave, Commonwealth Blvd, and Hopkins Ave. This request is for the frontage towards Sisk Ave. In a previous iteration of the site plan, the applicant met the 58' build-to line towards Sisk. Due to Staff comments about utility placement and grading, the applicant has requested to be an additional 11' from the right-of-way. Requests for additional front yard depth have been granted for numerous projects in Oxford Commons, and because this request comes as a result of Staff comments, Staff believes this is a reasonable request.

Recommendation: Staff recommends approval of the requested Special Exception after making the finding that the increase of the front yard build-to line maximum to 69 feet will not adversely affect the public interest, with the following conditions:

1. Approval is for the plan as submitted.

c) Variance from Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max:

This request is for relief from the build-to line maximum from Hopkins Ave on the south side of the property. The build-to line maximum is 58' with the ability to request up to 150' by Special Exception. The applicant is requesting +/- 160'.

Staff believes this is a reasonable request. Because this property has three fronts, meeting all three build-to lines is difficult, if not impossible depending on the proposed use. The south front is the least prominent of the three fronts and the applicant has successfully met the build-to on the west and if the above Special Exception is granted will maintain a presence towards the north.

Recommendation: Staff recommends approval of the requested variance from the south front yard build-to line maximum with the following conditions:

1. Approval is for the plan as submitted.

Summary of discussion: Applicant Jack Johnson with Foresite group was present and spoke about the topography of the site. Chairman Rigby asked how much stacking is available, Johnson replied about 800 feet which is about 40 cars in the dedicated drive thru, 20 cars per lane. Chairman Rigby asked about what to expect at peak hours. Johnson replied that he did not have the exact number, but the focus has been on bettering the operation overall with longer drive thru lanes, more efficient kitchens and staffing. Chairman Rigby asked if they have had discussions with the school districts about Hopkins Road. Johnson replied they have spoken to the school's safety officer and other officials. They spoke about traffic and the school resource officer positioning and how the school will change some of their operations. Johnson continued to say that Hopkins will be able to allow cars through with a chick fil a appointed traffic officer who will work with the school staff.

Commissioner Murphy asked why Sisk Avenue is not an option for access. Johnson replied that there is a slope to the east and they wanted to limit access to the signal and use the internal roads to pull traffic off of Sisk Avenue. Commissioner Smith expressed concerns about traffic and the proximity to the schools. Commissioner Murphy asked to clarify the entrance only lane on Hopkins and the exit only lane on Commonwealth. Johnson confirmed that was correct.

Jennifer Santelli from Chick fil A was also present. She commented on peak stacking is about 25 cars and typical busy hours are lunch and dinner which should help with the traffic concerns, and they don't anticipate a stacking problem. She also mentioned there will be a local operator in Oxford who will work with the schools and community to address any traffic issues that arise. Commissioner Murphy asked if different locations were considered. Jennifer replied that large sites are ideal to fit parking but was not sure if other sites were considered. Commissioner Milam asked if adding a second location with elevate the pressure from the other location on Jackson. Jennifer replied that in her experience, it does help the first location and that they try to spread capacity. With no further questions of comments Chairman Rigby asked for a motion.

Commissioner Alexander made a motion to approve Variance from Section 3.8.9.3.c Restaurants - Parking, subject to staff condition.

Commissioner Murphy seconded. All in favor

Commissioner Milam made a motion to approve Special Exception as provided in Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max subject to staff condition.

Commissioner Smith seconded. All in favor

Commissioner Spragins made a motion to approve Variance from Section 2.6.8 SCO – Suburban Corridor, Front yard build-to line, min/max subject too to staff condition.

Commissioner Alexander seconded. All in favor.

Move: Second: Status: Passed

6. Public Hearing for Case #2997 – Williams Engineering Consultants, Inc (Jeff Williams) has filed a request for Preliminary and Final Plat Amendment for 'Heritage Centre Lots 37 & 38' for property located at the intersection of Heritage Drive and Anderson Road (PPIN #21063) **POSTPONED**
7. Public Hearing for Case #2998 - Williams Engineering Consults, Inc (Jeff Williams) has filed a request for a) Variance from Section 4.8.6.1. Sidewalk Location and b) Special Exception as provided in Section 5.6.1.8. Appropriate/Inappropriate Building Façade for property located at 93 Highway 30 (PPIN #34524)

Kate Kenwright presented on behalf of the city. (YouTube videos begins at 58:50 -1:15:10)

Planning Comments: The subject property measures approximately +/- 7.3 acres and it is located on the north side of Highway 30, just east from the Ed Perry Boulevard intersection. This property

has two businesses located on it: Lily Kubota and Lily Farm and Ranch. The applicant seeks a Variance and a Special Exception, both of which are described below with Staff Comment:

Variance from Section 4.8.6.1

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 and shall be provided along all through public streets serving more than five homes (usually on both sides of the street; at the discretion of the City Engineer in AG and ER) within the street right-of-way or adjoining public easement on the entire frontage, and connect or join existing sidewalks on adjacent properties. For new or infill development, new sidewalks shall connect to the existing sidewalk. Shared use paths may alternatively be used where Authorized.

The applicant cites several impediments to installing a sidewalk in this location—that there is an existing fence on the ROW line, that due to the location of the fence existing parking would have to be torn out and the sidewalk put on private property, that there are not sidewalks on either side of the property and that a permit would be required from MDOT to place a sidewalk in the ROW, and that there is no pedestrian traffic on Hwy 30 E.

Recommendation: While there are challenges to the installation of a sidewalk in this location, it is the opinion of Staff that there are possible solutions to these challenges that have not been explored, including the relocation of the fence or requesting approval from MDOT to install sidewalk in the ROW. Therefore, Staff recommends denial of the variance request.

Special Exception from Section 5.6.1.8(a)

According to Section 5.6.1.8(a) of the Land Development Code, any use of metal surface as an exterior siding may be considered by special exception. Standing seam metal panels (like what are on-site currently) are proposed for the side and rear elevations. Additionally, the front(south) elevation of the new addition is to be a Knotwood cladding system, also an aluminum product, though it will be covered in a woodgrain powder coat finish.

The application notes that the owner would like to match the existing building façade with standing seam metal panels and brick, and that the building directly to the east is of the same building type as the addition proposed. The Commission will evaluate and consider if the use of metal siding in this instance is allowable. Metal siding was approved by the Commission for the neighboring property, Highway 30 Collision Repair, in May of 2021 (Case #2740).

Recommendation: Staff finds that the use of metal siding in this instance is appropriate. The metal siding proposed for the sides and rear match the existing site. In the most highly visible location, the South elevation, the applicant has chosen a more decorative aluminum siding system than plain uncoated metal. Staff recommends approval of the requested special exception with the following condition:

1. Approval is for the plan as submitted.

Summary of discussion: Commissioner Alexander asked if there is an update on the parkway from Highway 6 to Highway 30 through the commons. Reanna responded that there is no update as on right now and that it is private property. Commissioner Alexander continued to speak about the sidewalks placed around and near new development in Oxford and the benefits, he asked Jeff Williams to respond. Jeff began to discuss the topography from the west to east and difficulty meeting ADA requirements and that he has been in contact with MDOT.

Commissioner Murphy asked about where the sidewalk would connect. Jeff replied that it would stop where the drive meets the property. Commissioner Murphy continued to mention the sidewalk on the south side and if this would ever have any connectivity. Jeff replied that eventually he thinks it will but to have a crosswalk without a light would not be advised. Chairman Rigby mentioned that a sidewalk not being used now does not mean it will not be used in the future as Oxford continues to develop. Jeff responded with his concerns about the dangers of a liability and the difficulty of

putting the sidewalk in with the electrical box being where it is. Commissioner Murphy asked about the previous approvals of the south side of the highway and if they had sidewalks put in. Kate responded that one of those cases did not go through a site plan review, so they were not required to put in a sidewalk. Robert added that the other case had a sidewalk proposed with the plan for new construction. With no further questions or comments

Commissioner Alexander motioned to approve the Special Exception as provided in section 5.6.1.8. Appropriate/Inappropriate Building Façade subject to staff conditions.
Commissioner Milam seconded. All in favor.

Commissioner Alexander motion to deny the Variance as provided in section 4.8.6.1 Sidewalk Location.
Commissioner Milam seconded.
Alexander, Spragins, Murphy, Rigby and Smith voted against the variance. Motion failed.

8. Public Hearing for Case #2999 – Corr Properties, LLC (Nicholas Correnti) has filed a request for Special Exception as provided in Section 7.2.9.8.g Freestanding signs, monument signs and entry signs for multi-structure developments: Ornamental Entry Structures for property located at the intersection of Clubhouse Drive and OUS Drive (PPIN #36364)

Ben Requet presented on behalf of the city. (YouTube videos begins at 1:15:20 - 2:07:50)

Planning comments: In September 2022, Planning Staff received a request by residents of the Grand Oaks PUD II neighborhood to install a gate across Morris Drive at the Bell River Road entrance to Grand Oaks, and to install an unmanned guardhouse near the Industrial Park Drive and OUS Drive intersection. It was stated by these residents that the improvements help prevent vandalism, speeding, deter through traffic and guests that have no association with the neighborhood/club and other ongoing issues. This request did not move forward at the time because it is against state law to install a gate across a public road. The application packet from September 2022 is included in the packet for this request.

Since the initial request, the applicant has decided to move forward with a Special Exception request for an unmanned guardhouse to be located in the City of Oxford Right of Way, just west of the Industrial Park Drive and OUS Drive near Grand Oaks. This application comes at the request of a single homeowner in the Grove at Grand Oaks neighborhood, but it does not mention whether this request is also supported by the Homeowners Association. The request submitted in 2022 did provide letters of support from some residents that live in the neighborhood, it is unclear if this request is supported by the entire association.

The applicant states that the proposed structure will be an added security feature for the neighborhood, and it will also serve as a traffic-calming measure that will enhance the appearance of the neighborhood entrance. The proposal indicates that the existing roadway will require modification to widen it and relocate the bike lanes and sidewalk, it is likely that significant utility work, including the relocation of a gas line, the potential relocation of utility poles that support the overhead lines, will be necessary as part of this modification, in addition to providing utilities to the location of the requested structure. All necessary modifications to facilitate the requested structure, including but not limited to, modification to the roadway, sidewalks, bike lanes, new utilities, relocation of existing utilities, etc. shall be at the expense of the applicant.

The unmanned guardhouse is to be constructed of brick, with glass windows, a shingled roof, an awning with a copper roof and two operable doors. The requested structure measures approximately 10' x 10' with a total interior area of 81 SF according to the plans. The plans do not illustrate if the operable doors will open into the roadway but that can present safety concerns. It also presents the question that if this is intended to be an unmanned guardhouse, why is there a need for two operable doors? The proposed location of the structure is situated on top of an existing sewer line. This location presents its own set of challenges if there becomes an issue with the sewer line requiring repair.

Section 7.2.9.8(g) of the Land Development Code allows by Special Exception, an ornamental

entry structure (that is not a sign) into a multi-structure development that is larger than allowed sign structures. Staff believes that this provision exists for Residential Common Interest Developments that may want to dress the entrance into the development with a fountain, a pergola, or other structures that may be located on private or common area property. The spirit of this provision in the Land Development Code was not necessarily intended for a structure to be located in the middle of a City street. Since the location of this request is in the middle of a City of Oxford street and within the City of Oxford right of way, the granting of a revocable license is required by the Mayor and Board of Aldermen.

The application notes that this entry structure is intended to be an additional security feature for the neighborhood. It is unclear to Staff how an unmanned guardhouse will add security to the neighborhood. The proposal doesn't indicate if cameras will be installed and Staff is unaware of the legal authority of private cameras being installed in the public right of way. Staff does have concerns of the possibility that at a point in the future, the neighborhood may desire hiring a security guard to turn it into a manned guardhouse on a public street.

It is also worth noting that the Oxford Police Department is finalizing plans to renovate the Oxford Enterprise Center into the new Oxford Police Department. Staff believes that having the Oxford Police Department headquarters less than a thousand feet from the proposed location will present more safety and security to the neighborhood than an unmanned guardhouse.

The Oxford School District recently acquired the former site of the Oxford University School (OUS). The school district is already utilizing this building as its administrative office. The nature of this office is and will continue to bring people that have "no association with the neighborhood or the club" to this part of Grand Oaks. Staff is not aware of any long-term plans for this campus other than for it to be an administrative office but while Oxford continues to grow, it is possible that the facility incorporates some type of student instructions.

The application also expresses concerns of speeding and that the proposed structure will serve as a traffic calming measure. It is also unclear how this structure will provide much traffic calming when it is located within approximately 50' of a three-way intersection. If speeding is a concern, there is a process that a neighborhood may go through for the City to potentially install other traffic calming measures along the streets.

The applicant presented the proposed plans to the City of Oxford Pathways Commission at their regularly scheduled meeting on June 2023. The Commission considered whether the proposal related to the Complete Streets policy. The Commission, in a 4-1 vote, acknowledged that the proposal preserves the existing bike lanes and sidewalks that currently exist in the area. A Commissioner questioned whether the project might also deter people from walking, running or biking because they think the road is not open to the public.

Staff is not supportive of this request and struggles to understand the logic in how this unmanned guardhouse will accomplish the stated intent. If speeding is one concern in the neighborhood, then perhaps a request to the Police Department to have more radar enforcement efforts is needed. This was conducted recently at the request of the residents along Augusta Drive. If security is also a concern, then perhaps the neighborhood should request more patrols by the Police Department instead of having an unmanned guardhouse that will present a false sense of security.

