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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, May 13, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order
2. Approval of the Agenda

   No Commissioner Whittington. Commissioner Rigby by phone.

   Move: John R. Bradley Second: Marvin King Status: Passed

3. Approval of minutes from April 8, 2019 Meeting

   Move: Marvin King Second: John R. Bradley Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2478-A - Sonic Properties have filed a request for Site Plan Approval (Amended) for 'Sonic on University Ave.' for property located at 1207 University Avenue. (PPIN #8284) (POSTPONED)

B. **Consent Agenda**

Move: John R. Bradley Second: Duncan Gray Status: Passed

1. Public Hearing for Case #2467- Brian Development, LLC has filed a request for Final Plat Approval (Amended) for 'Country Club Subdivision, Part I, Lot 12 and 14 Plat Amendment' for property located at 20 Colonial Road. (PPINs #5701 & 36366) (Postponed from March and April)
2. Public Hearing for Case #2485- Oxford School District has filed a request for a Variance from Section 3.2.18.2 Retaining Walls of the Land Development Code for property located at 101 Charger Loop. (PPIN #33805) (WITHDRAWN)
3. Public Hearing for Case #2486- Hume and Frances Bryant have filed a request for a Variance from Section 3.11.1 Accessory Uses or Structures (Excluding Dwellings) for property located at 1503 Jefferson Avenue. (PPIN #6177)

C. **Public Hearings**

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1. Public Hearing for Case #2470- Oxford University School has filed a request for Site Plan Approval for 'OUS Activities Center & Retaining Wall' for property located at 200 OUS Drive. (PPIN #31297) (Postponed from March and April)

   Planners Comments:
   The subject property is located in the Grand Oaks Planned Unit Development, at the end of OUS Drive, and measures approximately +/- 14.5-acres. The site is partially developed with three existing buildings, and a basketball court. The original site plan was approved in 2013 as a staff approval; allowable due to the small size of the proposed structures. The school is now requesting several modifications to the approved site plan. These include:

   New Building - The Oxford-University School is requesting approval to construct an accessory building that will be used as an educational and activities center for the school. The building measures approximately +/- 12,000 square feet and will provide three classrooms, a kitchen, two restrooms, a multi-purpose area that also contains a stage, and an area for storage. The proposed building will not exceed twenty-feet (20') in overall height. The applicant was granted a building materials variance in December, the subject of Case #2416, to allow for a metal building to be constructed; however, the building will have a brick base, approximately four (4) feet high, around all sides.

   Retaining Wall - Additionally, OUS is proposing to construct a segmental block retaining wall that will be located on the property line between the school's property (north) and the residential properties of The Grove of Grand Oaks, Phase III-A. At its tallest point, the retaining wall will not exceed six-feet (6') in height. Because it does not exceed six feet, and since it is located on the property line, the retaining wall will not have any landscaping located in front of it. A short segment of the wall is proposed along OUS Drive; it will not exceed the maximum allowed height of four-feet (4'). The wall is also to be located on the OUS property line, adjacent to the residences of the Grove at Grand Oaks. When staff requested an access and maintenance easement for the construction of the retaining wall, the applicant stated that "there will be no construction easements required as all work and maintenance will be on the OUS property, similar to the walls/fences placed by our neighbors in this same area." The disturbed area will be planted with grass seed and covered with straw.

   Landscaping – The proposed site plan includes foundation plantings around the new building, and landscaping is indicated around the stormwater detention pond. It is advisable for the applicant to install irrigation to ensure the viability of the proposed landscaping.

   Engineering Comments:
   Retaining Wall – A segmented block retaining wall is proposed along the northeast line of the OUS property for a distance of approximately 560 linear feet. The wall will have a maximum height of six feet. There will be a swale at the top of the wall graded to a slope of not less than 0.5% that will convey storm water to the east and west where the wall height returns to grade. The purpose of this swale is to capture runoff and prevent it from spilling over the top of the retaining wall into the adjacent backyards. This swale is shown on the drawings to be 6 feet in width and 1 foot in depth. It is not indicated on the drawings, but it is required that the swale will be lined with solid sod. The owner anticipates no construction easement will be necessary to build the wall. Because the wall will be built at the property line, strict adherence to a stormwater pollution prevention plan, it is expected that sediment will be prevented from leaving the site and entering the backyards of the adjacent homes to the north.

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The revised sheet C-2, that is not part of the case packet provided and was submitted separately to engineering staff on March 1, 2019, and upon which the above comments are based, must be included in the construction plan submittal.

Water and Sewer - Water and sewer facilities on this site are private and will be maintained by the owner.

Stormwater - Engineering staff is working with the design engineer to develop a new stormwater management plan that will use the existing detention pond and better account for existing site conditions. At this time engineering staff is waiting on the submittal of the new stormwater management plan. Engineering staff anticipates that the new stormwater management plan will address all the issues with the previous plan and will be approvable.

Other Departments:
All comments from the other City departments have been adequately addressed and they all recommend approval.

Recommendation: Staff recommends approval of the Site Plan for 'OUS Activity Center & Retaining Wall' with the following conditions:

1. Site Plan is approved as submitted.

2. Submittal and approval of a stormwater pollution prevention plan (SWPPP) [Per Article IV. –Erosion Control 98-95.(a)]

3. Submittal and approval of a stormwater management plan.

4. An updated and complete submittal set reflecting changes to the retaining wall and approved stormwater management plan.

Summary of Discussion:

Corey Alger is present as the applicant.

Commissioner Gray leaves after case this case is heard.

Move: John R. Bradley Second: Duncan Gray Status: Passed

2. Public Hearing for Case #2487- RJ Allen and Associates has filed a request for a)Variance to the setback standards for the Oxford Commons PUD (The Heights Ph. 6-16 & 18) and b) Special Exception as provided in Section 3.5.2 Dwellings- Detached, Zero Lot Line (Patio Homes) for Oxford Commons PUD (The Heights Ph. 6-16 & 18) for properties located in Oxford Commons Planned Unit Development. (PPINs #4503 & #37698)

Planners Comments: The applicant is seeking a Variance to allow for 5 ft. front, side, and rear yard setbacks, which will match other single family residential lots within the Oxford Commons PUD. A Special Exception is also being requested for patio homes, which will allow for smaller lot widths than allowed by the City's Suburban Residential zoning district standards.

The subject property is located south of Sisk Avenue and south of Phases 1, 2, and 4 of The Heights Subdivision. The Heights Phase 17 was platted as a 10 lot subdivision in

August 2017. Phase 6 is located within the original Oxford Commons PUD and the remaining phases have recently been annexed into the City of Oxford.

A preliminary plat was approved in March of 2016 and has since expired that included The Heights Phases 6-16 and 18 with a total of 141 lots, 27 fewer than this proposal. This proposal for The Heights Phases 6-16 and 18 will have a total of 168 single family lots. The breakdown is as follows: Phase 6: 15 lots; Phase 7: 16 lots; Phase 8: 17 lots; Phase 9: 14 lots; Phase 10: 15 lots; Phase 11: 15 lots; Phase 12: 10 lots; Phase 13: 14 lots; Phase 14: 17 lots; Phase 15: 11 lots; Phase 16: 14 lots; and Phase 18: 10 lots. The majority of the lots are under half an acre, and all lots are well under an acre.

The Variance and Special Exception together will allow for smaller lot single family housing without having to comply as a zero-lot line development. The setback Variance will allow for these single family houses to have the same 5 ft. setbacks that other recently developed single family lots within Oxford Commons PUD. The Special Exception will allow for patio homes to be provided on smaller lots with smaller homes. It will allow flexibility in the design and siting of the homes without having the restriction of requiring one side of the houses to be constructed along a property line. We note that these changes will become a standard in this PUD if the current modifications to the Oxford Commons PUD, now under consideration by the Mayor and Board of Aldermen, are adopted.

Recommendation: Staff recommends approval of a) Variance to the setback standards for the Oxford Commons PUD (The Heights Ph. 6-16 & 18) and b) Special Exception as provided in Section 3.5.2 Dwellings – Detached, Zero Lot Line (Patio Homes) for Oxford Commons PUD (The Heights Ph. 6-15) with the following conditions:

1. Approval of 'The Heights, Phase 6-16 and 18' Preliminary Plat, by the Mayor and Board of Aldermen.

2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting.

3. Approval is for the plans as submitted.

Move: Marvin King Second: John R. Bradley Status: Passed

3. Public Hearing for Case #2481-Oxford Commons II, LLC has filed a request for Preliminary Plat Approval for 'The Heights Subdivision Phases 6-16 & 18' for property located at Persimmon Lane. (PPINs #4503 & #37698) (Postponed from April)

Planners Comments: The applicant is seeking Preliminary Plat approval for 'The Heights, Phases 6-16 and 18', a Preliminary Plat with 12 phases and 168 lots. This subdivision is partially in and partially out of the Oxford Commons PUD. The subject property is located south of Sisk Avenue and south of and adjoining the already platted Phases 1, 2, 3, 4, and 5 of "The Heights" Subdivision. The topography of this site is hilly, and there is an existing tree canopy.

A prior preliminary plat for "The Heights" was approved in March of 2016 and has since expired. It included what is called "The Heights Phases 4-18" with a total of 141 lots, 27 fewer than this proposal. Of that Preliminary Plat, only three Phases were granted Final Plat approval before the Preliminary Plat expired. In summary:

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• "The Heights", Phase 1 and Phase 2, in the PUD; and Phase 3, not in the PUD and not in the City, were approved prior to the Preliminary Plat approved in 2016.

