

Case 1783

Applicant: Sid Brian, Brian Development, LLC

Owner: The Oliver A. Shaw Trust

Request: Special Exception to permit more than three (3) or more condominiums in a (RB) Two-Unit Residential District

Location: 1701 E. Jackson Avenue

Zoning: (RB) Two-Unit Residential

Surrounding Zoning:

North: (RB) Two-Unit Residential – single family residences

South: (RC) Multi-Unit Residential – single family and rental properties

East: (RB) Two-Unit Residential – Church

West: (RB) Two-Unit Residential – Single –vacant land and rental property

Past Zoning History: Located in the Jefferson Madison Historic Preservation District
Located in the Conservation Overlay District

Planner's Comments: The subject property is an unusually shaped lot located on the north side of E. Jackson Avenue on approximately 5.18 acres of land. Currently existing on the property is the historic Shaw House (circa 1860), an abandoned barn and what looks to be caretaker's structure on the south west side of the site near E. Jackson Avenue. In addition, there are two, occupied, more recently constructed, rental structures on the property; one single family structure in the northwest corner and a duplex in the south east corner of the property. Access to the site occurs at E. Jackson Avenue with a secondary access located where Madison Avenue terminates and turns to the north becoming N. 16th Street. These streets are one-way to the east on Madison and north on N. 16th Street. An access easement was granted to a property to the west of the site and south of the Madison Avenue entrance.

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

The applicant is seeking a special exception to construct a maximum of 14 new detached single-family residential condominium dwelling units in addition to restoring the historic Shaw House. Located in a (RB) Two-Unit Residential zoned district; Section 134.02 (4) of the Land Development Code permits a maximum of two residential condominium units. However,

Section 134.02 (7) requires a special exception to allow three or more residential condominium units. The allowable number of units in a (RB) Two-Unit Residential zoned district is 30.

The applicant met with the Oxford Historic Preservation Commission on February 20, 2014. The ruling was as follows:

(COA)Certificate of Appropriateness - Case #259 –Approved with conditions:

Part A – Demolition of (4) out-buildings and (1) concrete foundation – TABLED

Part B – Balcony and porch repair subject to approval by Archives and History also to include: Part B from Architectural Consultant comments:

“Original elements of the porch should be repaired and retained to the greatest extent possible. Replace materials in kind in lieu of using synthetic materials. Historic photographs and thorough documentation of existing construction should be used to ensure contributing features like the scroll work detail on the porch trim and tapered posts are not lost in the renovation. Maintain the original scale of the façade.”

The applicant met with two representatives from the Mississippi Department of Archives and History to discuss repairs to the main house on March 5, 2014. The applicant also met with a licensed arborist to discuss the existing trees.

As stated in Section 216.05 (4) *‘The Board of Adjustment shall make a finding that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.’*

Recommendation: If the Board of Adjustment decides the request for special exception to permit three or more residential condominium units is not adverse to the public interest, staff recommends the following conditions for approval:

1. A heavy evergreen landscape buffer is to be installed along the eastern property line.
2. A heavy evergreen landscape buffer is to be installed in combination with a retaining wall and/or fencing along the property line to the north and in the rear of all units.
3. Access to Madison Avenue is to be a pedestrian only and left ‘as is’ or in its current condition.
4. The number of new dwellings shall be limited to 14 units.
5. Building permits for six (6) of the approved units shall not be issued until a final Certificate of Occupancy is issued for the restored Shaw House.
6. If after 18 months, permits are not issued the special exception will expire.
7. Guest parking shall be provided; one (1) extra space per unit

1783



City of Oxford
107 Courthouse Square
Oxford, MS 38655

APPLICATION FOR SPECIAL EXCEPTION

Applicant's Name Brian Development LLC

Mailing Address 5800 One Perkins Drive, Suite 6A, Baton Rouge, LA 70808

Address of Property in Question 1701 Jackson Ave, East (Shaw property)

Telephone Number (s) Day (225) 324-2485 (Night) _____

Interest in Property Owner Leascholder Option to Purchase Other

Application for Special Exception is being made under Section 134.02 of Zoning Ordinance

Property is zoned RB

Describe in detail the proposed Special Exception being sought _____

Explain how the proposed Special Exception would be in harmony with the character of the neighborhood and not detrimental to other property or persons in the neighborhood

Attach a map or sketch of what you propose including applicable measurements along with a \$100.00 filing fee made payable to the City of Oxford.