Recommendation: Staff recommends denial of the requested Special Exception.

Should the Commission consider approving the request, Staff requests the following conditions of approval:

1. A revocable license shall be granted by the Mayor and Board of Aldermen.
2. An indemnity agreement that holds the City harmless from any liability arising from the construction, maintenance, repair, placement or existence of the unmanned guardhouse.
3. A site plan review shall be required for all necessary work for the unmanned guardhouse to include but is not limited to, construction plans for the widening of the roadway. utilities. a

landscaping plan, and the unmanned guardhouse.

Summary of discussion: Commissioner Milam asked who owns the land that the guardhouse would be built on. Paul Watkins replied it is owned by the city. Commissioner Milam asked what would prevent anyone from manning the guardhouse. Paul responded that if this is granted it would be for the use proposed. Chairman Rigby summarized the case. Commissioner Alexander asked the reason for the location. Paxton Scott was present on behalf of applicants and responded that with access from ous drive as well as clubhouse drive the only way to put a visual security measure in place that is in front of both the entry point is to be on the west side of entry. Chairman Rigby asked that if an unmanned guardhouse is more of a deterrent than the police station nearby? Paxton replied that there is concern about the new Police station bringing more traffic, people and attention. He continued to say that all that traffic is not considered positive, and they would like to put a visual in place to show the driver you are now entering neighborhood. Paxton added that this property is unique in that it abuts an industrial area and has access from a state highway and that the applicant is funding all of the expense related to the construction of the guardhouse. Chairman Rigby asked how the HOA felt about this request. Paxton was unsure but referenced the letter in the petition. Commissioner Milam commented that this is a city street, that all city streets are public streets. He asked what crime was occurring in Grand Oaks to warrant extra protection. Paxton referred to the letters from the homeowners in the petition, mentioning an attempted kidnapping, and asked the audience to speak on their own behalf. Larry Britt was present to speak on the development of the country club area. He stated that there are roughly 900 members of the country club and that he did not feel they wanted anything different than anyone else in town just that it might deter some of the problem they are having and make it safer. Larry spoke to the concerns over ownership and the applicant did say they would pay for the cost so the HOA would not need to be involved. Commissioner Milam reminded them his questions has not been answered. He continued to ask if it's a public street who are you trying to deter from using it? If traffic is a problem the city has put speed humps and speed readers to address that concern. Larry responded about the cut through traffic and that they are not trying to keep everyone out it's more about slowing everyone down, and with the golf course and small children it's more about the traffic.

Chairman Rigby invited anyone from the audience to come and speak. Robert Perry, a homeowner in Grand Oaks spoke to what Larry said about the cut through traffic and mentioned there are people who do not live in the neighborhood who will speed through to get to highway 7 and is concerned for the safety of the children in the neighborhood. He commented that he would love to live in a gated community for safety reason only.

Steve Downing, a homeowner who has lived in Grand Oaks since 2014 said that the original neighborhood did not have the cut through street. He spoke about his primary concern not being the crime but being the high school traffic cutting through and the speeding. Commissioner Milam agreed and responded that a driver coming through the back road of Highway 334 and a guard house in industrial drive is not going to stop the speed but having speed humps along Fazio Drive will. Milam continued to say that there are less intrusive ways to address the safety issue.

Margret Baker who has lived in Grand Oaks since 2013 spoke about the growth of the neighborhood which has made the safety issues grow. She mentioned that this development is different from wellsgate and windsor falls in the way it connects two through ways and the golf course. Margret also pointed out that this is just an ornamental structure to show you are entering a neighborhood. Commissioner Alexander asked Margret how she felt the homeowners would feel about speed humps being put in. She replied that the guard house and the speed humps could be productive and mentioned crime occurring at the golf course and how having two easy exits makes it easy to commit a crime. Commissioner Alexander asked if having a guard house at highway 7 would be better than at clubhouse road? She replied no, it would not and that they would both be equally important. Commissioner Smith asked about the Highway 334 entrance and mentioning how that seems to be where the speeding is happening, how are we solving that problem by placing a guard house on industrial drive? Margret responded that the goal would be to have both entrances have a small ornamental guardhouse.

Commissioner Milam asked why the guard house was not designed in the original plans? Larry responded that he did apply for a gate back in 2019 that was denied. Chairman Rigby commented that you cannot have a gate on a public road. Commissioner Murphv commented that Windsor

Falls has a small structure by the entryway signage on the grass, not on the road. He also mentioned it does not have speed humps because it was an issue with emergency services. Murphy mentioned that the guardhouse will not deter anything, people will still speed and that the best thing is the police station being nearby for safety. Paxton responded that with the police station nearby and in an industrial area that it will bring in people who don't have an association with the neighborhood and there is no indication that you are entering a neighborhood. He also mentioned that speed bumps may be more effective at slowing down traffic than the guard house. The purpose of the guardhouse is to deter the person who is up to no good and that the applicant is willing to pay for this guard house weather it works, or it doesn't.

Chairman Rigby spoke on the repetition of what was being said and asked if anyone wanted to speak about an issue that has not been heard. With no one from the audience stepping forward Chairman Rigby summarized what has been heard for everyone. He commented that speeding and traffic is an issue for everyone, including this neighborhood. He mentioned measures not being utilized like more traffic cones or speed humps or police patrols. He mentioned there are mechanisms in Oxford for gated communities, but they do not involve public roads.

Commissioner Murphy asked if there was discussion of moving the guard house to the side of the road, like windsor falls. Ben Requet responded that from a transitional standpoint it could be incorporated into private property out of the city right of way and worked into the signage to represent you are entering a neighborhood. Commissioner Smith asked if the applicant would consider this option? Also, that she felt it needed to be at both the entry and the exit point. Paxton responded that the guard house was the only one that he could proceed with through the normal special exception process. He continued to state that he has looked at state law and there are attorney general opinions that say you can put a gate across public road as long as it opens to any car that pulls in so that you are not obstructing or keeping anybody from being able to access that road. Paxton said that it would be more intrusive of keeping people out and did not feel it was necessarily appropriate for that entrance because so many people that do not live in this neighborhood are members of the country club. He stated that people would still be able to get in with a gate, but it may cause traffic which is why the proceeded with the guardhouse at this location, while they continue to look at the back entrance and options for that because this was allowed through the special exception process. Larry responded about the placement to the side of the road possibly near the sign, Paxton mentioned this would defeat the purpose.

Kyle Moore who lives in grand oaks and works in law enforcement stepped forward to speak. He said that current police station has crime happen at the gas station next door and that the police station nearby doesn't always help. He continued with unmanned guard houses are about 7-8% more likely to bring a crime rate down when installed. He mentioned that they are looking for anything to help bring safety to the neighborhood. Commissioner Alexander asked if statistics would show that speed humps could slow traffic down? Moore responded with his professional opinion that speed bumps have the disadvantage of slowing down emergency services and that it depends on the driver if speed bumps would work. Commissioner Murphy asked if having a camera system would be more beneficial. Moore responded that they have a camera system in place and that he is in contact with the police serving as a liaison for the neighborhood. Paxton also responded that the camera system would be a reactive measure and the guard house would be a proactive measure.

Chairman Rigby added that there was a letter on the record against the request and then asked for a motion.

Commissioner Milam made a motion to deny.
Commissioner Spragins seconded. All in favor.

Move: Kirk Milam Second: David Spragins Status: Failed

9. Adjourn

Commissioner Milam made a motion to adjourn.

Move: Kirk Milam 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 11, 2023, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Harry Alexander;
J.R. Rigby; Jaclyn Colameta; Joseph Murphy; Kate Kenwright; Kirk Milam; Robert
Baxter

Remote Attendance

Paul Watkins

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

To access the video for this public hearing please click the link below.

<https://www.youtube.com/watch?v=jA9n9Ac6rNU>

B. September Legal Advertisements

1. Call to Order

2. Approval of the Agenda

All in favor.

Move: Erin Smith Second: Kirk Milam Status: Passed

3. Approval of minutes from the August 14, 2023 Meeting

All in favor.

Move: David Spragins Second: Joseph Murphy Status: Passed

4. Staff Report

Chairman Rigby announced the addition of Commissioner Yolanda Logan.

a. Planning Staff Report

b. Building Official's Report

5. Map of Cases this Month

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

C. Administrative Approvals

1. Case #3000-A – SDP MS Oxford 1, LLC (Joe Pegram) has filed a request for Site Plan Approval for 'Chipotle' for property located at 702 Sisk Avenue (PPIN #27876)

D. Consent Agenda

Robert Baxter announced an update to the case report, adding a 4th condition.

All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

1. Public Hearing for Case #3002 – Smith Building Supply (Alan Smith) has filed a request for a Site Plan Approval for ‘Smith Building Supply’ for property located at 4325 Highway 334 (PPIN #8966)

E. Public Hearings

1. 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 FROM NOVEMBER) **(POSTPONED)**
2. Public Hearing for Case #2997 – Final Four, LLC (Nathan Smith) has filed a request for Preliminary and Final Plat Amendment for ‘Heritage Centre Lots 37 & 38’ for property located at the intersection of Heritage Drive and Anderson Road (PPIN #21063) **(POSTPONED)**
3. Public Hearing for Case #3001 – Blackburn Communities, LLC (David Blackburn) has filed a request for a Zoning Map Amendment for ‘Oxford Commons Planned Unit Development’ for property located in the Oxford Commons PUD **(POSTPONED)**
4. Public Hearing for Case #3003 – Apartment Construction Specialists, LLC (Corey Thames) has filed a request for a Site Plan Amendment for ‘Azul Apartments’ for property located at Oxford Way (PPIN #7982)

Robert Baxter presented on behalf of the city. (YouTube video begins at 11:10 - 12:52)

Planning Comments: The subject property is located at the intersection of Oxford Way and Old Taylor Road and was previously known as The Connection. The applicant is seeking to refurbish the tenant accommodation space where the pool is located as well as add a new maintenance building. The pool deck will be replaced with pervious pavers, cabanas will be added, and the volleyball court will be replaced with turf, a stage, an outdoor TV, and additional seating. All these changes comply with LDC regulations. With the addition of the TV and stage, the applicant will have to ensure that the provisions of the Oxford Sound Ordinance are met.

Engineering Comments: Staff received access to the first plan submittal on July 31, 2023 and provided comments related to the site plan (8/24/23) and stormwater (8/28/2023). A resubmittal was received via email on August 30. Engineering staff comments below are based upon the resubmittal dated August 30th. There remain a few technical corrections to be made but they do not affect the form of the proposed site. Access to the existing apartment complex is off of Old Taylor Road and Oxford Way. The proposed changes consist of work within two areas: a pool renovation and construction of a new maintenance building. Changes to the water and sewer service do not appear to be made to the pool and a sanitary sewer service appears to be existing on the southwest corner of the pool. Water service is proposed to the maintenance building from an existing 8” water main located in the parking lot south of the proposed maintenance building. A 6” sanitary sewer service for the maintenance building is proposed from an existing sanitary sewer manhole located on the south side of the parking lot. Ownership of the existing sanitary sewer remains to be noted on the plans.

It is not clear if there are pre-existing stormwater management facilities on the property where this project is located. The original plan sheets from 2011 indicate several “sediment basins” but it is not clear if these were intended to become stormwater management detention basins or what storm events they would have been designed for. In 2011 the City’s Stormwater Management Ordinance would have required management of the 25-year storm. A previous stormwater report has not yet been located in Engineering files, although it may have been provided electronically or be located in storage. A review of aerial imagery indicates a few of these sediment basins remain and might be functioning as detention basins.

The area of disturbance in this project requires stormwater management, which will be accomplished with the use of a pervious paver system. The system consists of impervious tiles with special spacers that ensure a uniform gap between tiles and the gap will be filled with an engineered granular material to ensure permeability. The tiles overlay a 12-inch thick stone base

that provides storage of runoff. This system offers sufficient infiltration rates and storage capacity to contain direct rainfall in these areas thus effectively eliminating runoff and maintaining the overall pre-developed runoff rates. The stormwater management plan has been reviewed and approved by engineering although a formal notification has not been provided at the time of this report being written.

Recommendation: Staff recommends approval of the requested Site Plan Amendment for 'The Azul Apartments' with the following condition:

1. Approval is for the plan as submitted subject to technical corrections made to plans per the Engineering Department

Summary of discussion: Chairman Rigby asked for comments or questions from the commission. Joey Moore was present on behalf of the applicant. With no questions or comments a motion was made.

Commissioner Milam made a motion to approve subject to staff conditions. All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

5. Public Hearing for Case #3004 – Bradley W. Roberson (Oxford School District) has filed a request for a Site Plan Amendment for 'Della Davidson Elementary School' for property located at 209 Commonwealth Avenue (PPIN #26621)

Kate Kenwright presented on behalf of the city. Commissioner Logan was recused along with Paul Watkins. (YouTube video begins at 12:58 - 16:52)

Planning comments: The applicant seeks site plan approval for a new 6,600 square foot addition to the existing Della Davidson Elementary School building. The addition will consist of four classrooms, four offices, bathrooms, and miscellaneous storage and mechanical equipment rooms. An emergency access drive will be added as well as ten new parking spaces.