• "The Heights", Phases 4, 5, and 6, in the PUD; and Phases 7 to 18, not in the PUD and not in the City, were within the Preliminary Plat approved in 2016.
• "The Heights", Phase 4 (23 lots) and Phase 5 (13 lots), in the PUD, were given Final Plat approval in December 2016 for Phase 4 and August 2017 for Phase 5; and Phase 17 (10 lots), not in the PUD and not in the City, was given Final Plat approval in August 2017.

• The 2016 Preliminary Plat expired in March of this year.

The current Preliminary Plat proposal is similar to what was proposed in 2016, but with more lots proposed in the portion of "The Heights" that is not a part of the Oxford Commons PUD, and thus not subject to restrictions on the number of lots allowed. The proposal is for 12 Phases: Phase 6 (in the PUD), and Phases 7 to 16, and Phase 18 (in the City but not in the PUD). The proposed number and size of lots conform to the standards of the PUD for Phase 6 and the recently imposed Suburban Residential Zoning (for Phases 7-16 and 18), created with the annexation into Oxford last year.

This current proposal for The Heights Phases 6-16 and 18 will have a total of one hundred and sixty-eight (168) single family lots. The majority of the lots are under half an acre, and all lots are larger than the minimum lot size of 7,200 sf in the applicable Suburban Residential District (applicable to Phases 7-16 and Phase 18). The breakdown of the Phases is as follows:
PUD Phase 6: 15 lots Phase 7: 16 lots
Phase 8: 17 lots Phase 9: 14 lots
Phase 10: 15 lots Phase 11: 15 lots
Phase 12: 10 lots Phase 13: 14 lots
Phase 14: 17 lots Phase 15: 11 lots
Phase 16: 14 lots Phase 18: 10 lots

Compliance with PUD and Zoning Requirements - As noted, Phase 6 of this Plat is located in the Oxford Commons PUD. It is a portion (1 of 5 Phases) of Tract M of the PUD Master Plan as revised and as approved in December 2015. Tract M includes Phases 1, 2, 4, 5, and 6 of "The Heights", and is allocated a total of 93 lots. Four phases of Tract M have been given final plat approval. Phase 6 will be the final portion of Tract M to be approved, and its 15 lots will bring the final number of lots in Tract M to 92, one less than the 93 allotted.

The remaining 153 lots on +/- 44.14 acres in Phases 7-16 and 18, comply with the density (6 dwellings per acre) and lot size standards for the Suburban Residential zoning district.

This approval is being heard contingent on approval of Case #2487 which includes a) Variance to the setback standards for the Oxford Commons PUD and b) Special Exception as provided in Section 3.5.2 Dwellings – Detached, Zero Lot Line (Patio Homes). The variance is to allow for 5 ft. front, side, and rear yard setbacks, which will be the same as other single family residential lots within the Oxford Commons PUD and the Special Exception for patio homes allows for smaller lot widths than allowed by the City's Suburban Residential zoning district standards.

Compliance with PUD, Tree Mitigation, and Conservation Easement Requirements - As previously noted, Phase 6 is in compliance with the Tract M PUD Plan Data Table

requirements for density and lots. The developer has stated that the required Tree Mitigation and Conservation easement dedications will be addressed at Final Plat Approval.

The dedicated conservation easement for Oxford Commons PUD includes an agreement for 14% of land within the Oxford Commons PUD to be preserved as open space. This requirement is currently under review for modification by the Mayor and Board of Aldermen. If adopted, the requirement would be 14% of Tract 6 only, and must be land within the PUD.

Tree mitigation will be applicable to all of "The Heights" Phases 6-16 and 18. It required a conservation easement of 14% for all areas included in the Tree Mitigation Variance Agreement approved by the Planning Commission in January of 2016.

Engineering Comments: Engineering received a response to previous review comments on April 17. Due to the scale of this development and other duties and responsibilities, Staff has not completed a review of the revised plans. The nature of most of staff's comments were very technical in nature, such as the addition of a manhole or conversion of a storm drain junction box to an inlet. Staff has also raised questions regarding drainage both within and off of the site. The largest concern was that grading between lots be completed in a way that did not create drainage issues for the adjacent lot owner or drainage ditches that were not maintainable. Although that would be a civil matter between property owners in the future, Staff is sensitive to the issue due to the large volume of drainage related calls we receive. The April 17 response to comments indicates that additional storm drains, which are to be privately maintained, were added to address most of these issues. Staff is concerned that the future homeowners could inadvertently build over the private stormdrains in the future, which is equally problematic. There are existing, older neighborhoods in Oxford that have utilized both designs (open ditch or private pipe behind homes) and staff is not certain which is best for the homeowner. Staff will continue to review the plans but in the end, provided that the plat properly addresses the drainage needs through easements or restrictions, the developer and design engineer will determine what is preferred for this development. The City will not maintain any drainage outside of the right-of-way.

The water and sewer mains within the Phases 6-16 and 18 will be maintained by the City. The sewer will connect to an existing lift station that is currently maintained by the City at the end of Persimmon Lane. Street lights will be provided by the developer at all roadway intersections and according to the general standard for spacing.

The stormwater plan remains under review. There are two existing detention ponds (surrounded by future Phases 6, 11, 12, 14 and 15 and adjacent to future Phases 8 and 10) that will be enlarged to comply with all stormwater requirements. The ownership of the ponds will be addressed prior to final approval. These phases are part of a larger overall plan for the Heights subdivision and the ownership includes previously platted phases as well. While this stormwater plan has not been approved as of the writing of this report, it is anticipated to be approvable. An Operation, Inspection, and Maintenance Plan will be required according to the 2018 update to the Stormwater ordinance.

Future Phases 7, 13, and 15 are adjacent to the F.D. "Buddy" East Parkway that is nearing completion, but will not take direct access from this roadway. However, there will be a roadway connection of Valley Drive to F.D. "Buddy" East Parkway that will allow residents of the entire Heights subdivision roadway access. A number of lots within various phases will access their homes from privately owned and maintained alleys in the rear.

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The majority of the phases within the development appear to be outside of the revised April 2019 PUD (Exhibit 1B of Case 2483). Traffic requirements for this development are in accordance with the Land Development Code, Revised April 2019 PUD, and the Development and Reimbursement Agreement dated December 18, 2018 as they may be applicable. Provided that construction begins on the Sisk Avenue improvements, the pending signal installation at Commonwealth and Sisk associated with the approval of the Crossing in Case 2405 (November 2018), the approval of the Development and Reimbursement Agreement, and due to the pending completion of F.D. "Buddy" East Parkway, traffic will not be a concern for the approval of the Preliminary Plat. These improvements will be made over a period of time and it is not possible at this time to predict which will be completed or impactful prior to the approval of a Final Plat. Therefore, traffic will be considered again prior to Final Plat approval for each of the plats.

There remain technical issues to resolved on the preliminary plats, such as the addition of the Phase numbers, roadway names, indications of the nature of easements, an overall layout sheet, etc. As has been previously stated, the approval of a preliminary plat grants permission for the developer to begin construction of the infrastructure within the development. Stormwater detention will be required to be addressed for the smaller year storms during construction of the infrastructure. Construction of homes is not permitted until the Final Plat is approved and bonds are in place. Accordingly, there is still time to address the technical issues on the plat.

Recommendation: Staff recommends approval of the Preliminary Plat for 'The Heights, Phase 6-16 and 18' with the following conditions:

1. Approval of 'The Heights, Phase 6-16 and 18', by the Mayor and Board of Aldermen.

2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting.

3. Dedication of conservation easement land for The Heights Phase 6 and tree mitigation for The Heights Phases 6-16 and 18 must be finalized at Final Plat approval.

4. Contingent on approval of Case #2487 which includes a) Variance to the setback standards for the Oxford Commons PUD and b) Special Exception as provided in Section 3.5.2 Dwellings – Detached, Zero Lot Line (Patio Homes)

5. Approval is for the plans as submitted.

6. Approval is contingent on the final approval of the associated construction plans. Staff has authority to approve changes to the plans, including to grading, to address outstanding issues or concerns.

7. Approval is contingent on the corrections to the preliminary plats.

8. Approval is contingent on the approval of the stormwater plan, including ownership mechanisms for the existing ponds.

9. Engineering will rescind its approval recommendation if the following items are not received by May 28, 2019 or within 14 days of receipt of comments from Engineering, whichever is later:
a. Revised construction plans addressing all of staff's comments

b. Revised preliminary plat addressing all of staff's comments
c. Revised stormwater plan addressed all of staff's comments

10. Approval of the preliminary plat is granted based on traffic considerations as stated in the staff report.

Amended staff condition #9 from Engineering Dept.

Move: Marvin King Second: John R. Bradley Status: Passed

4. Public Hearing for Case #2488- Corey Alger has filed a request for Site Plan Approval for '1000 Jefferson' for property located at 1000 Jefferson Avenue. (PPIN #34087)

Planning Comments:
This is a Site Plan application for a two-unit residential building of approximately 8,570 square feet, with five enclosed parking spaces in a lower level garage. Plans include a small elevator (and stairwell) from the garage to the living levels above. The subject property measures approximately +/- .072 acres (3,136 sf), located on the south side of Jefferson Avenue, just east of North 9th Street. The property slopes steadily downward along Jefferson to the east. The slope is quite steep, changing "some 20 feet across the 86-foot diagonal", as explained in a prior application for a variance on the property.

The requested site plan is for a residential structure of two units, each with three designated bedrooms (one of the first floor, two on the second floor), and each with stair access to a rooftop terrace room (with full bath and mini-bar) and an outdoor terrace area. The first floor includes the primary living room, the kitchen, dining area, half bath, and a bedroom with full bath. The second floor level of each includes a sitting area with wet bar, two bedrooms and two full baths.