Signature of Owner or Authorized Agent  Date 1/22/14

FOR CITY USE ONLY

Date Filed _____

Filing Fee \$100.00

Date of Public Hearing _____

Decision of Board of Adjustment _____

Effective Date _____

Zoning Administrator

Date

Geotechnical Engineering
Hydraulic Engineering
Civil Engineering
Surveying



Land Planning/Subdivisions
Road and Bridge Design
Utility System Design
Materials Testing

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March 6, 2014

Mr. Tim Akers
Planning Director
The City of Oxford
107 Courthouse Square
Oxford, MS 38655

RE: Shaw Place Development
Oxford, MS

Dear Tim,

Per our discussions today, I wanted to clarify our modified requests for the Shaw Place development to be heard at the upcoming regularly scheduled City of Oxford Planning Commission meeting on March 10, 2014.

We have submitted, to your office, an application with supporting documents for a Special Exception to request permission to construct three or more residential condominiums in a RB zone and an application with supporting documents for Site Plan Approval for 18 newly constructed residential homes and retaining/restoring the historic Shaw House as a separate lot and residential dwelling.

As we discussed this morning, we are MODIFYING this request as follows:

1. We are requesting a conditional Special Exception (as is required to construct 3 or more condominiums in a RB zone) with the condition being that no more than 14 newly constructed residential homes will be constructed on the property.
 - a. We are providing the original 18 unit site plan and two very preliminary conceptual schemes showing a reduction of new dwellings from 18 to 14 with the understanding that the sketches provided are subject to change based upon ongoing feedback we are receiving from the Mississippi Department of Archives and History, from the licensed arborist who has been engaged to ensure the best chance of survival for some of the large trees on the site, the Historic Preservation Committee, the Planning Commission and members of the neighborhood.
2. We are requesting the Site Plan Approval be postponed to allow us time to make the site plan changes outlined above with input from all of the previously mentioned entities.

RYLAND SNEED, P.S.

PAUL KOSHENINA, P.E.
JONATHAN E. ADAMS, P.S.

HUBERT L. FOLEY, JR., P.E., P.S.
CHAD MAYER, P.S.

DARRELL RUSSELL, P.E., P.S.

BRIAN BYARS, P.E.
LEE MIZE, E.I.

VISIT US AT:
WWW.PECORPMS.COM

We feel this further reduction in density for the proposed development is a compromise that will ultimately be more in harmony with the neighborhood and help preserve more of the old growth trees on the site while continuing to ensure the full restoration of the historic Shaw home.

Please let me know if you have any questions or if you would like to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Koshenina", written over a horizontal line.

Paul Koshenina, P.E.

Senior Vice President

Precision Engineering Corporation

Describe in detail the proposed Special Exception being sought:

The Shaw Property (5.18 acres) is located in a RB zoning district and accordingly the property could be developed to include up to 30 residential dwellings (5.8 per acre) when including the historic Shaw house as one of the dwelling units on the property. The plan as proposed is to create a Condominium development with homes for sale and in order to sell the dwellings to individuals and/or for potential "homeowners" to purchase these dwellings a "Special Exception" is required under the RB zoning guidelines. A "Special Exception" is required when a property in a RB zoning district is being developed to contain 3 or more residential units to be sold to individuals. We are requesting a Special Exception in accordance with Section 134.02 of the Land Development Code of The City of Oxford.

Explain how the proposed Special Exception would be in harmony with the character of the neighborhood and not detrimental to other property and persons in the neighborhood:

It is important to note that the entire Shaw Property is located within the Oxford Conservation Overlay District and within the local Jefferson Madison Historic Preservation District. As such, any and all activity (demolition, design, construction, repairing, landscaping) that is proposed for this property will receive much regulatory oversight. These districts were created to and tasked with preserving and protecting the character and compatibility of the neighborhood.

The existing neighborhood consists of a mixture of condominium developments (both detached and attached units), rental apartment developments (both detached and attached units), rental houses and owner-occupied homes.

The proposed Special Exception would allow for a condominium development consisting exclusively of residential dwellings, which is very typical for this neighborhood. Listed below are some of the existing condominium developments in the immediate neighborhood. A map is attached indicating the location of the various condominium developments in the neighborhood. Some of these developments have densities as high as 12 and 13 units per acre. The average density of the Condominium developments in the neighborhood and listed below is 9.08 units per acre.