Use and Parking Requirements

The property is zoned Suburban Residential and schools are allowed in this zoning district. For elementary schools, one and one-half parking spaces are required for each classroom, as well as one for each staff member. The applicant proposes 10 new spaces, which complies with this requirement with the addition of four new classrooms.

Coverage

The Suburban Residential district allows for 60% lot coverage, which this addition will not exceed.

Building Height

The proposed one-story addition will measure approximately +/- 16'8" in height, well under the 38' maximum.

Other Review Elements

- Architecture and Building Materials—The new addition features brick veneer with split-faced CMU veneer accents. The new addition will blend in with the existing school building in material and style. Retaining walls, where proposed, are within the maximum allowed 12' in height. It is unclear if mechanical units will be located on the rooftop but if so, the proposed parapet should be high enough to screen those units at their highest point.
- Landscaping & Tree Mitigation—No tree mitigation is required for this project, and the plan provided for landscaping meets the requirements of the Code.

Engineering Comments: Engineering has the following comments for Case 3004, Della Davidson Addition:

Staff received access to the submittal on August 8 and engineering provided comments on August 17, 2023. Responses to engineering's comments are outstanding at the time of this report. Staff

comments are technical in nature and do not impact the form of the building.

Access to the existing Elementary School can be made on Hopkins Drive or the two driveway entrances on Commonwealth Boulevard (currently one way in and one way out). The proposed addition will have access from the existing driveway off of Hopkins Drive and additional parking is proposed off of a private portion of the driveway that connects to Hopkins Drive.

Proposed water and sanitary sewer services to the new building have not been designated on the plans. It is anticipated that the services for the addition will be connected to the existing services at some location.

The area of disturbance and the increased impervious cover for this project requires stormwater management. Stormwater management for this project will be accomplished using an underground detention basin, pervious concrete in place of standard concrete or asphalt in a new 10-car parking lot, and the use of a pervious paver system for the new driveway. The pervious concrete and pervious paver system act as permeable surfaces. The underground detention basin will primarily manage runoff generated by the new building. Engineering has not approved the stormwater management plan at this time but does not anticipate an issue with the comments being addressed.

Summary of discussion: Chairman Rigby asked for questions or comments from the commission. Chairman Rigby asked Rianna if the engineering department received stormwater plans, she replied that comments were made, and responses were received and in the review process. With no further questions or comments a motion to approve was made.

Commissioner Milam made a motion to approve subject to staff conditions. All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

6. Adjourn

All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

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

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, October 9, 2023, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Harry Alexander;
Hollis Green; Jaclyn Colameta; Joseph Murphy; Kate Kenwright; Reanna Mayoral;
Robert Baxter

Remote Attendance

J.R. Rigby

Not In Attendance

Kirk Milam

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

To access the video for this public hearing please click the link below.

<https://youtu.be/VBOIDd2BHAw?t=958>

B. October Legal Advertisements

1. Call to Order

2. Approval of the Agenda

All in favor.

Move: Harry Alexander Second: Erin Smith Status: Passed

3. Approval of minutes from the September 11, 2023 Meeting

All in favor.

Move: David Spragins Second: Harry Alexander Status: Passed

4. Staff Report

a. Planning Staff Report

b. Building Official's Report

5. Map of Cases this Month

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

C. 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 #3001 – Blackburn Communities, LLC (David Blackburn) has filed a

request for a Zoning Map Amendment for 'Oxford Commons Planned Unit Development' for property located in the Oxford Commons PUD (PPIN'S #40349, #40350, #40351, #40352, #40353, #4705, #35472, #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, #37322, #37323, #37324, #37325, #37907, #38711, #4721, #26605, #27714, #27715, #27716, #27718, #27719, #27720, #27721, #27876, #28528, #31270, #33596, #33597, #33598, #33599, #35473, #35763, #35764, #35765, #35766, #35767, #35768, #36094, #36095, #38132, #23803, #26627, #26628, #26629, #26630, #26631, #34467, #35118, #36017, #36096, #20943, #4958, #26621, #31266, #32820, #35586, #35587, #35597, #35769, #36702, #37910, #38120, #38121, #38122, #38123, #38370, #39474, #39390, #39475, #39753, #39754, #39755, #39756, #39757, #39758, #39806, #39807, #40363, #40330, #40326, #40327, #40331, #40381, #40715, #40721, #40737, #41200, #4960, #41205, #4469, #4468, #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, #37913, #40179, #37303, #37304, #37305, #37306, #37307, #37308, #37309, #37310, #37311, #37312, #37313, #37314, #37315, #37316, #38133, #38134, #38135, #38136, #38137, #38138, #38139, #38140, #38141, #38142, #38143, #38144, #38145, #38146, #38147) (Postponed from September)

Ben Requet presented on behalf of the city. (YouTube video begins at 15:57 - 57:30)

Planning Comments: Blackburn Communities, LLC. is seeking a Zoning Map Amendment for the Oxford Commons Planning Unit Development. The boundary of the PUD remains the same, but this proposal seeks the following modifications to the PUD:

1. As indicated on the proposed "Revised PUD Plat (July 2023)"
 - a. A portion of the roadway within Tract G has been removed. This section of roadway is currently private and will remain private.
 - b. Tract N now indicates a future connection to Campground Road (CR 217)
2. As indicated on the Plan Data Table, Tract G density has been reduced to a total of 44 proposed units.
3. The "Expanded PUD Plan Data Table" has been updated.
4. Minor revisions to the "Clarification & Summary of Conditions" as included with this submittal. Revisions are tracked and identified in this document for comparison to the March 2019 PUD.
 - a. Please take note of proposed Condition #23 related to development of Tract N.

The application notes that the majority controlling entity of the Oxford Commons PUD, Blackburn Communities, LLC., has purchased property contiguous from PUD Tract N to Campground Road (CR 217). The applicant states that the connectivity will provide an additional access to future residential development in Tract N. The application goes on to state that the growth along Campground Road has also created the need for more connectivity to Oxford and that this connection provides a convenient option for the general public in that area to access Oxford Commons, associated schools, restaurants, entertainment, hotels, professional offices, etc.

Existing and new residential development exist on Campground Road and wrecks occur occasionally at the intersection of Campground Road and Highway 6. Nearly all of the homes located along this road are located in the City of Oxford School District boundary and this new connection will result in an additional and safe transportation option for those residents. Staff is supportive of this element of the request. This request also brings back the modification to the vehicular circulation plan proposing to eliminate the connection of Lakewood Hills Drive connection to F.D. Buddy East Parkway and to reduce the development potential in Tract G from 67 units to 44 units. This modification was requested in 2022 and was ultimately denied by the Mayor and Board of Aldermen.

The Mayor and Aldermen approved an amendment to the Preserve Phase 5 Subdivision that changed a portion of the Lakewood Hills Drive to be a private road. While this road is allowed to be private, based on this approval, it does not mean that the road shall always be private and by leaving this element of the vehicular circulation plan unchanged, it will allow for that portion of Lakewood Hills Drive to potentially become a public road in the future. The Planning Commission and the Mayor and Board may believe it is best to have the PUD reflect the actuality of the situation by changing the Vehicular Circulation Plan to eliminate this connectivity.

Staff is supportive of the element of this request that reduces the quantity of residential units to 44. Finally, there are some proposed modifications to the Oxford Commons PUD Clarification & Summary of Conditions exhibit. Notably, Condition #6 is modified to reflect the density reduction for Tract G to 44 lots. Condition #23 is a new addition stating that Tract N cannot exceed a maximum of 79 platted lots until the connection to Campground Road (CR 217) is approved for construction as indicated on the June 2023 PUD Plat (This should be corrected to reflect July 2023). There are a few other technical or grammatical changes to the document that are not substantive in nature.

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:

Change and Need: The acquisition of additional property to provide a new connection to Campground Road does establish a change, especially to the vehicular circulation of the Oxford Commons PUD. This road will increase connectivity options for the Oxford community, and while many residents of Lafayette County may utilize it, many of those residents also have limited connectivity options but are also accessing the schools located in the Oxford Commons PUD.

Mistake: None.

Recommendation: Staff believes that there is sufficient change and need with the acquisition of new property that will provide a needed connection to Campground Road to justify the modifications to the Oxford Commons PUD. Staff recommends approval of the requested modifications to the Oxford Commons PUD with the exception of the modification to the vehicular circulation plan that removes the connection of Lakewood Hill Drive to F.D. Buddy East, though the Planning Commission and Mayor and Board of Aldermen may determine it is best to have the PUD plan reflect the actuality of the situation since the road is now privately owned and maintained.

Summary of discussion: Paul Koshenina was present on behalf of the applicant. Acting Chairman Murphy asked for questions or comments from the commission. Ben clarified that this case would go on to the mayor and board of alderman for approval or denial. Chairman Murphy asked Ben about Lakewood hill drive becoming a public road in the future. Ben replied that the staff is recommending the circulation plan remain unchanged, leaving flexibility for changes in the future, allowing for the applicant to not have to request another rezoning in the future if it was needed.

Paul spoke to the commission about the applicant securing land to the east for connectivity and that Lakewood hill drive is a private roadway and the changes are to reflect the reality of the current land. He mentioned the road is not intended to be public, although it was approved for public connectivity it does not connect and there is no plan to have it become a public roadway. Commissioner Murphy asked if Lakewood Hill Drive was paved. Paul replied that it was to a point but not completely. Commissioner Alexander asked if it was intended to connect originally. Paul replied that it was shown as a connective road, but the conception has changed.

Chairman Murphy asked for questions or comments from the audience. Dick Dickerson, a resident of Lakewood Hill Drive, presented to the commission his concerns about this request being a PUD modification and it does not meet certain standards. He continued to comment about a denied PUD modification last year, by quoting the October 2022 planning commission minutes. Mr. Dickerson went on to state the code for rezoning and PUD modification and that he felt there was no need to change Lakewood hill drive. He provided a copy of a plat from the PUD showing a connection of Lakewood Hill Drive and future homes. Mr. Dickerson expressed concern about the segregated oaks of Oxford commons and Sisk Ave being the only exit and the amount of congestion. Vision 2037, page 99 shows 2 proposed roads not going through the PUD. He expressed concern about condition 23. Mr. Dickerson requested that Lakewood hill drive remain a connecting road and tract n be constructed as proposed on original PUD.

Chairman Murphy asked Mr. Dickerson what outcome he was looking for. Dick replied that an east and west road in the middle of a residential area is inappropriate. He feels it is dangerous for adults and kids, with 61 lots proposed. Ben asked if he was speaking about Lakewood hill drive? Dick replied he was speaking of campground road and that even though it is private now (speaking on Lakewood hill Drive) it will potentially become a public road in the future so there should be no need to drop it off the PUD map. Commissioner Murphy clarified that he was agreeing with what the staff was recommending. Dick replied that he didn't feel tract g should be changed.

Paul Koshenina responded to the comments made, he said Mr. Dickerson is correct that it is a PUD modification as a rezoning. Paul said there have been justifications to previous modification and he explained conditioned 23 and its purpose. Paul stated that the connection to campground road could bring more traffic within the neighborhood and roadways are being extended to accommodate traffic.

Betsy Nelson, a deer run road resident spoke about her concern for campground road and how narrow it is, and that deer run north has blind spots. She asked that something be done to calm traffic of residents potentially using this road.

Paul requested that the application be voted on as its presented. He would like the PUD to reflect the actuality for future residents.

Mr. Dickerson spoke about a proven public need and convincing evidence in change in the neighborhood, not changing the character of the neighborhood. He disagrees about conidiation 23 section 4.4.1. With no further comments or questions Chairman Murphy asked for a motion.

Commissioner Alexander motioned to deny application as requested.
Commissioner Smith seconded. All in favor.

Move: Harry Alexander Second: Erin Smith Status: Failed

3. Public Hearing for Case #3005 – Bradley Roberson (OSD) has filed a request for Site Plan Amendment for 'Oxford High School – CTE Building' for property located at 101 Charger Loop (PPIN #33805)

Kate Kenwright presented on behalf of the city. (YouTube video begins at 57:32 - 1:00:48)

Staff Comments: The subject property is the existing Oxford High School, located off of Sisk Avenue in the Oxford Commons. The request is for site plan approval to construct a new CTE building on the west side of Charger loop. The request includes an additional 10 parking spaces near the main entrance, on the southwest side of Charger Loop. The new two-story building has a total square footage of 23,880.

Use and Parking Requirements

Parking is calculated for High Schools with one space required for every four students and one space for each faculty and staff member. Staff has requested parking calculations from the applicant to confirm the need for the ten new spaces proposed as a part of this request.

Coverage, Height, and Setbacks—

The proposed new building is internal to the site, and does not front any public street. The proposed height (34') is appropriate. No rooftop mechanicals are shown, but if they are located on the roof, they must be screened by a parapet on all sides that is as tall as the installed equipment.

Other Review Elements

- **Building Materials—**The proposed materials are consistent with the other buildings at the high school and they include brick, cast stone, cast stone, and a GFRC panel system. All are acceptable under the requirements of the Land Development Code and are compatible with other buildings on the site.
- **Landscaping—**The proposal meets the requirements of the Land Development Code for landscaping including foundation plantings and parking lot trees.
- **Signage—**While signage is shown on the provided elevations, it is not an included approval as a part of the site plan. The sign, showing “Career Tech” on the front elevation of the building, will have to be approved separately.