History - This property has already been the subject of several other requests, all with the intent of eventually construction a duplex dwelling on the property. In August of 2018 a height variance (Case #2326) was granted from by the Mayor and Board of Aldermen after being denied by the Planning Commission. (An appeal to that decision was made but later dropped without decision.) The variance allowed the construction of a partial 4th floor in the HUCN district, exceeding the general maximum of 3 stories. The steepness of the slope, and the need for enclosed parking under the residential structure necessitated the request for the variance.

In in September of 2018 the Planning Commission approved a Special Exception (Case #2361) to allow a fully residential structure without any ground floor commercial uses in the HUCN District.

In December of 2018, it received a Certificate of Appropriateness (COA) from the Courthouse Square Historic Preservation Commission (Case 285) for the design of the proposed structure. That approval specified that the structure would use "Ashley Gray Stucco (HC-87) for the exterior surfaces, and Portabella (PR7842) for the windows. Additionally, there was an expectation that the applicant would return to the Commission to request any other final exterior visual elements such as (but not limited to) lighting and walkways. Subsequently, at the April 2019 meeting the Commission approved the lighting and handrails for the structure with the stipulation that "the new handrails will match the previously approved window color(Portabella)." Therefore, the applicant has now received all required approvals from the Courthouse Square Historic Preservation Commission.

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Planning Comments:
This structure is in the Historic Urban Center (HUCN) zoning district, which allows up to 100% imperviousness, and no setbacks from commercial uses. The proposal is for a structure with no setbacks. It does exceed the standards heights of 40 feet and 3 stories, as approved in the variance last year. The height in the architectural plans presented are slightly lower than what was approved in the variance, as it now indicates a slightly tilted roofline (for better drainage). The required parking will be located in the lower garage level.

In most instances a site plan requires landscaping, including shrubs to screen portions of retaining walls in excess of 6 feet in height, and foundation planting. These standards are waivable in the HUCN district where 100% coverage and zero setbacks are required. The applicant will be providing two required street trees, placed to the standards of Public Works.

The proposed lighting, already approved by the CHS HPC, meets required standards of Sec. 5.4.

Engineering Comments

Proposed Driveway Connection - The proposed connection to Jefferson will be on the west end of this property. Staff requested a site distance analysis, which was provided by the engineer, to ascertain possible issues with traffic exiting from the adjacent property to the east (because of the proposed buildings close proximity to the right-of-way) and with left turns from the proposed development turning west onto Jefferson. The analysis showed no potential issues for traffic exiting from 1002 Jefferson due to the construction of the proposed building.
Site distance for westbound traffic out of the proposed development is below the recommended minimum. However, due to the topography of the site and adjacent properties, as well as the existing profile of Jefferson Avenue, it is not practical nor feasible to anticipate that the recommended minimum could be met. The designer has placed the proposed driveway connection in a location that maximizes the site distance for traffic exiting the property.

Water and Sewer - Water and sewer facilities on this site are private and will be maintained by the owner.

Storm water - The storm water design and Inspection and Maintenance plan for this site has been approved. It involves the construction of an underground detention system that will discharge into an existing inlet on the adjacent property to the east. The owner will be required to obtain an easement from the adjacent property in order to install and maintain the infrastructure as proposed.

Construction Staging Plan - A construction staging plan for the proposed building is required in accordance with Section 9.2.12 of the Land Development Code. Because the building will take up nearly the entire property it is prudent to establish how construction materials will be delivered to the site, how those materials and equipment will be stored, and how construction activities will take place without effecting adjacent properties and public right-of-way. Specifically, if Jefferson Avenue is to be utilized for delivery and construction operations, how will the safe flow of traffic be maintained? If materials are to be stored off site on another property, then written permission from said property owner in the form of an easement or other official document is to be submitted, and a construction traffic route will also be required to ascertain possible effects to other city streets during construction operations.

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The staging plan may be modified with staff approval once a contractor is selected, but it is not prudent, in this case, to approve a site plan without a preliminary idea of how the site will be constructed.

Engineering recommends approval contingent upon receipt of the following items:
• The two trees shown to be planted within the ROW of Jefferson Avenue in front of the proposed building as shown on sheet A-1 are to be removed and the sidewalk shown to be continuous through this area.
• A revocable license from the Board of Aldermen for the canopy encroachments along Jefferson Avenue shown on sheet A-2 through A-4 of the plans.
• Easements from adjacent property owners for the use of any air space above their property if construction requires any equipment or material to enter said air space for construction purposes.
If approved, the Site Plan will be nullified if the following items are not received by May 28, 2019:
• Permanent Easement for construction and future maintenance of proposed storm water elements from adjacent property to the west.
• A construction staging plan for the proposed site work and building construction.

Other Departments: The application is in compliance with the requirements of all other departments.

Recommendation: Staff recommends approval of the request for this Site Plan with the following conditions:
1. Approval is for the site plan as presented.

2. Approval of a revocable license from the Mayor and Board of Aldermen for the portions of the balconies that overhang the city right-of-way along Jefferson Avenue (indicated on sheet A-2 through A-4 of the submitted plans.

3. Placement of street trees at locations approved by Public Works.

4. Removal of the two trees shown to be planted within the ROW of Jefferson Avenue in front of the proposed building as shown on sheet A-1 and the sidewalk shown to be continuous through this area.

5. Receipt of easements from adjacent property owners for the use of any air space above their property if construction requires any equipment or material to enter said air space for construction purposes.

6. The Site Plan approval will be nullified if the following items are not received by May 28, 2019:
o Permanent Easement for construction and future maintenance of proposed storm water elements from adjacent property to the west.

o A construction staging plan for the proposed site work and building construction.

Summary of Discussion:

City Engineer Reanna Mayoral said that she felt condition #6 regarding deadlines for a permanent easement and construction staging plan were necessary because she wants documentation that the owner will get this access easement. She added that she wants

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to know with certainty that the drainage will be allowed to flow into the adjacent lot and that it will be feasible. Ms. Mayoral added that she understands that it will change, but said she wants some concepts of how it would work. She said the staging plan is considered a living document.

Commissioner Bradley brought up condition #2 about balconies and revocable license agreements. He felt that the City was giving out free air space. City Attorney Paul Watkins said that if the City ever needed the space, the balcony would have to be taken off and that the Board of Aldermen would take up any considerations regarding changing this process.

Applicant Corey Alger said the staging plan has a signed agreement with the adjacent property to get to their existing storm sewer. Mr. Alger said this building would not use city sewer and that the sewer would be handled between two private owners and a private sewer line. Mr. Alger said there was an agreement between him and Ethridge Corporation, a large company out of Virginia. Mr. Alger said in the last 5 weeks he has gotten a surveyed legal document that has a legal description and NGP V staff lawyers are reviewing it out of McLean, VA. Mr. Alger said he felt that it would take longer than 30-45 days to wait and hear from these large entities in Virginia. Mr. Alger said it would not even be possible for him to go to Chancery Court until he has a sign off from the City. Mr. Alger stated that July 1st would be a better date than May 28th to get everything in place.

Reanna Mayoral said Engineering has no objection to defer until June. Ms. Mayoral stated that she was concerned with the document because it states that Williams Engineering and the City were working on this document, but Ms. Mayoral said the City of Oxford is not and that bothered her because the City has not given endorsed any permission as the document implies. She said she has seen various forms of permission in past and “aware” vs. "permission" and then during construction, owner is mad at a misunderstanding between the developer and the City. People said city said we had to sign. Ms. Mayoral reiterated that she did not want the owner to think the City has developed this plan or said it is fine.

Walt Davis, attorney representing Corey Alger, stated that there was no objection to the recorded easement question, the only issue is they are waiting to hear back from the company in Virginia.

Reanna Mayoral said she still has not seen a construction staging plan. She stated that the Ordinance requires the staging plan to meet A-K standards.

Chairman Hyneman stated that traffic and site distance is problematic to him. Ms. Mayoral said there was a traffic analysis completed, but not a traffic impact study. She stated that she would want to hear from their engineer. Mr. Alger said that Joey Moore did that study and the City is building a 4-story parking garage right next door. Mr. Alger added that he was fine putting a right turn only sign leaving the property.

James Justice, representing Bridge Properties LLC, provided a prepared memo. Mr. Justice wanted confirmation that the stormwater would drain to the west, not towards the east where his client's property is located. City Engineer Reanna Mayoral said yes, the report had a typo - it should go west not east. Mr. Justice also brought up that this is a blind hill and their will be traffic safety issue discussed due to it being an east west roadway where the sun will be in your eyes. In regards to condition #6 regarding maintaining a retaining wall on property line, Mr. Justice, said if needed, would need an easement from my client. Mr. Justice said his client has the right to re-build on his

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property as well. He said east bound windows that Mr. Alger proposed would be on the property line with his client's property. Mr. Justice said he had concerns about the feasibility of this project. Commissioner Riddell asked if a signed easement was in place to allow air space. Mr. Alger said he had an easement from the south and west sides, but has not even asked the east side. Commissioner Riddell stated that she wanted Mr. Alger to build on this, but she did not think he should get every inch of the property if there is a danger to drivers and pedestrians.

Alex Bridge said he has not seen anything from the Engineering reports about the affect of this project on the soil and maintenance to the property. Reanna Mayoral said she had concern wilth building up to the property line, but the secure wall will be secure and will have to have City and neighbor permissions. Mr. Bridge said he understands the limitations of that property and agrees that Corey should be able to build, but the proposed building is not the correct building to go on this property.

Amended.

Corey Alger said he is fine with easement requirement and new dates.