1. Madison Square Condominiums (11 units, 9/acre)
2. Jackson Place Condominiums (5 units, 6.3/acre)
3. Tanglewood Condominiums (26 units, 9.8 units/acre)
4. A Southern Place (9 units, 9.1 units/acre)
5. Olde Oxford Condominiums (9 units, 6 units/acre)
6. Jefferson Place Condominiums (20 units, 13.3 units/acre)
7. Hillside Condominiums (25 units, 13.4/acre)
8. Abby Lane Condominiums (16 units, 8.2/acre)
9. Camilla Park Condominiums (14 units, 8.8/acre)
10. Oak Park Condominiums (14 units, 7/acre)
11. Pecan Grove (12 units, 12/acre)
12. Jefferson Parish Condominiums (5 units, 10.4/acre)
13. New Colony Homes Condominiums (4 units, 7.3/acre)
14. Library Court (4 units, 6.5/acre)

The attached map also shows rental units and apartment complexes within the neighborhood and indicates some of the detached single family homes and lots having public street frontage in the neighborhood which are actually more dense.(see single family residential areas 1 & 2 on attached

map – 3.83 – 3.93 units/acre). than the proposed plan for the Shaw Property which is only 2.89 units per acre when the proposed 14 new residential units and the Kennedy-Shaw House are combined.

Provided the “Conditional” Special Exception (conditioned on a revised site plan that would not exceed 14 building pads for new construction homes not including the existing Kennedy-Shaw House) is granted the applicant proposes to “carve” out approximately 0.7 acre around the 155-year-old antebellum Kennedy-Shaw House (circa 1860) and to fully restore it for use as a residential dwelling and to revise the site plan to accommodate no more than 14 new building pads (down from 18 as previously proposed) for the balance of the property. The density of the development as now proposed is only 2.89 units per acre, which is only 32% of the average density of the existing condominium developments currently in the neighborhood. And as proposed the development is requesting only 50% (one half) of the density allowed for under the zoning ordinance.

The applicant feels strongly about there being actual benefits (as opposed to detriments) to this special property, to the neighborhood and to Oxford if the Board of Adjustments and the Planning Commission can see fit to grant the Special Exception and approve the Site Plan as currently proposed.

Some of those benefits are:

- A historic Oxford landmark home will be restored and preserved
- One important benefit to the neighborhood and neighbors that can easily be overlooked is that as proposed the Kennedy-Jackson Home will be restored for residential use vs. any number of other types of uses that it could be used for i.e. Bed and Breakfast and/or public functions.
- A highly visible/high profile property in Oxford will receive the care and attention it deserves vs. continued neglect. As it currently exists this property could easily be considered “blighted” and unsightly to the neighborhood.
- The street scape of E. Jackson will be greatly enhanced
- From a safety and traffic standpoint the existing and currently utilized driveway to and from the Shaw Property to Madison Street will be restricted for pedestrians, bikes and carts only. As proposed, vehicular traffic to Madison Street from the Shaw Property would be eliminated.
- There is a real need for newly constructed high quality homes “in town” in close proximity to the Square.
- Property values in the neighborhood will be protected and enhanced

We feel the request for the Special Exception and the revised Site Plan will provide for the Shaw Property to be developed into a premier Oxford development. After extensive planning efforts and after giving much consideration to a plan of development for this unique property we feel the request and the plan as currently proposed is the very best option for the Shaw House, the Shaw property, the neighborhood, the Historic District and for Oxford as a whole.



Rental
Apartments



Condominiums
(9.08 units/acre)



Shaw Place
(3.67 units/acre)