Engineering Comments: Staff reviewed the first submittal available on September 1 and provided comments on September 20, 2023. These comments were technical in nature and do not impact the form or function of the site. A response to staff comments was provided on September 29th, which Staff has not been able to review in depth prior to the submittal of this report. However, a quick review indicates that most, if not all, of Staff comments have been addressed.

Traffic/Access

The project site is located within the boundary of the Oxford High School campus. Access to the site is from Charger Loop via an existing driveway. Charge Loop has connections to Sisk Avenue.

Sidewalks

There is an existing network of sidewalks within the campus. The new building will have a sidewalk along the frontage of the driveway that connects with Charger Loop. There are additional sidewalks around the perimeter of the building to the various building access points.

Water and Sewer

The project requires water and sewer service to the building. An 8-inch water line will connect to an existing 10-inch diameter water line, which is owned and maintained by the City. (Staff noted in error in Case 2708 that the same 10-inch water line was private). The 8-inch water line will terminate at a wall-mounted fire department connection. Water service for the building will connect to the 8-inch water line. The sewer service will connect to an existing private 8-inch diameter sewer line.

Utilities

Any existing and unidentified utilities would have a prescriptive easement and would be allowed to remain in their current locations.

Stormwater Management

Stormwater management requirements will be met by the installation of an underground detention basin. Runoff will be directed to the underground detention basin by underground drain pipes. The building's roof drains and yard inlets are connected to the underground drain pipes.

A proposed future turf athletic field will have a network of underdrains to collect runoff. The underdrains will connect to the underground drain pipes that are connected to the underground detention basin. At this time the stormwater management plan has not been approved by engineering staff but the resubmittal is under review. Engineering staff does not anticipate an issue with these comments being addressed.

Recommendation: Staff recommends approval of the requested site plan with the following conditions:

1. Approval is for the site plan as submitted (Planning).
2. Approval is contingent on approval of the stormwater management plan.
3. All site plan comments related to Engineering must be addressed prior to the sale of water and sewer taps.

Summary of discussion: Commissioner Yolanda Logan was recused, along with Paul Watkins. With no questions or comments a motion was made.

Commissioner Smith moved to approve the site plan with staff conditions.
Commissioner Spragins seconded. All in favor.

Move: Erin Smith Second: David Spragins Status: Passed

4. Public Hearing for Case #3006 – 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)

Ben Requet presented on behalf of the city. (YouTube video begins at 1:00:50 - 1:10:45)

Staff 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 development team was approved for a similar request (Buffer Variance and Special Exception for Structure Height) last year. The preliminary plan that was used for the exhibits utilized information from the Lafayette County Tax Assessor's map, and not an official survey. As a result, it was previously indicated that the property at Molly Barr Road was approximately +/- 109 wide but a recently conducted survey indicates that the property measures only +/- 100 feet wide. Therefore, the applicant returns for a new buffer variance request and a new structure height request that reflect this new information.

The narrow property is still currently vacant and is covered with mature trees. Staff met with the applicant several times in 2022 to discuss a 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, and the new information from the survey. 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 to approximately 16' at the north end of the property (a variance of 34 feet) to 4' pm the southern end of the property, and B) a special exception to allow 3-story buildings. Included in this packet are the same 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 previously provided.

A) The application states that the property is approximately 100 feet wide and with the buffer, the developable property is reduced to 50' (actually 40' 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 now provide two side by side 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: Chairman Murphy asked if 16 ft was the smallest point, Ben replied it was. Chairman Alexander asked if there are changes in emergency services turnaround, Ben replied it was previously discussed and it will be reviewed during the site plan review process again. With no further questions or comments a motion was made.

A. Variance - Commissioner Alexander motioned to approve subject to staff conditions. Commissioner Spragins seconded. All in favor.

B. Special Exception - Commissioner Spragins motioned to approve subject to staff conditions. Commissioner Alexander seconded. All in favor.

Move: Second: Status: Passed

5. Public Hearing for Case #3007 – MS Eye Consultants (Jay Shipp) has filed a request for a Special Exception as provided in Section 4.9.1.1.a Phased Parking Plans for property located at 1622 Highway 30 (PPIN #39720)

Kate Kenwright presented on behalf of the city. (YouTube video begins at 1:11:10 - 1:14:06)

Staff Comments: The subject property is located in the commercial portion of the Leslie Court Planned Unit Development, which was later subdivided into the Leslie Court Subdivision. This commercial portion of the subdivision, which faces Molly Barr Road, features the MS Eye Center and Oxford Dermatology Associates.

Site plan review for a new surgery center on the site is currently under way. The applicant seeks a Special Exception to carry out a phased parking plan as a part of that development. According to

the Land Development Code section 4.9.1.1.a, in the instance of a phased development, a phased parking plan may be proposed by Special Exception in conjunction with a site plan. A phased parking plan does not exempt future phases of development from compliance with parking minimum and maximum requirements.

The applicant plans to build parking in areas that are a part of the current site plan, and which will be a part of the parking for future expansions of the existing businesses on the site. While 19 spaces are required, 28 will be built at this time if the plan is approved. In total, once both buildings are built, 37 spaces will be required. 1 space is required per 250 sq ft of gross floor area—4,610 sq ft in the proposed building and 4,877 in the future expansion building. The applicant states that the ability to construct the proposed spaces at this time will prevent soil disruption and disruption of traffic in the construction of future phases.

Recommendation: Staff finds that the proposed phased parking is acceptable under the requirements of the Land Development Code. When the site plan encompassing the future expansion building is reviewed and approved, the applicant and staff will ensure that the appropriate number of spaces are built according to the Code.

Staff recommends approval of the Special Exception with the following condition of approval:

1. The proposed parking of future phases shall comply with the minimum and maximum parking standards of the Land Development Code.

Summary of discussion: With no comments or questions a motion was made.

Commissioner Smith motioned to approve subject to staff conditions.
Commissioner Alexander seconded. All in favor.

Move: Erin Smith Second: Harry Alexander Status: Passed

6. Public Hearing for Case #3008 – 9th Street, LLC (Jon Albriton) has filed a request for a Variance from Section 5.8.4.10 Neighborhood Conservation Overlay – Design Standards, bedrooms allowed for property located at 803 University Avenue (PPIN #6026) **(POSTPONED)**

7. Adjourn

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

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

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, November 13, 2023, 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; Kate Kenwright; Kirk Milam; Robert Baxter

Remote Attendance

Erin Smith

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. Planning Commission Virtual Meeting Information

To participate with comment in the meeting, please use the following Microsoft Teams information:

[Click here to join the meeting](#)

Or call in (audio only)

[+1 469-848-0135,623768306#](tel:+14698480135623768306) United States, Dallas

Phone Conference ID: 623 768 306#

To access the video for this public hearing please click the link below.

<https://www.youtube.com/watch?v=hXwu7IRPFQg&list=PLOF67Ud5n0KH9-Kw4TVSrhuNgQ0AqLEL8&index=43>

B. November Legal Advertisements

1. Call to Order

2. Approval of the Agenda

All in favor.

Move: David Spragins Second: Kirk Milam Status: Passed

3. Approval of minutes from the October 09, 2023 Meeting

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

4. Staff Report

a. Planning Staff Report

b. Building Official's Report

5. Map of Cases this Month

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

C. Administrative Approvals

1. Case #3009-A – Alecian Mathis has filed a request for Site Plan Approval for ‘Little Angels Daycare’ for property located at 1559 Charger Lane. (PPIN #35771)

D. Consent Agenda

1. Public Hearing for Case #3016 – MS Eye Consultants (Jay Shipp) has filed a request for a Site Plan Approval for ‘MS Eye Consultants Surgery Center’ for property located at 1622 Highway 30 East (PPIN #39720).

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

E. **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 #3008 – 9th Street, LLC (Jon Albriton) has filed a request for a Variance from Section 5.8.4.10 Neighborhood Conservation Overlay – Design Standards, bedrooms allowed for property located at 803 University Avenue (PPIN #6026) (POSTPONED)
3. Public Hearing for Case #3010 – KPS Group (Andrew Olds) has filed a request for Variance from Section 4.8.6. Sidewalks for ‘Oxford Surgery Center’ property located at 499 Azalea Drive (PPIN #17270).

Robert Baxter, Senior Planner presented on behalf of the city. (YouTube video begins 12:13 - 15:55)

Planning Comments: The subject property is +/- 2.47 acres located on Azalea Drive and is the current site of the Oxford Surgery Center. The applicant was approved in July 2023 to expand the building to the south and add +/- 4,622 sf of additional space that would contain new operating rooms and storage/preparation space as well as additional parking.

As a part of any Site Plan Amendment, applicants are required to bring sites into compliance with existing codes. In this instance, sidewalks would be required to be installed along the public right-of-way. The applicant is seeking a variance from this requirement.

The applicant states that the existing site has a steep slope at the front and the location where sidewalk would be installed already has the two main drives, a monument sign, utilities and established landscaping. Additionally, in order to achieve an ADA compliant cross-slope across the existing drives, the drives would need to be regraded, which would in turn require relocation/reconstruction of the utilities and stormwater inlets. The applicant also states that granting this variance would not harm the public interest because there is no other sidewalk in the area that this would connect to.

The applicant met with the Pathways Commission on October 23, 2023 to receive feedback on their request. The Pathways Commission was generally supportive of the request, acknowledging the challenges that would come with trying to install the sidewalk. The Commission stated that while there were potential sidewalk users that live at the end of Azalea Drive (St Charles Place & Glen Alden), and that increasing sidewalk connectivity to South Lamar would be a good thing for the City to look at, if the City was looking to fill in the sidewalk network gap along Azalea, the north side of the street is more suitable for construction due to general topography.

Staff agrees with the applicant’s reasoning. The existing site was developed before the sidewalk requirement was part of the code and was graded without sidewalks in mind. If the site plan amendment had dealt with an addition that necessitated regrading in the front of the building, or if the site was flatter at the front, Staff would push to get the sidewalk installed. As it currently exists

though, this would be major work for little public benefit. The surrounding properties are not likely to redevelop anytime soon, and due to their nature as medical facilities are not likely to be a large pedestrian draw.

Staff would also like to ensure that this variance request is only for this specific site plan and that if in the future, this land were to redevelop, that sidewalks would be required at that time.

Engineering Comments: The site plan for the Oxford Surgery Center Amendment was approved with a condition that all technical corrections required on plans were completed. It was noted that the sidewalk is required along the property frontage (Case #2983). Following approval, the design engineer contacted Engineering and Planning Staff and expressed concern the extent of reconstruction and new construction necessary to comply with this requirement. The applicant cites several impediments to installing a sidewalk in this location which include:

two existing driveways that currently exceed accessibility slope standards for cross slope of proposed sidewalk and several site elements (established vegetation and mature plantings in the areas that would need to be replaced with sidewalk and torn out to meet grading requirements, an existing monument sign, and existing utilities). The design engineer noted the existing driveway has a cross slope of nearly 10% and a complete reconstruction of the driveways and adjacent grassed areas would be necessary to achieve a 2% maximum cross slope for ADA compliance.

It was also noted that this property has a large frontage of approximately 400 linear feet and small retaining walls may be necessary in areas to maintain an ADA compliant cross slope along the existing right-of-way.

Given the existing street of Azalea Drive is established and developed and currently does not have any sidewalk on either side, we do not anticipate any future improvements which would include connecting sidewalk. Staff agrees that the work necessary to establish a compliant sidewalk would require the disturbance of a significant portion of the existing drives due to the current slope and the grading that would be required and would not be in proportion to the scale of the proposed addition. Further, the additional disturbed area would require stormwater mitigation and additional disturbance on site.

Engineering staff has no objection to the request for variance for the proposed site plan.

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

1. Approval is for the plan as submitted with Case #2983.

Summary of discussion: With no questions or comments from the commission or audience a motion was made to approve subject to staff condition.

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

4. Public Hearing for Case #3011 – John Rash has filed a request for a Final Plat Amendment for property located at 100 Longest Road (PPIN #5362)

Robert Baxter, Senior Planner presented on behalf of the city. (YouTube video begins at 15:57-18:55)

Planning Comments: The subject property is +/- 0.38 acres located at the southwest corner of Longest Rd and Vivian St. The property is partially in Ammadelle Subdivision and is seemingly partially in Woodland Hills Subdivision. The applicant has proposed to make the property wholly one lot inside of Ammadelle Subdivision with the designation 'Lot 9 (Amended)'.

The resultant lot is consistent with the underlying TSR District and the existing structure conforms to the setbacks per the Neighborhood Conservation Overlay.

The southern portion property is a portion of Lot 9 of Ammadelle Subdivision and the northern portion is an unnumbered property that is shown on the plat for Woodland Hills Subdivision. It is not readily apparent that the northern portion, in part or in whole, is in fact a part of Woodland Hills Subdivision, though through the deed history, it does appear to have been tied to the plat. The property was acquired in 1953 by the Cobb family as the entirety of Lot 9 of Ammadelle and 'a part of an unnumbered lot in Woodland Hills Subdivision.' This land as passed to the son upon death and then the portion of land now known as 100 Longest was sold by metes and bounds in 1981 and has remained relatively unchanged since.

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 herein," and requires their signature of approval of the proposed modification. The identification of who such persons may be is left to the discretion of the applicant. In this request, the applicant has provided letters from the parties determined to be adversely affected or directly interested in the property stating that they do not object to the modification.