Commissioner Bradley made a motion to approve subject to staff recommendations (amended for July 1st permanent easement deadline and May 24th for construction staging plan to engineering standards and an additional condition that the vehicular exit to the property be posted for right turn only and that the police consider limiting west bound traffic on Jefferson Ave. to no left turn into the driveway. Right turn out right turn in.

Commissioner Hyneman opposed. Commissioner Riddell abstained. Approved 3-1-1.

Move: John R. Bradley Second: Marvin King Status: Passed

5. Motion to Adjourn

Brian concern of signage in Historic Urban Center (HUC) and wants an item on the June agenda.

Commissioner Riddell said she felt that a setback should be reconsidered for HUC properties.

Move: John R. Bradley Second: Judy Riddell Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Regular Meeting
Monday, June 10, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order
2. Approval of the Agenda

   Chairman Hyneman not present.

   Table item #23 until Chairman Hyneman returns. Commissioner Gray will act as chair.

   Move: Darryail Whittington Second: John R. Bradley Status: Passed

3. Approval of minutes from May 13, 2019 Meeting

   Move: Marvin King Second: J.R. Rigby Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2489-A – Oxford Farms, LLC has filed a request for Site Plan Approval for 'Oxford Farms Retirement Community – Grading Permit' for property located at S. Lamar Boulevard. (PPINs #35714 & #36063)
2. Public Hearing for Case #2478-A – Sonic Properties have filed a request for Site Plan Approval (Amended) for 'Sonic on University Ave.' for property located at 1207 University Avenue. (PPIN #8284) (Postponed from May)
3. Public Hearing for Case #2490-A – Oxford School District have filed a request for Site Plan Approval for 'Oxford High School – Baseball and Softball Park' for property located at 101 Charger Loop. (PPIN #33805) (POSTPONED)
4. Public Hearing for Case #2506-A – Princess Hoka Properties, LLC has filed a request for a) Variances from Section 2.6.3 Estate Residential: Front Yard Build-to Line, Minimum and Side Yard (North and South Setbacks) and b) Variance from Section 3.11.1(c) Accessory Uses or Structures (Excluding Dwellings) for property located at 110 Stone Road. (PPIN #5618)

B. **Consent Agenda**

Move: John R. Bradley Second: J.R. Rigby Status: Passed

1. Public Hearing for Case #2492 – Southern Developers Group has filed a request for a Variance from Section 3.11.1.5 (c) Accessory Uses or Structures (Excluding Dwellings): Additional Standards for property located at 1004 Morris Drive. (PPIN #38006)

   Planning Comments: The subject property is located in The Grove at Grand Oaks, Phase 5 on the east side of Morris Drive. Phase 5 was platted in November 2017 and the lot is just under half an acre (.48 of an acre). A pool house is now being proposed behind the recently constructed house. The home and the location for the pool house meet all setbacks and accessory structure distance requirements of the Land Development Code, but this request pertains to the fact that this is a corner lot and so has two front yards. The home faces and is accessed from Morris Drive, but the east property line runs along Nicklaus Cove, a cul-de-sac street within Phase 5.

   Section 3.11.1.5(c) of the Land Development Code states that an accessory structure cannot be proposed in a front yard. Staff believes that the two front yards create a hardship to complying with the Land Development Code's requirement that an accessory structure cannot be located in a front yard.

   Recommendation: Given how this home is situated on this corner lot, Staff recommends approval of the Variance from Sec. 3.11.1.5(c), Accessory Uses or Structures with the following condition:

   1. The variance is for the plan as submitted.

   Move: J.R. Rigby Second: John R. Bradley Status: Tabled

2. Public Hearing for Case #2493 – Ruth Crutcher has filed a request for Final Plat Approval (Amended) for 'Lot 108 Country Club, Part III Amendment' for property located at 202 St. Andrews Circle. (PPIN #6568)

   Planning Comments: This is a request to modify Lot 108 (.747 of an acre) and a portion of Lot 109 (.301 of an acre) in the Country Club Subdivision, Part III on the south side of St. Andrews Circle.

   In April 2017, the Mayor and Board of Aldermen approved a Plat Amendment for lots directly to the west of Lot 108 to combine the western half of Lot 109, Lot 110, and Lot 111 into an amended larger Lot 111. At some time after 1970, the owners of the home on Lot 111 had purchased the western half of Lot 109. The other half is owned by the owners of Lot 108, who were not a part of the request at that 2017 modification.

   The purpose of this request is to again amend the subdivision plat to modify lot lines between the eastern half of Lot 109 combining it with Lot 108 to create a larger lot reflecting current ownership. Lot 108 and the eastern half of Lot 109 are densely covered with trees and an existing house is located at the northeast corner of original Lot 108. The amended Lot 108 will be 1.048 acres. The lot size minimum in the Traditional Estate Residential zoning district is 15,000 sq. ft. so this modification will far exceed the minimum lot size required.

   Attached are letters supporting approval of the request from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed

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change. The identification of who such persons may be is left to the discretion of the applicant. The applicant states that letters of support will be presented to the Planning Commission at the hearing as a demonstration that persons directly interested in the subdivision amendment do not find themselves to be adversely affected.

As of the date of this report, Staff has had two questions regarding the request from the public, and no complaints.

Engineering Comments: There are no City owned and maintained water or sewer located within the lots being amended. The original plat of Country Club Subdivision Part 3 has a 10-foot wide utility easement across the back of the lots being amended and is shown on the amended plat. No other easements are identified. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations. Stormwater management is not required for this plat amendment.

Recommendation: Staff recommends approval of the Final Plat Approval (Amended) for 'Lot 108 Country Club, Part III Amendment' with the following conditions:

1. Approval of 'Lot 108 Country Club, Part III Amendment' Final Plat (Amended) by the Mayor and Board of Aldermen.

2. Approval is for the plat as submitted.

C. **Public Hearings**

1. Public Hearing for Case #2497 – Megan Jackson has filed a request for a Variance from Section 7.2.9.7 Wall Signs for property located at 400 S. Lamar Boulevard. (PPIN #6049)

Planners Comments: This is a request for a wall sign on a façade of a building with no public entrance. It is for a business that will be accessed from the rear portion of the building at 400 S. Lamar at Tyler. Their primary sign ("Raymond James") will be located to the left of the entry door and meets all zoning standards. But they also want to have a duplicate of this sign, immediately around the corner, facing Tyler ("Raymond James") on the north façade.

The Oxford Land Development Code in Section 7.3.12 addresses the amount of signage allowed for properties in Historic Preservation Districts, "Businesses are limited to one wall or projecting sign and two window or door signs for each façade that has a public entrance." The sign on the Tyler Avenue elevation does not have a public entrance for Raymond James, so that sign will need the variance.

The applicant states the "the entrance to the office faces an alleyway, so we are applying for a variance to allow the second wall sign to face Tyler Avenue. This will allow clients to determine the location of the business while not impeding other travelers on the road". They state as a hardship that the zoning ordinance "restricts Raymond Janes from using the full potential of the location of their offices and reduces their visibility to existing and potential clients". Also that "the granting of the variance will not be detrimental to the public, as it will help clients to not obstruct traffic while searching for the Raymond James office or haggardly stop to turn/park upon finding he building. If we are allowed the secondary wall sign, it will face the street and flow of traffic."

The Courthouse Square Preservation Commission granted a COA (#298) for the signage for this building, with a condition that a variance would be needed for the sign on the north façade that has no public entrance into this business. The staff report did question

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the need for two identical signs in immediate proximity to each other, but determined that visually each sign was appropriate.

Staff notes that Tyler is a one-way street, but it runs from west to east, so normally all traffic looking for this business would easily see the primary sign facing west toward the oncoming traffic. The approach to the entrance is, however, somewhat obscured by trees at the front of the building just to the west, facing Tyler. To staff, the trees are more of a visual handicap than the one-way street. As such, the proposed sign on the north wall may make more sense than the full sized sign at the primary (west) entrance. A smaller wall sign or a sign on the door may be entirely sufficient to identify the entry to the business without using two substantially large and duplicate signs.

Recommendation: Staff cannot recommend approval for the sign on the north façade along with the duplicate sign just around the building corner on the west façade. Having both seems excessive and duplicative. Given the somewhat limited visibility of the building entrance when approached from the west along Tyler (due to trees), however, staff could support the variance if an alternate (smaller) type of sign is proposed for the north façade.

Summary of Discussion:

Associate Director Judy Daniel discussed the signage proposed and how it differed from other corner lots in the historic district.

Move: J.R. Rigby Second: John R. Bradley Status: Tabled

2. Public Hearing for Case #2496 – ERB, LLC has filed a request for a Variance from Section 7.2.9.7 Wall Signs for property located at 922 and 924 Jackson Avenue East. (PPIN #5952)

Planners Comments: This report pertains to a request for a variance to allow a wall sign for a restaurant/lounge on a façade with no public entrance. The building is at the southwest corner of Jackson Avenue and S. 10th Street. There is a large existing window on the S. 10th Street elevation but no public entrance. The proposed signage is designed to partially face S. 10th Street ("Saint Leo") and partially face Jackson Avenue ("Lounge"). The portion of the sign on S. 10th would be above that window, with the portion of the sign facing Jackson Avenue above the entry door.

The applicants state that they face a hardship as Jackson Avenue is a one-way street, so there is limited visibility for a sign on that façade, and a sign with some of the lettering on the S. 10th façade would be more visible.