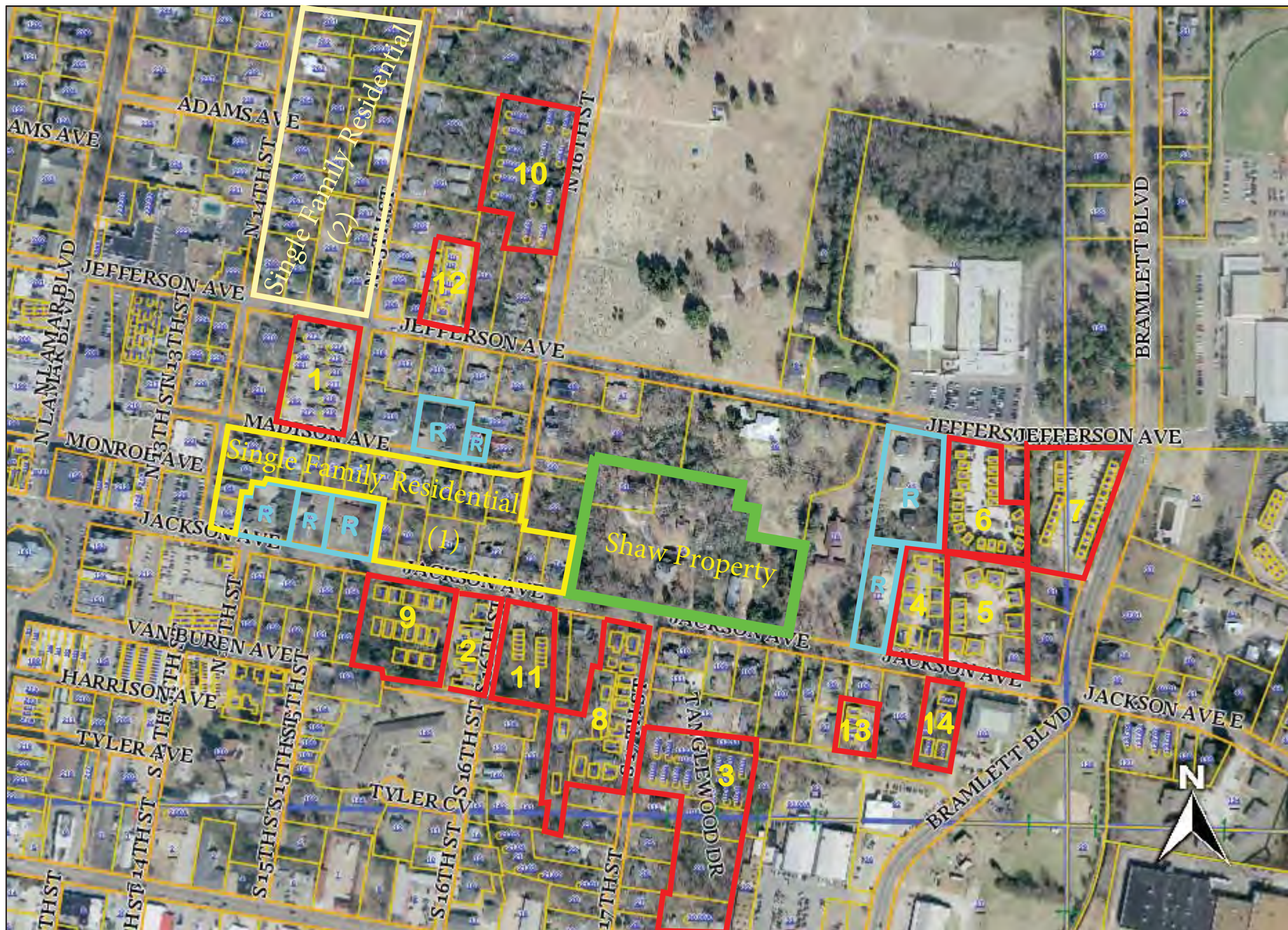
Shaw Place Neighborhood Property Map



Single Family
Residential (1)
(3.83 units/acre)



Single Family
Residential (2)
(3.93 units/acre)



90 m
300 ft

Jan/26/2014
Scale 1:4513

The materials available at this web site are for informational purposes only and do not constitute a legal document.

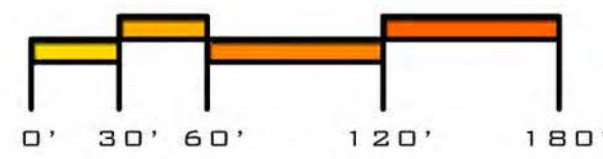


Shaw Place Concept for 14 New Residential Dwellings - Scheme A



Shaw Place Concept for 14 New Residential Dwellings - Scheme B

SHAW PLACE CONCEPTUAL MASTER PLAN & KENNEDY-SHAW HOUSE RESTORATION



SHAW PLACE CONCEPTUAL PLANTING DETAILS