Engineering Comments: Staff received access to this review on October 2 and provided comments to the design Engineer on November 3 due to additional time working to better understand the history of the property and the involvement with the Ammadelle and Woodland Hills plats. The comments provided to the design engineer are more clerical/technical in nature and do not impact the form or function of the proposal. It is possible that all comments may be addressed and the City may receive a resubmittal prior to the Planning Commission meeting.

Access

Access to the property is from Longest Road and will remain the same after the plat amendment.

Water and Sewer & Utility

Based on the staff's review of the original plats for the Ammadelle and Woodland Hills Subdivisions, it does not appear that there are any dedicated utility easements outside of the dedicated right of way for the roads. A review of maps of the City of Oxford's sewer system and water distribution system indicates that there are no City owned and maintained sewer and water lines located on the property. The plat of survey for the lots in question, included in the application, does not indicate the presence of any other utility easements within the boundary of the property. As with previous plat amendment cases, staff requests a statement be included on the amended plat to the effect that any utilities installed prior to the plat amendment are legally there. In the event that there are existing utilities present, it would be the responsibility of the property owner and the utility owner to resolve the matter in accordance with the law.

Drainage Easement

Based on a cursory review of public records by staff, it is not clear to whom the drainage easement was granted. Without supporting documents to the contrary, it is the staff's opinion that this is a private drainage easement and not an easement to the City of Oxford.

Recommendation: Staff recommends approval of the requested Final Plat Amendment for 'Lot 9 (Amended) of Ammadelle Subdivision' with the following conditions:

1. Approval of 'Lot 9 (Amended) of Ammadelle Subdivision' by the Mayor and Board of Aldermen. (Planning)
2. Approval is for the Plat as submitted subject to necessary revisions per the Site Plan Review Committee. (Planning)
3. All Engineering comments regarding the plat amendment will need to be addressed prior to the amended plat going to the Board of Alderman. (Engineering).

Summary of discussion: With no questions or comments from the commission or audience a motion was made to approve subject to staff conditions.

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

5. Public Hearing for Case #3012 – Oxford Farms, LLC. (Andy Callicutt) has filed a request for a Final Plat for 'Oxford Farms Subdivision - Phase 10' for property located at Oxford Way (PPIN #16804).

Robert Baxter, Senior Planner presented on behalf of the city. (YouTube video begins 19:02 - 22:20)

Planning Comments: The subject property is +/- 12.06 acres located northwest of the roundabout on Oxford Way and is the site of 'The Reserve' at Oxford Farms. This request pertains to a single-lot subdivision to facilitate this phase of Oxford Farms. The single lot meets the dimensional requirements for the underlying zoning.

Engineering Comments: As noted in Case 2969 for the preliminary plat, the lack of continuity in the phase numbers within the Oxford Farms development contributed to confusion and duplication in platted areas. The area in consideration with this case and the related Case 2969 was part of a Preliminary and Final Plat for what was then known as Oxford Farms Phase 9 (Case 2365) approved in September 2018 by the Planning Commission and Board of Alderman. Following approval of Case 2969 by the Planning Commission, the plat approved in Case 2365 was vacated by the Board of Alderman on June 20, 2023. While that resolved the issue of duplication in platted areas, it appears that action also vacated dedication of the right-of-way of Oxford Way (formerly CR 300). Additional research and information regarding this issue has been requested and re-dedication of Oxford Way may be necessary by deed or plat.

Since the hearing for Case 2969, the Phase 10 plat has been updated to provide for the dedication of the future right-of-way and the future extension of Nicole Lane, which is likely to be renamed.

A preconstruction meeting was held on September 13, 2023 regarding the outstanding items necessary to begin construction of the buildings for the Reserve (Case 2971) and it was stated at that time that the infrastructure was constructed, despite the construction plans not being approved. The case reports for the Reserve and the plat were discussed and noted to include comments regarding corrections needed. It was also noted that the Final Plat had not been approved and that the owner planned to change the detention pond from a regional pond to a single-owner pond. A draft plat was provided by the design engineer the same day following the meeting. Construction plans were made available on September 19, 2023. Comments were provided on November 3.

There remain technical corrections needed for the Final Plat of Oxford Farms Phase 10 including clarification regarding what is possibly a pedestrian easement along the eastern boundary and southern boundary. There is also confusion regarding what this area becomes in the northernmost area. There appears to be a potential for an easement for a power line that was constructed to a previous structure and there may be other existing utility easements in place.

This plat is associated with the site plan for The Reserve (Case 2971), which at that time proposed the construction of a regional detention pond that would only serve the needs of that site plan as currently designed. Since the hearing of Cases 2969 and 2971, the owner has decided that the proposed pond will only serve the Reserve development and will not be a regional pond. Staff has commented to the design engineer that the tract that the pond is located on must be included with the remainder of Lot 1 where the actual buildings for the Reserve are located, although the two tracts are separated by the future City Street (Nicole Lane). Staff requires the pond tract to be included with the larger lot to avoid a detention pond tract being abandoned and sold for taxes. The ownership requirements for the pond must be updated on the proposed plat. There are a number of technical comments regarding the plat and the stormwater.

Construction plans for the proposed City Street (Nicole Lane) were originally included with the submittal for the Reserve and comments regarding necessary corrections were included with that case report (Case 2971). Those comments are included below, with updates following the Planning Commission meeting added in bold Italics:

Access and Streets

The proposed development will take access from Oxford Way and an extension of Nicole Lane that has been included in a Tax Increment Financing (TIF) approval between the City and the Oxford Farms Development. Nicole Lane is proposed to be extended from the roundabout on Oxford Way to the North and intersect Belk Boulevard at the existing Belk Boulevard. There will also be a connection to Shiloh Drive, which will allow for a direct connection to Chucky Mullins Boulevard and the University of Mississippi recreation center and campus.

The developer and design engineer have been working to complete the construction plans for the extension of Nicole Lane to Belk. The timing of the completion of the extension is unknown at this time. A temporary turn-around will be needed at the end of the roadway until it is extended.

The proposed typical section for the new Nicole Lane includes on-street parking in front of the residential units. Engineering differs from Planning in what the appropriate typical section for this roadway should be. It should be noted that the typical section as proposed does not match any within the Land Development Code and therefore may not be considered acceptable to Planning as shown. As a connector from multiple student housing developments within Oxford Farms to Old Taylor Road via Shiloh Drive and Belk Boulevard, Nicole Lane is anticipated to carry a high volume of traffic, particularly students. Engineering does not believe this particular section of roadway is appropriate for on-street parking, particularly when the residents who will be using the parking are primarily students and will be exiting their vehicles at all hours of the day and night. The additional width would be better served to provide adjacent bike lanes and a verge, or green space, between the sidewalk and curb. The Planning Commission voted to approve on-street parking. Staff has requested additional information regarding how access to the adjacent property (Phase 11, Case 2970) on Nicole Lane will be provided in consideration of on-street parking, the proposed pond and the presence of a ditch to the northern boundary.

Should the Planning Commission determine that on-street parking is appropriate, the typical section provided must be revised to eliminate the valley gutter between the travel lane and the parking space. As designed, the roadway and parking space slope towards each other creating a valley between them for the water to travel rather than in the curb and gutter. This will result in excessive wear and degradation of the pavement as it will be difficult to construct the proper pavement joint in the valley. Furthermore, the valley will hold water and could result in flooding of the adjacent travel lane during heavy rain storms, which are frequent in Oxford. This will result in unsafe driving conditions and potentially unsafe conditions for those parking adjacent to the pavement. The travel lane and parking should each slope away from the center of the roadway on the same 2% slope. The valley gutter was eliminated and the roadway now has an approved 2% cross slope.

The typical section may also need to be changed to provide for a green space, or verge, between the sidewalk and the parking space or a wider sidewalk. This will possibly require the dedication of additional right-of-way if on-street parking is maintained. ***Planning established the appropriate street type as either suburban local or suburban collector. The typical section provided at the Planning Commission meeting and on the subsequent resubmittal did not meet the Land Development Code requirements. The Design Engineer requested to have the sidewalk immediately adjacent to the curb in on-street parking areas, which eliminates the verge and places pedestrians in conflict with car doors. Additional width sidewalk is necessary. Planning is to provide the required minimum width of sidewalk in the on-street parking section. A meeting is scheduled for Tuesday, November 7th to discuss the proposed typical section and the impacts on right-of-way width, building setbacks, sidewalk width, pedestrian easements and a multi-use path that Planning noted is to be constructed but was not shown on typical sections.***

Street lights will be required and additional lighting (closer spacing along the lines of 1/2 to 1/3 the standard Citystreet light spacing) should be provided in the event that on-street parking is permitted.

All sidewalks, including the pedestrian paths at driveway entrances, must meet ADA requirements for both cross-slope and longitudinal slope.

The construction plans currently reflect the use of Nyloplast inlets for curb inlets. The City does not permit the use of Nyloplast inlets in City infrastructure and this will have to be revised. Any other details that are not in compliance with City standards will also require revision, whether noted or not. ***Plans were updated to show traditional SS-2 inlets on City streets. The cross drains were constructed, without permission or approval, as 15" cross drains, despite the minimum size for City streets being 18". These will require removal for compliance with City standards.***

An additional inlet structure outside of right-of-way will likely be required at CI-12 to address the necessary drop in elevation to convey water from the street inlet to the detention pond. Given the proposed location of a regional detention pond immediately adjacent to the roadway, there is not sufficient space for the City to maintain an inlet that is 10' deep, particularly when the additional depth is for the benefit of transmitting the stormwater to the regional detention pond. ***The design engineer has stated that he was instructed to reduce the slope of the pipe, which resulted in the excessive depth on the inlet. While a comment to "consider" reducing the slope in order to eliminate scour at the outlet inside of the pond was made, this did not preclude the installation of a secondary inlet structure. This secondary structure would serve as a drop inlet outside of the right-of-way and allow the design engineer to comply with the City requirements regarding the City street while taking advantage of a helpful tip to reduce maintenance costs on the private property. This was constructed without approval and will likely require reconstruction.***

Water and Sewer

The plan proposed extending an 8" water main along the proposed Nicole Lane. The location of the water line will have to be adjusted if on-street parking is permitted so that the water main is not located under the parking areas. The water main within the site is shown as private yet there are water meters beyond the private line. If the water line is to remain private, the water meters must be located at the right-of-way. If the water line is to be dedicated to the City, an easement must be shown and a written easement provided. ***Construction prior to approval of the plans resulted in the installation of water meters on a pipe material that is not allowed for City infrastructure. Therefore, the interior water lines will be privately owned and maintained and an indemnity agreement will be required for the operation of the fire hydrants. Water will be provided by a single master meter located at the right-of-way.***

There is not currently a sewer line shown within the roadway of Nicole Lane but this will be required in order to provide future sewer services to future developments along this roadway. The extension of water and sewer is a requirement of new roadways unless alternate, approved means for transmitting sewer through an area are approved. A comprehensive plan for how sewer will be provided in the area should be provided to Staff for approval if sewer within the street is not advisable. ***The design engineer has stated that sewer for the property referred to as Phase 11 (Case 2970) will be through privately owned sewer line under Nicole Lane which connects to the privately owned and operated lift station in the Reserve. This connection would likely result in flow rates which exceed that for private sewer and would require the City to assume ownership of the lift station. This would require the lift station to be constructed to City standards. Staff has again requested additional information regarding the plans to provide sewer in this area.***

There is a private 4" sewer force main that will be located outside of the right-of way, although it is currently shown located within the right-of-way. This force main connects a private lift station to an existing sewer manhole on Oxford Way. ***Status is unknown pending confirmation of the right-of-way width and submittal of as-built information.***

The private lift station is located in the front facing Nicole Lane and Planning may require landscaping or other measures. ***See related note regarding uncertainty of sewer.***

Recommendation: Staff recommends approval of the requested Final Plat for 'Oxford Farms Subdivision – Phase 10' with the following conditions:

1. Approval of the Final Plat for 'Oxford Farms Subdivision – Phase 10' by the Mayor and Board of Aldermen. (Planning)
2. Approval is for the Plat as submitted subject to necessary revisions per the Site Plan Review Committee. (Planning)
3. Prior to any approval by the Board, a resolution regarding the dedication of Oxford Way must be achieved. (Engineering)
4. Prior to any approval by the Board, any additional language and technical corrections required on the plat shall be provided. (Engineering)
5. Prior to any approval by the Board, a bond is required for all City infrastructure. (Engineering)
6. Prior to any approval by the Board, construction plans for the roadway must be approved. (Engineering)
7. Prior to any approval by the Board, all necessary easements shall be provided. (Engineering)
8. Prior to any approval by the Board, resolution regarding the sewer service must be achieved and updated on construction plans. (Engineering)
9. Prior to any approval by the Board, an indemnity agreement for operation of the fire hydrants must be achieved. (Engineering)
10. Prior to any approval by the Board, an updated phasing plan for Oxford Farms must be received. (Engineering)

Summary of discussion: With no comments or questions from the commission or audience a motion was made to approve subject to staff conditions.

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

6. Public Hearing for Case #3013 – Blue Delta Capital, LLC. (Kyle Swafford) has filed a request for a Special Exception from section 3.10.3.1. Districts Allowed for 'Clean Climate Storage' property located at Ricky D. Britt Boulevard (PPIN #7503).