The Oxford Land Development Code in Section 7.3.1.2 addresses the amount of signage allowed for properties in Historic Preservation Districts, "Businesses are limited to one wall or projecting sign and two window or door signs for each façade that has a public entrance. Each window sign may cover no more than 15% of one window or door, and each wall sign may cover no more than 15% of the façade of the building." According to the project architect the proposed sign coverage equates to 5% of the primary (Jackson Avenue) façade, well within the Code requirement. And although the portion of the sign proposed for the eastern facing façade would not exceed that 15% requirement, it is located on a façade with no entrance, so the variance is being requested.

The applicants have already received approval of a COA (#295) from the Courthouse Square Historic Preservation Commission for the proposed signage, with a condition that the sign be approved for a variance for the eastern façade portion. The design of the

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sign was chosen to blend with the mid-20th century design and materials of this building. The approval stated that "it is a balanced and stylish design, fully appropriate to the architecture of the building."
Recommendation: Given the unusual configuration and historic design of this building, and the limitations of the one-way street, and the approval of the COA from the Courthouse Square Historic Preservation Commission, staff recommends approval for the Variance from Section 7.2.1.2 with the following condition:

1. Approval is for the sign as submitted.

Move: John R. Bradley Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2501 – JW McCurdy has filed a request for Preliminary Plat Approval for 'Seminole Bluff Subdivision' for property located west of Thacker Loop Road. (PPIN #17804)

Planners Comments: Mr. McCurdy is requesting approval of a Preliminary Plat that includes 60 lots in three phases. The first two phases are to be developed as a 57 lot Patio Home development known as "Villa West", located immediately adjoining Thacker Loop Road. The third phase consists of three large lots located further west on the property. The first phase has 30 lots (Lots 3-33), the second phase has 27 lots (Lots 34-60), and the third phase of 3 lots (Lots 1, 2, and 3). The two phases with a combined 57 lots are in the Neighborhood Residential District, and the three residual lots are in the Suburban Multi-Family District. The developer is also requesting a final plat (Case #2502) for the first two phases of 57 lots, the Villa West development at this meeting.

The project is south of "The Links" apartments, and between Thacker Loop and (although not connected to it yet) Ricky Britt Road. The property is oddly shaped at the west, with a sliver (designed to eventually be a road) extending north from the proposed Stormwater detention pond, and a sliver (designed to be a short road segment connecting to Ricky Britt Road) extending to the west. These future connections are on the Preliminary Plat, but construction is only likely for the easternmost road segment at this time, in conjunction with the Final Plat for the first two phases of development.
The third phase with larger lots meets required standards for Preliminary Plat consideration. The three lots are 9.03 acres, 5.20 acres, and 5.04 acres. It is presumed that they will eventually be developed with some form of multi-family housing, but there are no current plans for development in the second phase other than a 2.92-acre regional detention facility on the western side of the Plat that will serve the entire subdivision.

The lots in the two phases with smaller lots ("Villa West") appear to meet the standards for a "Patio Home" development, as outlined in Sec. 3.5.2. This is a residential use type allowed as a Special Use in the Neighborhood Residential district (if no more than 25% of the homes are proposed to have more than four bedrooms). Twenty of the 57 lots in the first phase are to be located with frontage on (but no direct access to) that road, and the remaining 37 are to be located on "dumbbell" cul-de-sacs off that road. Only one future potential extension is indicated from the northwest-most cul-de-sac extended to the west. There are three common open space areas indicated, two fairly large (10,660 sf and 28,541 sf) and one small (2,849 sf); with no specific use indicated other than as locations for central trash dumpsters in two of them.

The proposed lots range in size from approximately 3,900 sq. ft. to slightly over 10,000 sq. ft. (averaging +/- 7,500 sq. ft.) all exceeding the minimum lot size of 3,200 square feet (Sec. 3.5.2.5.f) for a Patio Home development. The density of this phase is 5.87 dwellings per acre, substantially lower than the allowed 9 dwelling per acre maximum

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which would allow up to 87 dwelling units (Sec. 2.6.5). The proposed lots appear to meet the requirements for Patio Homes:
Lot Width: 40 feet at front setback
Setbacks: Front: 20 feet
Side: 10-feet one side with a perpetual wall maintenance easement of five feet wide along the adjacent lot
Rear: 10-feet

Residual standards for Patio Homes are considered by staff when home plans are submitted.

Other Standards: Tree Mitigation requirements for this subdivision in its entirety will include adding 27 trees of two-inch caliper.

Subdivision and Road Names – Finally, staff notes that use of the name "Seminole" for a development in Mississippi is rather odd, as that tribe never inhabited the state. And the names chosen for the streets in Villa West (Pestle, Boat Stone, Cache, and Billet) are also somewhat odd, with seemingly no relationship to the subdivision or the name of the Patio Home development (Villa West), or each other. Presumably they have the advantage of not being used elsewhere in the city. Approval of street names is, however, a decision of the Engineering Division.

Other Departments: The proposed Preliminary Plat meets requirements of other city departments. Engineering comments are given separately below.

Engineering Comments:
The property in this subdivision was most recently considered as part of Case 2293, Lafayette Landing Roadway and Grading Plan. As with that case, this Preliminary Plat indicates a new roadway that will connect to Thacker and extend towards Ricky D. Britt Sr. Boulevard. The need for a connector road between Thacker and Ricky Britt Boulevard has been discussed for many years and is shown as a connector in the Future Network in the Vision 2037 Comprehensive Plan. An east-west road is a critical consideration of any development in this area, and staff has been asked multiple times by members of the Planning Commission during meetings about a road in this same area and the impact to the community of additional development prior to its construction. Finally, staff could not support this Preliminary Plat without the primary access to all lots being via this east-west roadway of appropriate street type.

Street Names - Staff notes that the street names proposed for the Seminole Bluff Subdivision have not been approved but will be used throughout the report to avoid confusion. There is some concern about these names and they will be further considered by staff and Emergency responders. One concern is that James E. Davis Parkway is very similar to other existing street names in Oxford (Davis Drive, Jeff Davis Drive, James Circle).

Also, the streets identified as Cache Street and Boat Stone Drive will be required to have the same name as they are aligned with each other. Further, staff believes that Cache Street and Pestle Drive are not appropriate names due to potential confusion in the spelling and pronunciation leading to delayed response time for emergency services. The names for all streets will need to be determined before the plat is recorded, but this will not delay the case being heard at the Planning Commission level.

Road Plans - The construction plans provided indicate the first portion of the required East-West roadway with a minimum of 69' of dedicated right-of-way and includes

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sidewalk on one side, a multi-use path on the other side and designated access locations. Water, sewer and street lights are also to be constructed along this segment of the future roadway, referred to in the plans as James E. Davis Parkway.

The plans for the preliminary plat indicate four possible curb-cut or access locations, with five actual curb cuts, along the approximately half-mile length of roadway. These access locations were previously approved in the Lafayette Landing grading case and prior to that when reviewing a site plan for a complete development of this same property. Staff will not support access directly onto James E. Davis Parking to the individual homes in the submitted Seminole Bluffs Subdivision Final Plat for Lots 4 to 8, 29-33, 34-37, and 55-60 (in the Villa West development Phases 1 and 2).

The entire length of James E. Davis Parkway is not, however, required to be constructed at this time as a Preliminary Plat grants the developer the ability to construct infrastructure but does not require it be constructed. The only portion to be constructed in the near term will be the portions taking access from the Final Plat as noted above. Therefore, a temporary turn around will be required at the temporary end of James E. Davis Parkway on the Final Plat, although this is not shown in the plans provided. (A modification to indicate that turnaround is a condition of approval.)

James E. Davis Parkway will also intersect with Rogerson Lane to the north at Lot 3 (formerly named Oakmont Lane) which was dedicated to the City as part of the Links Phase 2 development (Greens at Oxford Phase II). The Future Network Map indicates the vision of the City that the new connector road (James E. Davis Parkway) will extend to the west to directly intersect with Ricky Britt Boulevard at some point in the future. That segment of land is not owned by this developer so it is not known if or when that segment and this area will be developed. Therefore, for now, James E. Davis Parkway is indicated on the Preliminary Plat to terminate at the western property line at an intersection with the planned north/south road. That segment has variable width right-of-way, but will permit a standard roadway with sidewalks when it is built. Similarly the east/west segment that will eventually connect to Ricky Britt Blvd. has sufficient right-of-way to permit a standard roadway with sidewalks.

The eventual north-south connector was originally planned to be a minor street with open shoulders. However, the construction plans submitted with this Preliminary Plat now allow for a larger roadway with a minimum future right-of-way of 60' and a curb and gutter typical section. The Preliminary Plat notes the responsibility of each lot owner in the Seminole Bluff Subdivision in regards to future construction of James E. Davis Parkway. The indicated north/south and east/west connector roads will be built in connection with the development of Lot 1 in the future.

The East-West road connection to Ricky Britt Boulevard (to the west of Seminole Bluff) will be immediately south and adjacent to the West End development and is referenced as a "Future Road" on the plat for the Greenpointe Commercial Plus Subdivision, Phase III (Case 2044), although the right-of-way dedication was not included in that plat. This roadway will also have future right-of-way width of 60' within a curb and gutter typical section. Sidewalks are also included. Water and sewer are not provided along the east-west connection road as any development adjacent would receive water and sewer service from Ricky Britt Boulevard. The East-west connection to Rickey Britt is not intended to be a primary access point for any developments adjacent, but rather a secondary road.

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TVA Easement - The submitted preliminary plat includes a segment of James E. Davis Parkway that will be under or near existing TVA Transmission lines and on a portion of property owned by Northeast Power. The undulating alignment of this road is due to the need to adjust to the path of those transmission lines. These will require an easement in order for James E. Davis Parkway to be constructed. The developer's engineer has stated that these easements will be provided to the City. The Belk Boulevard extension was constructed by Baptist Memorial Hospital under a similar easement condition. It is critical that this easement be obtained. Without the easement, it will not be possible to construct James E. Davis Parkway. That roadway is a critical component in ensuring that traffic related to the Villa West development will not create long term problems for the existing transportation network.

Staff strongly recommends that the easement be in-hand prior to the Final Plat being approved by the Board of Alderman. However, an intent letter from NEMEPA may be considered as sufficient assurance. A drainage easement is also required for construction of James E. Davis Parkway in order to address an encroachment of the pond for the Links Phase 2 onto this property (and onto what is proposed as future right-of-way).

The Preliminary Plat also includes improvements to Thacker Road to allow for sidewalk and a right turn lane from Thacker onto James E. Davis Drive and a dedication of right-of-way. Staff also notes that the proposed "Billet" Road is shown with the right-of-way extending to the west property line in an awkward shape so that a future connection to Lot 3 may be possible. The intent of this configuration is to avoid having a sliver of common-open-space between the right-of-way and the adjacent lot 3 which would serve no purpose other than as a "spite" strip (preventing a future connection to the west), which is not allowed. The proposed street types are narrower in conformance with the Land Development Code. As such, the provision for required parking on each lot of the Final Plat is important.

A traffic impact study is not required as the number of lots proposed for the Preliminary Plat are not sufficient to trigger such a study. Future development proposed within this Preliminary Plat will most likely require a traffic impact study.

Sewer Service - Sewer service will be provided by installing a new sewer main adjacent to lot 3 and Rogerson Lane, with an easement provided to the City for all future maintenance. This line will connect to an existing sewer manhole near the intersection of Rogerson Lane and Links Road. The sewer plans for lots 1-3 have not been finalized at this time. The previous plan for this property indicated that sewer would be installed the length of what is now James E. Davis Parkway and then run north to connect to an existing City sewer line in the Links development.

The design engineer has inquired about the possibility of a lift station to serve Lots 1 and 2. Staff feels it is premature to agree to that request without specific plans for those sites. Sewer plans would have to be finalized prior to beginning construction of the portion of James E. Davis Parkway adjacent to Lots 1-3, in addition to a bond.

Sewer within Villa West will be provided from a sewer main within the streets (the proposed Billet Road and Pestle Drive) and a private sewer main within the private alleys. The sewer main on Pestle Drive and possibly Billet Road must be relocated to the middle of the street (or as near middle as possible) rather than near the curb as shown in the construction plans. This will also require adjustment of the water plans in order to maintain the required 10' of separation between the two utilities. This is a technical detail

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and should not delay the approval at this meeting. The ownership of the sewer mains should be noted on the plat for the private drives.

If the City were to maintain the sewer lines within the private alleys, an additional width easement would be required due to the depth of the line between lots 21, 29 and 30. The easement to the City would also have to be noted on the plat with clear language regarding the fact that the City would repair any pavement that was removed due to maintenance or repair of the sewer line in the same manner as a city Street, i.e. with asphalt and not concrete pavement. Construction of anything other than a driveway or the private alley within this easement would not be permitted. In particular, staff is concerned about the possibility of porches, fences or other structures extending into the area required for maintenance of a sewer line.

Stormwater - The stormwater requirements for the entire subdivision, first serving the submitted Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development) will be met via a regional detention pond in accordance with Section 98-119 of Article V of Chapter 98 of the City of Oxford Code of Ordinances regarding Stormwater. An easement will be provided granting use of the stormwater pond located on Lot 1 and to convey water through Lots 1 and 2 to access the regional pond and will be recorded prior to the City signing the Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development).

This easement will also be shown on any future final plats for this subdivision and be applicable to all future development in this subdivision. The City of Oxford will also be a third-party beneficiary to all agreements and easements regarding the regional detention pond for the limited purpose of ensuring that the city is aware of any subsequent changes to the agreement.

At the time of this report, the stormwater detention plan has not been approved and the City has not seen any draft easements or agreements. These are a condition of approval and would be required prior to the Board approval of a Final Plat. The construction plans provide for a temporary pond to be located on Lots 1 and 2 and serve as a silt basin. This temporary pond will be in addition to the permanent, regional detention pond which will be constructed with the Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development).
Engineering recommends approval of the proposed Preliminary Plat for Seminole Bluffs, and the Final Plat for lots 4 to 60 in Phases 1 and 2, with the conditions noted below.

Recommendation:
Staff recommends approval of the Preliminary Plat for "Seminole Bluffs", a subdivision of 60 lots in three phases with the following conditions:

1. Planning:
a. Phase One and Two:
i. No more than 25 percent (25%) of the homes in the Phase One and Two development of 57 lots may have four or more bedrooms.

ii. Two off-street parking spaces must be provided for all lots.

b. Planting of 27 approved trees of 2-inch caliper to meet Tree Mitigation requirements.

2. Engineering:
a. The request for Final Plat for Lots 4 to 60 in Phases 1 and 2 will not be heard by the Board of Alderman until the following items have been completed:

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b. Stormwater detention plan has been approved.

c. Drainage Easements and agreements related to the regional detention pond and the roadway construction have been provided according to the ordinance and staff report.

d. Street names have been approved by Emergency Services and staff.

e. The easement from NEMEPA for construction of James E. Davis Parkway has been provided for in a manner acceptable to Staff.

f. A subdivision bond is provided for all infrastructure to be owned and maintained by the City.

g. A sewer easement is provided for the line installed on Lot 3, adjacent to Rogerson Lane, and on the portion of future James E. Davis Parkway that will not be constructed at this time.

h. A temporary turn around and the intent for the future extension of James E. Davis Parkway are to be shown on the final plat.

i. Approval is with the condition that Staff has the authority to approve changes to the utility plans as discussed in the report.

j. Certificate of Occupancies for Lots 4-60 in Phases 1 and 2 (Villa West development) will not be granted until the Operation, Inspection and Maintenance Plan for the Regional pond has been approved.

k. A temporary all weather turn-around designed to the satisfaction of staff, to be built and maintained by the developer is to be provided at the temporary end of James E. Davis Parkway.

l. Primary access to all lots will be from an East-West corridor of appropriate street type (referred to on the Preliminary Plat James E. Davis Parkway) in the approximate locations and manner noted on the Preliminary Plat.

Subj to staff conditions and Engineering report. Commissioner Riddell no vote.

Move: John R. Bradley Second: J.R. Rigby Status: Passed

4. Public Hearing for Case #2502 – JW McCurdy has filed a request for Final Plat Approval for Lots 4 to 40, known as 'Villa West Phase 1 and 2, for property located west of Thacker Loop Road. (PPIN #17804)

Planners Comments: Mr. McCurdy is requesting approval of a Final Plat for the first two phases of the "Seminole Bluffs" subdivision, with 57 lots (Phase 1 with lots 3-33 and Phase 2 with lots 34-60). The property is in the Neighborhood Residential District. Phase 1 is to be to the north of the new road, and Phase 2 to the south of the new road. The subdivision is to be a Patio Home development named Villa West. That use type is generally allowed as a Special Use in the Neighborhood Residential district.

The project is south of "The Links" development, with access from Thacker Loop Road. In the future it is planned to connect to Ricky Britt Road to the west. The Preliminary Plat for this subdivision indicates the eventual connection between Thacker Road over to

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Ricky Britt, but construction is only planned for the easternmost road segment at this time, in conjunction with this Final Plat. The only development planned to occur in third phase at this time is a 2.92-acre regional detention facility on the far west side that will serve the entire subdivision.

The lots in this Final Plat (the "Villa West" development) sufficiently meet the standards for a Patio Home development, as outlined in Sec. 3.5.2. This residential use type is a Special Use in the Neighborhood Residential district (if no more than 25% of the homes have four bedrooms). Twenty of the 57 lots are to be located with frontage on (but no direct access to) the new road, and the remaining 37 are to be located on two "dumbbell" cul-de-sacs to the north and south of that road. Only one future potential road extension is indicated from the northwest-most cul-de-sac extended to the west in Phase 1.

There are three common open space areas indicated. One small (2,849 sq. ft.) at the northwest corner of Phase 1, and one large area (28,541 sf) at the southwest section of Phase 2 are designated as locations for central trash dumpsters. No specific use is indicated for another common open space of 10,660 sf at the southeast corner of Phase 2.

The proposed lots in both Phases range in size from approximately 3,900 sq. ft. to slightly over 10,000 sq. ft. (averaging +/- 7,500 sq. ft.) all exceeding the minimum lot size of 3,200 square feet (Sec. 3.5.2.5.f) for a Patio Home development. The density of this phase is 5.87 dwellings per acre, substantially lower than the allowed 9 dwelling per acre maximum which would allow up to 87 dwelling units (Sec. 2.6.5). The proposed lots appear to meet the requirements for Patio Homes which include:
Lot Width: 40 feet at front setback

Setbacks: Front: 20 feet
Side: 10-feet one side with a perpetual wall maintenance easement of five feet wide along the adjacent lot
Rear: 10-feet

Buffer: As the property to the south of this development is zoned Suburban Residential, and as that undeveloped property is not owned by this developer, a required 25-foot rear yard is indicated.

Residual standards (building height, window and door openings, rooflines, impervious coverage, location of off-street parking) for Patio Homes are considered by staff when home plans are submitted.

Other Standards: Tree Mitigation requirements for this subdivision in its entirety will include adding 27 trees of two-inch caliper. All of these trees will be planted onsite as indicated in the landscaping plans.

Road Names – As noted in the Preliminary Plat report, staff has a level of concern about the proposed names of the subdivision and the streets; but such decision are made by the Engineering Division.

Other Departments: The proposed Preliminary Plat meets requirements of other city departments. Engineering comments are given separately below.