Kate Kenwright, Planner II presented on behalf of the city. (YouTube videos begins 22:26 - 25:29)

Planning Comments: The applicant seeks a special exception to allow a climatized self-storage facility in a Suburban Corridor (SCO) zoning district. The proposal includes a two-story building with internal parking. There are to be no exterior access or stand-alone units.

Nearby uses include Enterprise Rent-A-Car, a development of townhouses, a two-story office building with multiple businesses, an apartment complex and golf course, a gas station, and a car dealership.

The special exception requirements for this use in this zoning district require four parking spaces near the leasing office and four are proposed. A storage facility cannot be located on a site of more than three acres. The proposed site measures 2.78 acres, but is located in a larger 6.63 acre tract. The site will have to be subdivided out to locate the storage building in this location.

The project architect has worked and will continue to work with City Staff on the design of the building. The front window tint was adjusted to allay Staff concerns about visibility of the second-floor units. Other concerns that the applicant has agreed to continue working on with Staff include a different treatment for the brick-filled windows and a different design for the drive-through entrance enclosure. Staff also notes that Oxford Utilities or Northeast Power will need to be engaged

regarding the proposed solar panels. The applicant has confirmed that they intend to do so once the Special Exception is approved.

It is also important to consider that, according to the project architect, the building is designed to ensure that it could be converted to another use should the need arise.

Recommendation:

Staff recommends approval of the special exception with the following conditions:

1. The proposed site will be subdivided from the existing tract (Planning).
2. No retail or wholesale uses, residential activities, and storage of hazardous materials, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both (Planning).
3. The applicant will work with Staff to find an acceptable treatment for the areas currently shown as brick-filled windows (Planning).
4. The applicant will work with Staff to work on a different enclosure/gate at the drive-in area of the building (Planning).
5. The necessary utility company will be consulted regarding the proposed solar panels (Planning).

Summary of discussion: With no questions or comments from the commission or audience a motion was made to approve subject to staff conditions.

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

7. Public Hearing for Case #3014 – JWM Development, LLC. (JW McCurdy) has filed a request for a Variance from section 6.1.9 Tree Mitigation for 'Muirfield Meadows' property located at Old Taylor Road (PPIN #14967 & #34530).

Director of Planning, Ben Requet presented on behalf of the city. (YouTube video begins 25:35 - 1:13:15)

Planning Comments: The subject property is located on the west side of Old Taylor Road. It measures approximately +/- 31 acres, and it is zoned Traditional Neighborhood Business (TNB), Neighborhood Residential (NR) and Suburban Residential (SR). The property adjacent to the south is Falkner Flats, and the commercial properties that include Dollar General, My Michelle's and Lapels. The subject property currently contains a few structures (it has been a family homesite/farm) but is primarily vacant. The development potential of the site based on the three zoning designations would allow for approximately +/- 267 3-bedroom units.

The nature of this request is a reduction in the rate of tree mitigation for the subject property. The applicant is proposing a mixed-type residential development at this location; however, a site plan has not yet been submitted for review by the Site Plan Review Committee. They state that this parcel of land is "characterized by extreme elevation changes" and that "the topographic features significantly limit the areas where development can occur without affecting existing trees."

A tree survey was provided with the variance application. As submitted, the survey indicates that a total of approximately +/- 16,700 inches of heritage and significant trees will be removed with this project. In review of the survey, there are many Shortleaf Pines indicated and Staff has requested confirmation of them. The applicant's engineer visited the site and he believes that the trees in question are incorrectly listed on the survey (should be listed as Loblolly Pine). A survey crew, with an arborist, is reevaluating the trees in question and we anticipate having an update prior to the Planning Commission meeting. If the trees are in fact Loblolly Pines, then the total quantity of

heritage and significant trees to be removed is reduced to approximately +/- 9,569 inches.

The site has a significant ditch that runs through it. The development plan requires a substantial portion of the property to be graded. As a result, most of the trees will be removed from the site. The applicant believes that the extreme topography of this site, coupled with the high density of large, heritage trees present unique circumstance and hardship in developing the site. If the applicant were to pay into the Tree Escrow account for the removal of all +/- 9,569 significant and heritage trees, the total mitigation cost is approximately \$693,486.00. The applicant is requesting a variance to reduce the rate of mitigation to \$150,000.00. The applicant has also acknowledged a potential to plant some trees on-site but the extent of their quantity and location will not be determined until site plan review.

November 13, 2023, Update

The applicant's engineer provided updated tree mitigation calculations after a survey crew reevaluate the site. The survey crew determined that most of the designated Shortleaf Pines were in fact Loblolly Pines, although there were approximately 226" of Shortleaf Pines. As a result of this reevaluation, a total of +/- 10,015 inches of significant and heritage trees are required to be mitigated. This results in a total of 3,831 – 2" caliper trees, or a contribution of \$766,200.00 into the tree escrow account.

On Thursday, November 2, 2023, the applicant met with the Tree Board to discuss the variance request. There was considerable discussion regarding the proposed development and the proposed variance. The applicant noted to the Board that they planned to install frontage and parking lot trees in the development as required by the Land Development Code but that it was anticipated that some mitigation trees could be installed in areas on site but these areas and the quantity of trees wouldn't be known until the full construction documents were developed. Some of the members of the Tree Board expressed their desires for this information and how it would better inform them with a recommendation. Ultimately, there was a motion and a second for the Tree Board to recommend supporting this request. That motion failed with a 2-2 vote.

Since that time, the applicant provided a conceptual landscaping plan. While this plan is conceptual in nature and is subject to change, it indicates a minimum of 321 mitigation trees are able to be planted. It is possible that more trees may count towards the required mitigation, however, that will ultimately be determined during the site plan review phase. Staff does agree that the ditch in the middle of the property presents a unique characteristic and hardship for this site. Additionally, there have been few sites, if any, with this amount of heritage trees on it that has been developed in the City.

The City continues to face tremendous growth pressures, especially with the enrollment increases of the University of Mississippi; it is anticipated that this trend continues. As a result, there is and will be a need for more housing opportunities in Oxford. In order to meet the housing demand for this school year, the University was forced to take out master leases at several apartment complexes in our community. Staff believes this will be a continued trend for the University.

This location is ideal for a housing development with its close proximity to the University and access to the South Campus Trail. It is likely that the total quantity of inches requiring mitigation is lower than as it is presented because significant trees that are in drives or building footprints do not require mitigation, however, that will ultimately be determined through the site plan review process but we do believe that this is the upper threshold of the mitigation that would be required. There will be considerable loss of tree canopy but in order to develop this site within the allowed potential of the zoning designations, the site will require significant grading work that results due to the challenging topography.

Recommendation: Staff finds that the topography of this site presents a unique hardship in developing this property and that the reduction of tree mitigation, along with the proposed tree plantings in the development, will result in the construction of needed housing for the Oxford community. Therefore, Staff recommends approval of the requested variance with the following conditions:

1. Prior to the issuance of a Land Disturbance Permit, the applicant shall provide payment to the

Tree Escrow account in the amount of \$150,000.00.

2. The final landscaping plan shall, at a minimum, include the planting of 321 mitigation trees on the site.
3. A site plan shall be approved by the Planning Commission prior to the removal of any trees on the site.

Summary or discussion: John Granberry was present along with JW McCurdy, the applicant. Mr. Granberry spoke about complying with the land development code and how he will work with the staff during the site plan review process. Commissioner Milam asked about a buffer requirement being next to the trail. Mr. Requet referred to the land development code requiring a 50-foot buffer when next to the trail. Commissioner Milam asked if the trees would be left in for a buffer and counted in the calculations. Mr. Granberry said the calculations are a worst-case scenario and there are many trees that will remain, and other significant trees will be exempt from mitigation but will not know the exact number until the site plan is reviewed. Mr. Requet mentioned a buffer is usually left undisturbed and the applicant has the ability to put infrastructure, utility or retaining wall, this is something to be considered generally with a site plan review. Commissioner Alexander asked about the tree board meeting. Mr. Granberry mentioned the report was presented the same and the board would like a landscape plan, which he did not have at the time.

Commissioner Alexander spoke about the amount for the tree mitigation fund, in reference to the first condition in the staff report. Mr. Granberry replied that the amount was arrived at after cost estimates and feasibility analysis. He continued to give rough estimates of the trees being planted back and the costs, not including the mandatory trees. Chairman Rigby spoke about the value of the trees, the integrity of the trail, the cost, and proposed a new or increased buffer. Mr. Granberry said if a 150 ft buffer was placed then the variance in question may not be needed. Mr. McCurdy, said a 150 ft buffer would not work because of storm water, leaving 4 acres or 13% of the property just for the trees. He continued to say they have taken all scenarios into consideration and arrived at the proposal in order to make the project work to meet the increase in housing demand and the benefits to the community. There was more discussion about the number of trees, the fund amount and the buffer. Chairman Rigby asked for a motion.

Commissioner Alexander made a motion to grant the variance, however the first conditions be contingent that the payment be in the amount of \$350,000 not \$150,000. Commissioner Alexander explained how he came to that figure, asking that the buffer be maintained. Before a second was made the motion was withdrawn. Mr. McCurdy spoke about the proposed request in comparison to the withdrawn motion. The Commission expressed concern about the buffer and the percentage of trees being removed. Chairman Rigby structured the motion differently, suggesting a ceiling to the amount of payment made for tree mitigation. After more discussion a motion was made to approve the variance for tree mitigation required by the site plan in excess of 50% of the final estimated figure. Commissioner Alexander asked for feedback from the planning department. Mr. Requet responded that the commission will know exactly what that figure is, full construction drawings including the buffer with the site plan review and the amount paid will depend on the final numbers. Chairman Rigby suggested 100% of the tree mitigation up to \$150,000 and half of anything above that amount. Mr. Requet clarified this was just for mitigation trees, Chairman Rigby agreed. After more discussion a final motion was made.

A motion was made to approve the variance for tree mitigation with the following structure, that the applicant provide a payment equal to the required mitigation either in trees or cash for anything up to \$150,000 and for anything required by the code above \$150,000 half of the difference between the total value and the \$150,000. Condition two is now included in the newly structured first condition.

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

8. Public Hearing for Case #3015 – JWM Development, LLC (JW McCurdy) has filed a request for City Utilities for property located outside the Oxford City Limits that includes a Site Plan Approval for 'Whistling Pines' for property located 134 CR 401 (PPIN #11091).

Director of Planning, Ben Requet presented on behalf of the city. (YouTube video begins at 1:13:30 - 1:35:30)

Planning Comments: The subject property is located between County Road 401 and South Lamar. The site measures approximately +/- 14.8 acres and most of it is located in Lafayette County with a sliver of the northern portion of the property in the City Limits. Therefore, the applicant is requesting approval for City of Oxford utilities for this site since it is located in the County. It is Staff's understanding that this development proposal has not yet been before Lafayette County for approval, but it is to be considered after the City considers its request for City Utilities.

Use and Parking Requirements

The development proposal is for 24 single-story, 1-bedroom duplexes totaling 48 units. The development will be owned by a Residential Commons Interest Development, which requires a Special Use approval by Staff. The applicant has submitted this application, and a copy of the covenants is included. The approval of the Special Use for an RCID is contingent upon the approval of the granting of city utilities. The development proposes a total of 51 parking spaces, however, many of the driveways allow for tandem guest parking to be provided. The development complies with the parking requirements.

Building Height

The buildings are one-story and comply with the height requirements.

Other Requirements

- Architecture and Building Materials— The proposal indicates that the buildings will be constructed of a brick veneer, and they comply with the requirements of the Land Development Code.
- Landscaping — Each building consists of a foundation planting plan and frontage and parking trees are compliant with the LDC standards.

Engineering Comments: Staff received access to the construction plans on September 5, 2023, and provided comments on October 4th (civil) and October 9th (stormwater). A response to comments was received late on November 1st. Staff was not able to complete a review of the response to comments and plan updates prior to the completion of this report. Regarding items that the City has authority to require changes, the stormwater management system is the most critical to ensure that there is not a negative impact to City residents within the drainage area or the adjacent City right-of-way. The remainder of the items are technical in nature and can be addressed prior to the sale of any water and sewer taps or are ultimately the responsibility and jurisdiction of the County.

As this development is primarily located in Lafayette County with a thin slice located in the City limits, building permits and Certificate of Occupancy will be granted by the County and not the City. Therefore, the sale of water and sewer taps will be the primary means to ensure corrections to the plans other than stopping water and sewer service in the future.

Traffic/Access

One driveway entrance is proposed on County Road 401 in line with County Road 418 intersection. The proposed driveway is 20 ft. wide and serves 24 duplexes (48 single bedroom units). While the access is located outside of the City limits, Staff asked if a site distance analysis had been submitted to the County for review. Staff was notified that a site distance analysis had not been submitted. The response instead noted that the new road aligns with an existing county road. Access and all related requirements will be determined by the County but staff encourages a site distance analysis. There is a small portion of the property that is adjacent to City owned and maintained right-of-way (South Lamar, formerly CR 401) that the plans currently show a silt fence installation within the ditch area. Additional information is needed to ensure that this work does not impede the flow of water.

Sidewalks

A 5' sidewalk is proposed within the street Right-of-Way for the portion of the property where site work is requested. Work to establish a crushed stone base for a bike lane will also be completed. A bond will be required for the remaining sidewalk and bike lane base extending south of the

property and this work should be constructed at a later date when the property is further developed.

Water and Sewer and Utilities

The site plan proposes to connect to an existing 12" ductile iron City owned water line located along County Road 401. The proposed development is requesting an 8" water connection and water main loop, both to be owned and maintained by the City, through the development to serve hydrants and units with individual water meters per each unit. A 20 foot wide water line easement is proposed to be granted to the City of Oxford, 10 feet on each side of the water line.

Sanitary sewer is proposed to connect to the City's existing sanitary sewer manhole located northeast of the property corner in the Right-of-Way of County Road 401. The site proposes a privately owned 8" gravity main within the site to serve the units. Staff has noted to the design engineer that the plans shown for the private services need to be confirmed with a person familiar with the building code prior to beginning construction to ensure compliance and evaluated for ease of maintenance and operation. Currently, each sanitary sewer service line is proposed to split into 2 services at a shared cleanout before entering the units. As a development within the County, the County Building Official will make any interpretations regarding code requirements. Both water and sanitary sewer are stubbed at multiple locations in order to serve future phases of the development.

Stormwater Management

Stormwater management is being evaluated for the entire property and not just the area proposed for new construction at this time. As early as January 2023 (the date of the City's most recent NearMap aerial imagery), the site was mostly covered with trees and has since been cleared or perhaps timber harvested prior to the submission of this site plan. The clearing/harvesting has increased the imperviousness of the property; therefore stormwater management for the entire site is required, not just in the area of immediate construction. This site is comprised of multiple drainage basins and points of discharge. The site also adjoins the existing South Pointe subdivision along the site's north property line and could impact those City residents if there were an increase in stormwater following development. For the stormwater management plan, the pre-developed analysis would consider the entire site as wooded and being of good pervious cover.

Responses to engineering's initial round of comments including a revised stormwater management plan were received late November 1. These responses and updates. Have not yet been fully reviewed at the time of this report. The revised stormwater management plan proposes multiple above-ground detention basins to meet the stormwater management requirements. The November 1st submittal also includes the installation of a plunge pool on City right-of-way. There are a number of concerns and questions regarding this installation on public right-of-way and it may not be approved within right-of-way. Due to the complexity of the site and the number of basins involved, it is reasonable to expect an additional round of comments relating to the stormwater management plan. The proposed stormwater management plan must also be evaluated relative to the bike lane subgrade being constructed. At this time the stormwater management plan for this site plan has not been approved. Engineering staff does anticipate that an approvable stormwater management plan for this site can be developed, but it may not include elements most recently submitted.

Recommendation: Staff recommends approval of this request for City utilities with the following conditions of approval:

1. Approval is contingent upon the Mayor and Board of Aldermen granting City utilities for this development.
2. Approval is contingent on the applicant securing all necessary Lafayette County approvals.
3. Approval is contingent on the granting of a Special Use for a Residential Common Interest Development.
4. Approval to serve water and sewer is contingent on rezoning and the site plan approval by Lafayette County Planning Commission and Board of Supervisors based on the plans presented before the City of Oxford Planning Commission (other than technical corrections requested by

Engineering staff).

5. Approval is contingent on technical corrections made to plans prior to the sale of water and sewer taps.

6. A performance bond of an approved amount be provided for sidewalk and bike path improvements prior to the sale of water and sewer taps.

7. Approval is contingent on receiving, reviewing, and approving of covenants or appropriate stormwater maintenance documents prior to the sale of water and sewer taps.

8. Approval is contingent on approval of the stormwater management plan prior to the sale of water and sewer taps.

9. The stormwater management facility will need to be certified, and maintained, in order to receive continued water and sewer services following the sale of water and sewer taps. Water service will be discontinued (meters locked) if the certification is not received within 10 days of requesting a Certificate of Occupancy or if the detention system is not maintained.

Summary of discussion: Chairman Rigby asked for questions or comments from the audience. Margot Reeves, a resident of south point, spoke about her concern for the trees that were removed and the plan for storm water. John Granberry was present of behalf of the applicant to speak about the drainage issues and trees removed. He explained the property owner decided to forest the trees after a site plan was submitted and during initial design there were much more. Since that change, the site plan now requires more storm water retention ponds which is to prevent the flooding of downstream landowners and that these ponds will reduce the flow of drainage. Chairman Rigby added that storm water management is required to meet city requirements.

Chelsea Boyd, a south pointe resident, asked about the buffer and number of detention ponds. Chairman Rigby replied that detention is allowed in the buffer, and it is a landscaped buffer. Mr. Granberry spoke about the landscape being a very dense vegetative buffer and the number of detention ponds increased due to the foresting of trees on the property.

Monica Hearn, a south pointe resident, asked about the engineering comments and the assurance the city residents have that there is no negative impact. Chairman Rigby replied about the requirements of the storm water management plan. Reanna Mayoral, Director of Engineering commented that this property in the county, its city water they need and to get that water the need to meet city requirements for standards of construction and an added condition for maintaining water service. Ms. Hearn asked if the residents do experience damage what should be done? Director Mayoral responded that if what has been approved does not get built then the water services would not be provided but as far as silt and sediment issues or erosion that would need to be addressed given the uniqueness of the property. Ms. Hearn asked if the number of conditions was usual and that they have not been met.

Chairman Rigby responded that it is common to have conditions that have not been met to be on the report, and the number is also not unusual. He continued to say that the jurisdictional issue is a great question. Mr. Requet mentioned it would need to be presented to the board of alderman, this is a recommendation, and the approval or denial will come from the board of alderman. With no further questions or comments a motion was made to approve.

Motion to approve with staff conditions, with additional condition of sorting out jurisdictional issues between the county and the city prior to Board of Alderman Meeting.
All in favor.

Move: Harry Alexander Second: Kirk Milam Status: Passed

9. Adjourn

All in favor.

Move: Harry Alexander Second: Kirk Milam Status: Passed

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

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, December 11, 2023, 5:00 pm - 8:00 pm
Oxford Conference Center Auditorium

In Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Harry Alexander;
J.R. Rigby; Jaclyn Colameta; Kate Kenwright; Kirk Milam; Paul Watkins; Reanna
Mayoral; 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. Planning Commission Virtual Meeting Information

To participate with comment in the meeting, please use the following Microsoft Teams information:

[Click here to join the meeting](#)

Or call in (audio only)

[+1 469-848-0135..623768306#](tel:+14698480135623768306) United States, Dallas

Phone Conference ID: 623 768 306#

To access the video for this public hearing please click the link below.

<https://www.youtube.com/watch?v=RRSnsWIYt5Q>

B. December Legal Advertisements

1. Call to Order

2. Approval of the Agenda

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

3. Approval of minutes from the November 13, 2022 Meeting

All in favor.

Move: Erin Smith Second: Kirk Milam Status: Passed

4. Staff Report

a. Planning Staff Report

b. Building Official's Report

5. Map of Cases this Month

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

C. **Administrative Approvals**

1. Case #3017-A – Foresite Group, LLC (Jack Johnson) has filed a request for Site Plan Approval for property 'Chick-fil-A' located at corner of Sisk Ave and Hopkins Ave (PPIN #26626)

D. **Consent Agenda**

1. Public Hearing for Case #3018 –Tawfik Alabdi has filed a Site Plan Approval for 'Old Taylor Road C-Store' property located at 2600 Old Taylor Road (PPIN #35103) **(POSTPONED)**

E. **Public Hearings**

1. Public Hearing for Case #3008 – 9th Street, LLC (Jon Albriton) has filed a request for a) a Variance from Section 5.8.4.10 Neighborhood Conservation Overlay – Design Standards, bedrooms allowed and b). a Special Exception as provided in Section 3.5.8.2 R.C.I.D. Districts Permitted for property located at 803 University Avenue (PPIN #6026) (POSTPONED from October) **(POSTPONED)**
2. Public Hearing for Case #3019 – V2, Inc. (Scott Vasilyev) has filed a request for a) Special Exception as provided in section 4.9.1.1.a. Phased Parking and b). a Variance as provided in section 2.6.7. TNB Traditional Neighborhood Business, build-to-line maximum for property located at 108 Bolt Boulevard (PPIN #36364) (POSTPONED)
3. Public Hearing for Case #3020 – LRC Commercial, LLC (Erica Kessler) has filed a request for a Special Exception as provided in section 2.7.6.- TNB Traditional Neighborhood Business, Ground Floor Residential for property located at Town Center Drive (PPIN #27674)

Planner II, Kate Kenwright presented on behalf of the city. (YouTube video begins at 4:05- 5:52)

Planning Comments: This is a request for a Special Exception to permit ground floor residential in a previously built commercial space. The subject property, formerly Highland Square Oxford, was recently converted into a Residential Common Interest Development in 2022.

The property is located off of Molly Barr Road, near the intersection of Molly Barr and Chickasaw Road, on Town Center Drive. Building “E” of this development features purpose-built commercial space as part of the requirements of the Traditional Neighborhood Business zoning. The use of ground floor residential in a TNB district requires a Special Exception.

As noted in the information provided by the applicant, building E already features residential space on the ground floor. No feedback has been received from the public either for or against this Special Exception application.

Recommendation: Staff finds that granting the special exception will not adversely affect the public interest and recommends approval of the Special Exception with the following condition:

1. Adequate parking is provided for the proposed new residential units prior to permitting.

Summary of discussion: With no questions or comments a motion to approve with staff condition was made.

All in favor.

Move: David Spragins Second: Harry Alexander Status: Passed

4. Public Hearing for Case #3021 – JWM Development, LLC (JW McCurdy) has filed a request for a Variance as provided in section 5.8.4.9. – Retaining Walls for property located at 522 North 15th Street (PPIN #6171)

Senior Planner, Robert Baxter presented on behalf of the city. (YouTube video beings at 5:58 - 13:16)

Planning Comments: The subject property is +/- 1.44 acres on North 16th St, directly south of St Andrews Methodist Church inside the Neighborhood Conservation Overlay (NCO) and the North Lamar Historic District. The applicant is proposing to construct a seven-unit RCID on the property, the site plan for which is currently under review by the Site Plan Review Committee. This variance

request is to facilitate that site plan.

The NCO requires a minimum 20-foot separation between retaining walls that can be at a maximum six feet in height. The applicant is requesting a variance to have a section of a proposed retaining wall on the south side of the property come within 6.5 feet of an existing retaining wall on the property to the south. The request is for 24.6' in which the two retaining walls would overlap.

The applicant states that the topography along the southern property line being very steep and the existing retaining wall that is 12' in some places make for a challenging site. Additionally, the applicant states that compliance with the 20-foot separation provision would render a significant portion of the property unusable due to the slopes.

Staff sees this as a reasonable request. The existing wall is on another property and limits the ability of the applicant to grade the site. The portion of wall that would overlap is roughly 130 feet from the road and is not highly visible. The applicant will have to provide the Building Department with documentation that ensures that the new wall will be structurally sound and will not be a threat to the stability of the existing wall. Staff would like to ensure that adequate landscape screening is provided as part of the Site Plan. Approximately 50' of Brodie Red Cedar is currently shown on the submitted Site Plan. Staff would like to see this line of screening extended further to the west to fully screen all parts of the overlapping retaining walls.

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

1. Approval is for the wall as shown subject to necessary structural review by the Building Department.
2. Approval is contingent on an approved landscape plan that shows full screening of the overlapping sections of retaining wall.

Summary of discussion: Commissioner Milam asked the significance of having a retaining wall built this way. Director of Planning, Ben Requet replied this provision is limited to the overlay district and it will limit a series of tall walls in the city. Commissioner Murphy asked about the topography of the site. John Granberry, representing the applicant, replied that the corner of the site is steep and slopes down, the rest has been raised. Commissioner Murphy asked about water and drainage. Mr. Granberry responded the existing wall drops down and any water, if there is water it will not come over the top, additionally drainage will be placed to reroute with neighboring development. With no further questions or comments a motion to approve subject to staff conditions was made.

All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

5. Public Hearing for Case #3022 – JWM Development, LLC (JW McCurdy) has filed a request for a Special Exception as provided in Section 3.5.8.2 Residential Common Interest Developments, Districts Permitted for property located at 522 North 15th Street (PPIN #6171)

Senior Planner, Robert Baxter presented on behalf of the city. (YouTube video begins at 13:20 - 14:55)

Planning Comments: The subject property is +/- 1.44 acres on North 16th St, directly south of St Andrews Methodist Church inside the Neighborhood Conservation Overlay (NCO) and the North Lamar Historic District. The applicant is proposing to construct a seven-unit RCID on the property, the site plan for which is currently under review by the Site Plan Review Committee. This Special Exception request is to facilitate that Site Plan.

Residential Common Interest Developments are Special Exceptions when proposed in the NCO. The applicant notes the existence of a similar condominium directly to the south and states that the

proposed RCID would be consistent with the existing developments in scope and scale.

Staff agrees that this RCID is generally in keeping with the surrounding neighborhood.

Recommendation: Staff recommends approval of the requested Special Exception with the finding that the granting of an RCID will not adversely harm the public interest and the following condition:

1. Approval is for the plan a submitted subject to necessary revisions per the Site Plan Review Committee.
2. Prior to the issuance of Building Permits, a recorded copy of the RCID covenants will be provided to Planning Staff.

Summary of discussion: With no questions or comments a motion to approve subject to staff conditions was made.