Engineering Comments:

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Road Plans - The property in this subdivision was most recently considered as part of Case 2293, Lafayette Landing Roadway and Grading Plan. As with that case, this Preliminary Plat indicates a new roadway that will connect to Thacker and extend towards Ricky D. Britt Sr. Boulevard. The need for a connector road between Thacker and Ricky Britt Boulevard has been discussed for many years and is shown as a connector in the Future Network in the Vision 2037 Comprehensive Plan. An east-west road is a critical consideration of any development in this area, and staff has been asked multiple times by members of the Planning Commission during meetings about a road in this same area and the impact to the community of additional development prior to its construction. Finally, staff could not support this Preliminary Plat without the primary access to all lots being via this east-west roadway of appropriate street type.

Engineering has substantial concern about various aspect of future roadway construction as noted in the Preliminary Plat report. Those concerns as attached as a supplemental memo to this report.

Street Names - Staff notes that the street names proposed for the Seminole Bluff Subdivision have not been approved but will be used throughout the report to avoid confusion. There is some concern about these names and they will be further considered by staff and Emergency responders. One concern is that James E. Davis Parkway is very similar to other existing street names in Oxford (Davis Drive, Jeff Davis Drive, James Circle).

Also, the streets identified as Cache Street and Boat Stone Drive will be required to have the same name as they are aligned with each other. Further, staff believes that Cache Street and Pestle Drive are not appropriate names due to potential confusion in the spelling and pronunciation leading to delayed response time for emergency services. The names for all streets will need to be determined before the plat is recorded, but this will not delay the case being heard at the Planning Commission level.

Sewer Service - Sewer service will be provided by installing a new sewer main adjacent to lot 3 and Rogerson Lane, with an easement provided to the City for all future maintenance. This line will connect to an existing sewer manhole near the intersection of Rogerson Lane and Links Road. The sewer plans for lots 1-3 have not been finalized at this time. The previous plan for this property indicated that sewer would be installed the length of what is now James E. Davis Parkway and then run north to connect to an existing City sewer line in the Links development.

The design engineer has inquired about the possibility of a lift station to serve Lots 1 and 2. Staff feels it is premature to agree to that request without specific plans for those sites. Sewer plans would have to be finalized prior to beginning construction of the portion of James E. Davis Parkway adjacent to Lots 1-3, in addition to a bond.

Sewer within Villa West will be provided from a sewer main within the streets (the proposed Billet Road and Pestle Drive) and a private sewer main within the private alleys. The sewer main on Pestle Drive and possibly Billet Road must be relocated to the middle of the street (or as near middle as possible) rather than near the curb as shown in the construction plans. This will also require adjustment of the water plans in order to maintain the required 10' of separation between the two utilities. This is a technical detail and should not delay the approval at this meeting. The ownership of the sewer mains should be noted on the plat for the private drives.

If the City were to maintain the sewer lines within the private alleys, an additional width easement would be required due to the depth of the line between lots 21, 29 and 30.

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The easement to the City would also have to be noted on the plat with clear language regarding the fact that the City would repair any pavement that was removed due to maintenance or repair of the sewer line in the same manner as a city Street, i.e. with asphalt and not concrete pavement. Construction of anything other than a driveway or the private alley within this easement would not be permitted. In particular, staff is concerned about the possibility of porches, fences or other structures extending into the area required for maintenance of a sewer line.

Stormwater - The stormwater requirements for the entire subdivision, first serving the submitted Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development) will be met via a regional detention pond in accordance with Section 98-119 of Article V of Chapter 98 of the City of Oxford Code of Ordinances regarding Stormwater. An easement will be provided granting use of the stormwater pond located on Lot 1 and to convey water through Lots 1 and 2 to access the regional pond and will be recorded prior to the City signing the Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development).

This easement will also be shown on any future final plats for this subdivision and be applicable to all future development in this subdivision. The City of Oxford will also be a third-party beneficiary to all agreements and easements regarding the regional detention pond for the limited purpose of ensuring that the city is aware of any subsequent changes to the agreement.

At the time of this report, the stormwater detention plan has not been approved and the City has not seen any draft easements or agreements. These are a condition of approval and would be required prior to the Board approval of a Final Plat. The construction plans provide for a temporary pond to be located on Lots 1 and 2 and serve as a silt basin. This temporary pond will be in addition to the permanent, regional detention pond which will be constructed with the Final Plat for the 57 lots in Phases 1 and 2 (the Villa West development).
Engineering recommends approval of the proposed Final Plat for Seminole Bluffs, Lots 4 to 60 in Phases 1 and 2, with the conditions noted below.

Recommendation: Staff recommends approval of the Final Plat for "Seminole Bluffs" Phases One and Two, a subdivision of 57 lots in a Patio Home development to be named "Villa West" with the following conditions:

1. Planning:
a. No more than 25 percent (25%) of the homes may have four or more bedrooms.
b. Two off-street parking spaces must be provided for all lots in Phase One.
c. All residual requirements for Patio Homes must be met to the satisfaction of the Planning Department.

2. Engineering:
a. The request for Final Plat for Lots 4 to 60 in Phases 1 and 2 will not be heard by the Board of Alderman until the following items have been completed:

b. Stormwater detention plan has been approved.

c. Drainage Easements and agreements related to the regional detention pond and the roadway construction have been provided according to the ordinance and staff report.

d. Street names have been approved by Emergency Services and staff.

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e. The easement from NEMEPA for construction of James E. Davis Parkway has been provided for in a manner acceptable to Staff.

f. A subdivision bond is provided for all infrastructure to be owned and maintained by the City.

g. A sewer easement is provided for the line installed on Lot 3, adjacent to Rogerson Lane, and on the portion of future James E. Davis Parkway that will not be constructed at this time.

h. A temporary turn around and the intent for the future extension of James E. Davis Parkway are to be shown on the final plat.

i. Approval is with the condition that Staff has the authority to approve changes to the utility plans as discussed in the report.

j. Certificate of Occupancies for Lots 4-60 in Phases 1 and 2 (Villa West development) will not be granted until the Operation, Inspection and Maintenance Plan for the Regional pond has been approved.

k. A temporary all weather turn-around designed to the satisfaction of staff, to be built and maintained by the developer is to be provided at the temporary end of James E. Davis Parkway.

l. Primary access to all lots will be from an East-West corridor of appropriate street type (referred to on the Preliminary Plat James E. Davis Parkway) in the approximate locations and manner noted on the Preliminary Plat.

Engineering Supplemental Report on Seminole Bluffs Road Plans

The construction plans provided indicate the first portion of the required East-West roadway with a minimum of 69' of dedicated right-of-way and includes sidewalk on one side, a multi-use path on the other side and designated access locations. Water, sewer and street lights are also to be constructed along this segment of the future roadway, referred to in the plans as James E. Davis Parkway.

The plans for the preliminary plat indicate four possible curb-cut or access locations, with five actual curb cuts, along the approximately half-mile length of roadway. These access locations were previously approved in the Lafayette Landing grading case and prior to that when reviewing a site plan for a complete development of this same property. Staff will not support access directly onto James E. Davis Parking to the individual homes in the submitted Seminole Bluffs Subdivision Final Plat for Lots 4 to 8, 29-33, 34-37, and 55-60 (in the Villa West development Phases 1 and 2). The entire length of James E. Davis Parkway is not, however, required to be constructed at this time as a Preliminary Plat grants the developer the ability to construct infrastructure but does not require it be constructed. The only portion to be constructed in the near term will be the portions taking access from the Final Plat as noted above. Therefore, a temporary turn around will be required at the temporary end of James E. Davis Parkway on the Final Plat, although this is not shown in the plans provided. (A modification to indicate that turnaround is a condition of approval.)

James E. Davis Parkway will also intersect with Rogerson Lane to the north at Lot 3 (formerly named Oakmont Lane) which was dedicated to the City as part of the Links Phase 2 development (Greens at Oxford Phase II). The Future Network Map indicates

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the vision of the City that the new connector road (James E. Davis Parkway) will extend to the west to directly intersect with Ricky Britt Boulevard at some point in the future. That segment of land is not owned by this developer so it is not known if or when that segment and this area will be developed. Therefore, for now, James E. Davis Parkway is indicated on the Preliminary Plat to terminate at the western property line at an intersection with the planned north/south road. That segment has variable width right-of-way, but will permit a standard roadway with sidewalks when it is built. Similarly the east/west segment that will eventually connect to Ricky Britt Blvd. has sufficient right-of-way to permit a standard roadway with sidewalks.

The eventual north-south connector was originally planned to be a minor street with open shoulders. However, the construction plans submitted with this Preliminary Plat now allow for a larger roadway with a minimum future right-of-way of 60' and a curb and gutter typical section. The Preliminary Plat notes the responsibility of each lot owner in the Seminole Bluff Subdivision in regards to future construction of James E. Davis Parkway. The indicated north/south and east/west connector roads will be built in connection with the development of Lot 1 in the future.
The East-West road connection to Ricky Britt Boulevard (to the west of Seminole Bluff) will be immediately south and adjacent to the West End development and is referenced as a "Future Road" on the plat for the Greenpointe Commercial Plus Subdivision, Phase III (Case 2044), although the right-of-way dedication was not included in that plat. This roadway will also have future right-of-way width of 60' within a curb and gutter typical section. Sidewalks are also included. Water and sewer are not provided along the east-west connection road as any development adjacent would receive water and sewer service from Ricky Britt Boulevard. The East-west connection to Rickey Britt is not intended to be a primary access point for any developments adjacent, but rather a secondary road.