All in favor

Move: Harry Alexander Second: David Spragins Status: Passed

6. Public Hearing for Case #3023 –Bridge Properties (Alex Bridge) has filed a request for a Zoning Map Amendment from Traditional Neighborhood Residential (TNR) to Neighborhood Residential (NR) for property located at 1815 East Jackson Ave (PPIN #4903)

Director of Planning, Ben Requet presented on behalf of the city. (YouTube video begins at 15:00 - 20:11)

Planning Comments: The subject property measures approximately +/- 1.10 acres, and it is zoned Traditional Neighborhood Residential (TNR). This property is currently developed with three single-family residences (one of which is in a state of disrepair).

The applicant is requesting a zoning map amendment to for the subject property to change the zoning from Traditional Neighborhood Residential (TNR) to Neighborhood Residential (NR). The application states, "The city limits of Oxford have recently changed, and this has significantly increased the population. With this population growth, the City has a need for additional housing, which the current zoning does not adequately support." The TNR zoning district limits density to 5.8 units per acre, however, the applicant is seeking this rezoning to NR in order to have additional density. The NR zoning district limits density to 9 units per acre.

The application notes that "the climate change and growing global warming crisis our planet is facing is requiring a more eco-friendly approach to design and development of communities. The need for sustainable designs and the need to lower the carbon footprint of the City is must to help in fighting this crisis. Higher-density areas often result in a lower carbon footprint per capita due to more efficient use of public utilities and infrastructure. This along with the City of Oxford's sustainability goals, support higher-density development as a more efficient and eco-friendly housing option."

The lack of affordable housing is also a crisis that the City of Oxford is facing. Increasing the housing supply could potentially make housing more affordable, which will help in solving this crisis in the City.

The lack of diversity is also an issue our society as a whole is facing. Rezoning to a higher density can encourage a more diverse community, both economically and culturally.

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.” (Burdine 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:

Change and Need: The applicant notes that the *city limits of Oxford have recently changed, and this has significantly increased the population. With this population growth, the City has a need for additional housing, which the current zoning does not adequately support. This zoning change would help assist the City meet this newfound housing demand.* While the city limits were expanded in 2019, much of the land that was annexed into the city was undeveloped, presenting the development opportunity for it to be developed with housing and commercial opportunities as Oxford continues to grow.

Mistake: That applicant believes the area’s historical designation (in theory) was added a long time ago, reassessment of what constitutes "historic" might be due, specifically related to this area. By in large, the neighborhood and this section of Jackson Ave. East currently consists of higher density developments than what the is supported in TNR zoning. Rezoning the subject property for higher density would make zoning more consistent across the area. Inconsistent zoning can lead to inefficiencies and may deter investment.

While the applicant’s desire to make an impact on the global climate change crisis is admirable, Staff does not find that there is sufficient and convincing change and need to justify this rezoning request from TNR to NR in this request. Staff also has concerns that this request could be considered “spot zoning”, which is considered illegal.

Recommendation: Staff recommends denial of the requested rezoning.

Summary of discussion: Mr. Requet clarified this will serve as a recommendation to the Mayor and Board of Alderman who will make the determination. Mr. John Granberry was present on behalf of the applicant. With no questions or comments from the commission or audience a motion to recommend denial to the Mayor and Board of Alderman was made.

All in favor.

Move: Kirk Milam Second: Joseph Murphy Status: Failed

7. Public Hearing for Case #3024 – Phase 4, LLC (Mac Monteith) has filed a request for a Zoning Map Amendment from Traditional Neighborhood Business (TNB) to Traditional Neighborhood Development (TND) for ‘The Lamar’ property located at 125 Cincinnatus Road (PPIN #41084)

Director of Planning, Ben Requet presented on behalf of the city. (YouTube video begins at 20:18-25:19)

Planning Comments: The subject property measures approximately +/- .41 acres, and it is zoned Traditional Neighborhood Business (TNB). In 2022, the Mayor and Board of Aldermen approved a two-lot subdivision for ‘1309 N. Lamar Subdivision’; the subject property is Lot 2. This property is situated behind the former Lamar Lounge and Gus’s fried chicken building, and it has road frontage along Cincinnatus Boulevard.

The applicant is acquiring the subject property and is requesting a zoning map amendment to include this property into The Lamar TND. The applicant states that the ongoing development of The Lamar residential subdivisions has created a change in the character of the neighborhood and that they believe that the potential for commercial use for this property would not be appropriate in this area.

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.” (Burdine 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:

Change and Need: The Lamar Traditional Neighborhood Development has continued to develop momentum, especially in recent years with the acceleration and demand for the residential homes that have been constructed. The acquisition of the subject property presents the opportunity for it to be incorporated into the TND and developed with a use that is compatible with the character of the homes that have been established along Cincinnatus Boulevard. Additionally, the subdivision of the subject property presents a change due to the lack of frontage towards North Lamar where most of the commercial activity is located and how a proposed commercial use at this location will impact the existing and proposed residential homes. Furthermore, any commercial development proposed on the subject property will be required to have a 50’ buffer along the western property line creating additional challenges with its development. Most, if not all, of the homes that have been constructed in The Lamar TND have already sold, and there is a need for more housing opportunities in Oxford.

Mistake: None.

Recommendation: Staff recommends approval of the requested rezoning.

Summary of discussion: Mr. Paul Koshenina was present remotely on behalf of the applicant. With no questions or comments for the commission or audience a motion to recommend approval to the Mayor and Board of Alderman was made.

All in favor.

Move: Erin Smith Second: Kirk Milam Status: Passed

8. Public Hearing for Case #3025 – Alger Design Studio, PA (Corey Alger) has filed an appeal of the Director of Planning’s interpretation for property located at 401 East Jackson Avenue (PPIN #25284)

Director of Planning, Ben Requet presented on behalf of the city (YouTube video begins at 25:22 -

1:00:20)

Planning Comments: The applicant is appealing the Planning Director's interpretation. In October, the applicant submitted applications for a Site Plan Review and a Variance request to allow for more density for undeveloped property located at 401 East Jackson Avenue. Included in the submittal was a development proposal for a multi-story, mixed-use building containing a commercial salon and parking on the ground floor, with a total of six apartments found on the second and third floors.

The subject property is situated between the Courtyard Marriott (west) and Sammy's Gourmet Deli & Gyro (formerly Oxford Bicycle). The property measures approximately +/- .27 acres, it is zoned Traditional Neighborhood Business (TNB), and it is currently undeveloped. In the mixed-use commercial and suburban multi-family districts, density is regulated by bedrooms per acre instead of the traditional units per acre. This assists developers and the city in providing a mix of 1-, 2-, 3- and 4-bedroom units. Residential on the upper floors of a building is allowed in the TNB district with a density limitation of 39 bedrooms per acre. In this instance, the site is limited to a total of 10 bedrooms.

Mr. Alger submitted a variance request, seeking relief from the density provisions in the TNB District. The application requested the ability to construct a total 16 bedrooms, a 60% increase in density. On October 17th, Mr. Alger was informed that his request to seek additional density would necessitate an application for rezoning, not a variance. An in-person meeting was held, along with additional email correspondence and subsequently, Mr. Alger is appealing this interpretation.

Mr. Alger notes that there has been no supporting documentation provided to justify the interpretation. Nothing in the City's Land Development Code supports or implies this interpretation. The Land Development Code (LDC) does not explicitly state that a request to increase density requires an application for rezoning, however, the LDC does authorize the Director of Planning to make such administrative decisions and interpretations. As was explained to Mr. Alger, Staff believes that this request results in an intensification in the use of the property. The Land Development Code (Section 9.4.2.6) states that under no circumstances shall the Planning Commission grant a variance to allow a use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in that zoning district. Staff believes that this request is also in conflict with this provision of the ordinance.

A variance request for a build-to or setback line, the building height, etc. is considerably different than a request to allow more density. Zoning Districts are established to provide the development requirements for Oxford, but to also protect property owners. If this request was allowed as a variance application, it would circumvent the procedural requirements of state law.

The appeal letter mentions that the interpretation effectively creates an ordinance which has never been adopted by the Mayor and Board of Alderman. As mentioned above, the Land Development Code tasks the Director of Planning with the ability to make these administrative decisions and interpretations. It also provides a mechanism for these decisions to be appealed to the Planning Commission and the Mayor and Board of Aldermen. A similar interpretation was made resulting in a rezoning request in 2015 when the City heard Case 1955, a request to rezone property North Lamar from several zoning designations to (RC) Multi-Unit Residential to allow for more density.

Mr. Alger also states that the interpretation would require a rezoning which would actually create a 'spot zone' which is uniformly [sic] not allowed. As stated earlier, this a critical element to Mr. Alger's argument to allow this request by variance because it will result in a spot zone in addition to the challenge of satisfying the change and need requirements as required by state law.

Mr. Alger goes on to state that the concern of 'establishing precedent' contradicts the qualifications of all other variance requests, which are project specific and considered on a 'case by case' basis. All variance requests are considered on a case-by-case basis, however, if someone is able to seek a variance to allow for more density, then it presents a threat to Oxford's established residential neighborhoods with potential variance applications for more density than their established zoning districts allow. The Land Development Code also stimulates that there are

special conditions and circumstances that do not result from the actions of the applicant. This is an undeveloped property, and the applicant is aware of the density provisions, however, if this were to be considered as a variance, the request is in direct conflict with this provision of the ordinance.

Finally, the applicant notes that it's not 'spot zoning' when your adjacent and across the street neighbors have the same or more beds per acre. Mr. Alger is referencing the building across the street, formerly known as Uncommon Oxford. This development was approved by the City prior to the adoption of this Land Development Code and was not subject to this same requirement. The other building that is referenced is the Courtyard Marriott, which is a hotel use. Hotel uses are not subject to the residential density requirements of the Land Development Code. Section 9.4.2.5 also addresses this provision No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. As such these examples have no bearing on this discussion.

My training and expertise as a member of the American Institute of Certified Planners has led me to this interpretation. It is my professional opinion that this application should not be heard as a variance application and should comply with all statutory requirements of a rezoning request.

Summary of discussion: Mr. Walt Davis was present on behalf of the applicant. Mr. Davis began by stating he is not disputing the fact that the Planning Director has the ability to make the interpretation, but the meaning of the ordinance is a question for the Mississippi Supreme Court. He is appealing whether or not the Planning Director has the right to refuse to place a variance application on the agenda, not whether or not there is merit to the request. Mr. Davis showed a map of the section of Jackson Avenue for reference and discussed the density of surrounding properties. He explained the dwelling unit maximum his applicant is seeking and is asking for a modification to the density via a variance application.

Mr. Davis continued to argue that a change in density constitutes a change in zoning or any change in density will be spot zoning and therefore must be done by a re-zoning application, a print-out of court language about a variance was passed to the commission.

Mr. Davis tells the commission about a use variance and an area variance. He explains his client is not looking for a change in use but an area variance which covers density requirements. A few more print outs were passed to the commission about spot zoning and formal amendments to zoning.

Mr. Davis stated he is not arguing the merits of the request but about whether or not it can be denied a public hearing. He has a request to modify the provisions of the code, specifically the density requirements. He feels the commission should make the determination, which starts with an administrative interpretation.

Commissioner Milam asked for an example for rezone vs a variance. Mr. Davis answered a use change would be a rezoning, not area changes, and in his opinion if it was a rezoning it would not meet the requirements for a variance request. Commissioner Milam asked if the commissioner is not to consider the merits of the request, then what is the applicant asking? Mr. Davis is asking to find if the Director of Planning has the authority to refuse to put items on the agenda and that a variance request must be heard.

Mr. Paul Watkins, representing the city, was present and asked Mr. Davis if he meant that an applicant could propose to change the terms of the code via a variance and must always be placed on the agenda? Mr. Davis replied saying the ordinance says that.

Chairman Rigby spoke about the two questions brought up; one is whether the planning director has the authority to make these interpretations. Mr. Davis said that he agreed with that. Chairman Rigby continued with the second question of if the commission will uphold the interpretation made in this case. Mr. Davis said he felt the planning staff could, in the future, say no to an application being heard. Chairman Rigby responded with yes, that is the process that is outlined in the code. Mr. Davis found no basis in the code to refuse to place anyone on the agenda when they file a

variance application. Chairman Rigby commented you are asking the commission to make a rule that the planning director does not have the freedom to make this interpretation. Mr. Davis responded that there is a rule in the ordinance that a hearing shall be held with no wiggle room. Chairman Rigby responded there is room for interpretation and it would take another specification that in this case there is no interpretation. Mr. Davis asked for clarification on which provision in the code the planning director is referring. Chairman Rigby quoted the section of the code to clarify and that as he understands this a question of whether it is a variance request or a rezoning request.

Mr. Davis said the code does not state that if the planning department does not agree with the label of the request to refuse to put it on the agenda, and Chairman Rigby confirmed that is the interpretation we are questioning.

Commissioner Milam asked if during presenting this request and after discussion of it not being a variance request, if the applicant thought of applying for a rezoning? Mr. Davis responded that his client has been handed a higher burden because of this interpretation and was unsure if this is a rezoning. Mr. Watkins commented this is part of the planning director, to make these interpretations. There was discussion about change in use.

Chairman Rigby commented that the question before this commission is not about the authority of the planning director but whether the commission supports that interpretation or not. There was some discussion on a use change and a change in density. Chairman Rigby summarized the discussion and asked for final questions. With no further discussion or questions, he asked for a motion.

There was no motion made, the appeal fails.

Move: Second: Status: Failed

9. 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)