TVA Easement - The submitted preliminary plat includes a segment of James E. Davis Parkway that will be under or near existing TVA Transmission lines and on a portion of property owned by Northeast Power. The undulating alignment of this road is due to the need to adjust to the path of those transmission lines. These will require an easement in order for James E. Davis Parkway to be constructed. The developer's engineer has stated that these easements will be provided to the City. The Belk Boulevard extension was constructed by Baptist Memorial Hospital under a similar easement condition. It is critical that this easement be obtained. Without the easement, it will not be possible to construct James E. Davis Parkway. That roadway is a critical component in ensuring that traffic related to the Villa West development will not create long term problems for the existing transportation network.

Staff strongly recommends that the easement be in-hand prior to the Final Plat being approved by the Board of Alderman. However, an intent letter from NEMEPA may be considered as sufficient assurance. A drainage easement is also required for construction of James E. Davis Parkway in order to address an encroachment of the pond for the Links Phase 2 onto this property (and onto what is proposed as future right-of-way).

The Preliminary Plat also includes improvements to Thacker Road to allow for sidewalk and a right turn lane from Thacker onto James E. Davis Drive and a dedication of right-of-way. Staff also notes that the proposed "Billet" Road is shown with the right-of-way extending to the west property line in an awkward shape so that a future connection to Lot 3 may be possible. The intent of this configuration is to avoid having a sliver of common-open-space between the right-of-way and the adjacent lot 3 which would serve no purpose other than as a "spite" strip (preventing a future connection to the west),

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which is not allowed. The proposed street types are narrower in conformance with the Land Development Code. As such, the provision for required parking on each lot of the Final Plat is important.

A traffic impact study is not required as the number of lots proposed for the Preliminary Plat are not sufficient to trigger such a study. Future development proposed within this Preliminary Plat will most likely require a traffic impact study.

Summary of Discussion:

Applicant engineer John Granberry said that access for Lots 40-60 will be from roads connecting to the proposed James E. Davis Parkway. Mr. Granberry reference the condition added to note #6 - no driveway access to new road.

Oxford School District Superintendent Brian Harvey said he supports the proposal, but would like the road to be named something else because it is confusing because there is already a Davis Parkway in the City. JW McCurdy said he respects Mr. Harvey, but that lots of thought went into honoring James Davis for his work in development and the community. City Engineer Reanna Mayoral said that ultimately it is the City's decision and that she would talk with Emergency Management to make sure that the proposed road name will not cause confusion for emergency responders.

Move: Marvin King Second: Darryail Whittington Status: Passed

5. Public Hearing for Case #2498 – THN Real Estate, LLC has filed a request for Site Plan Approval for 'FMC Yokna River' for property located at 1760 Barron Street. (PPIN #14451)

Planners Comments: The subject property is located on the east side of Barron Street in the Grand Oaks Planned Unit Development. It is a lot located in the Grand Oaks Subdivision, Phase III that measures approximately +/- 1.97 acres and currently contains a professional office building housing Fresenius Kidney Care clinic built in the 1980s. This portion of Barron Street is zoned to allow commercial uses and borders single-family residential immediately to the east. Another medical clinic, Oxford Nephrology Associates, is located on the lot to the north. A new health clinic is proposed between the two existing buildings, on the same lot as Fresenius Kidney Care.

The applicant is proposing to construct a one-story, 11,890 sq. ft. structure. Sixty-nine (69) parking spaces are required and seventy-one (71) are proposed. The parking spaces will be shared between FMC Yokna River and Fresenius Kidney Care. The new health clinic will have vehicular access from Barron Street and Lyles Drive, and a shared access easement will be required between FMC Yokna River/Fresenius Kidney Care and Oxford Nephrology to the north.

The submitted plan meets all landscaping requirements, including the addition of foundation planting at the existing Fresenius Kidney Care building, which will bring the property into compliance with current code requirements. Two varieties of evergreens trees (Burkii Red Cedar and Green Giant Arborvitae) will screen the eastern property line between these medical clinics and the existing single-family homes.
In prelude to this site plan application, the applicant received approvals for a variance and a special exception in December of 2018. A landscape buffer variance (Case #2413) was approved with a condition that evergreen landscaping be installed along the eastern property line, adjoining the residential zoning, for screening. A Special Exception (Case #2414) was approved for a front yard build-to line adjustment allowing it to align with the existing building to the south.

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Engineering Comments:
Access:
This development involves construction of a new building on an existing developed site at the corner of Barron Street and Lyles Drive. Currently, the property has one access onto Lyles and one access onto Barron. The Lyles access point will remain in its current location while the Barron Street access point will be relocated further to the south. The existing drive on Barron will curbed across its length. As part of the project, a shared access with the Oxford Nephrology Associates property on Barron Street will be constructed on the sites north property line. This work will involve widening and improving the existing drive into the Oxford Nephrology building. A shared access easement will be required at this location. This will give the site three access points, two on Barron Street and one on Lyles Drive. As part of this project, the existing parking and paved areas will be removed and replaced. Sidewalks are also proposed to be constructed along the rights-of-way of Barron and Lyles.
Water and Sewer & Utility:
Water for the new building on the site will be obtained via an 8" City of Oxford water main running along Barron Street. The site will also require a 6" fire main that will privately owned and maintained.
Sewer from the site will be collected and flow by a private gravity sewer line into an existing City of Oxford sewer manhole on Barron Street. Connection to the manhole will require at least a partial and possibly a total closure of Barron Street at this location.
Storm water:
The storm water requirements will be met by a private underground detention system located under a proposed parking area. Storm water will be conveyed through this system and discharge into an existing system in Lyles Drive. The final storm water report has been approved.

Recommendation: Staff recommends approval of the site plan for 'FMC Yokna River' Medical Clinic with the following conditions:

1. Approval is for the site plan as submitted.

2. A shared access easement between FMC Yokna River and Oxford Nephrology property owners is required before prior to the issuance of a Certificate of Occupancy.

Move: John R. Bradley Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2491 – Oxford School District has filed a request for a Variance from Section 5.5.4.2 Screening for 'Oxford High School Fine Arts Building' for property located at 101 Charger Loop. (PPIN #33805)

Planning Comments: The subject property is located in Oxford Commons, north of Sisk Avenue on Charger Loop and the property measures approximately +/- 75 acres. The applicant was approved in December (Case #2421), to construct an approximate +/- 40,000 sq/ft, two-story building that will provide a state-of-the-art auditorium, several classrooms to support the needs of the Fine Arts curriculum, and several faculty offices. The building will be accessed through existing private roads that are connected to Charger Loop and Sisk Avenue.

The applicant is requesting a variance from Section 5.5.4.2 of the Land Development Code, which requires a parapet wall be constructed to screen from view any rooftop mounted HVAC equipment. (It is important to note that Section 5.5.4.2 requires a parapet for any roof mounted equipment.) The applicant contends that there is an unnecessary

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financial hardship that could cost the School District as much as $300,000 to install the required parapet. The request also states that the parapet is not necessary because of how the Fine Arts Building is situated on the existing campus. It is located behind several of the existing school buildings, and the visual impact will be minimal due to the distance Sisk Avenue.

The elevations included with the request indicates the removal of a small parapet, from the originally approved building elevations, that screened some equipment on portions of the south and east elevations, but other rooftop mechanical equipment does not appear to be screened. The rooftop mechanical equipment, as depicted in the elevations provided by the applicant's architect, is visible from all elevations, however, existing buildings do screen the equipment from the south and east perspective.

The west elevation faces the established Preserve subdivision of Oxford Commons, which has mature primarily deciduous trees surrounding the rear portions of the homes, but they appear to be on Oxford School District property. Also, an extension of Lakewood Hill Drive and more homes in the Preserve subdivision of Oxford Commons are planned to continue along the northern property line of the school.

Staff has concerns regarding the visibility of the rooftop mounted equipment on the west and north elevations, especially during the fall/winter when foliage on the trees is minimal. This will be exacerbated when the road it built to the north, which will require removal of trees. With no screening the top of this building will be visible to the homes to the west and from homes along the road to the north. Therefore, staff believes it is necessary to screen the equipment on both of these elevations. The existing buildings should sufficiently screen the rooftop mounted equipment from the south and east elevations. Staff supports the request for not requiring the parapets along the south and east elevations, but not along the north and west elevations.

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

1. The variance for the parapet standards is supported for the south and east elevations only.

2. The applicant shall provide updated architectural plans that indicate a parapet for all rooftop mounted equipment on the west and north facades, to be approved by the Planning Department.

Variance only applies to the West, East, and South sides of the building but not to the North. Parapet must be added for the north side of the building.

Move: John R. Bradley Second: Marvin King Status: Passed

7. Public Hearing for Case #2494 – Sumerjit Singh has filed a request for a Variance from Section 2.6.10 UCO Front Yard, Build-to Line, Maximum for 'Belk Boulevard Convenience Store' for property located at northwest corner of Belk Boulevard and MS HWY 7. (PPIN #15610)

   Planning Comments: The subject property is located on the north side of Belk Boulevard and the west side of Mississippi Highway 7. It measures approximately +/- .62 acres, and it is undeveloped containing trees and grass. The topography on this property is rather challenging; its highest point of elevation appears to be in the southeast corner of the

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property along Highway 7, with the lowest being in the northwest. Since the property is located along Highway 7, and Belk Boulevard, it has two front build-to lines.

The applicant is requesting a variance from the dimensional standards of the Urban Corridor zoning district found in Section 2.6.10. In the Urban Corridor zoning district, the front build-to line is a minimum of 15 feet, and a maximum of 25 feet. In this instance, the applicant has situated the building footprint within the build-to line along Mississippi Highway 7, but the building is approximately +/- 112 feet from the front build-to line along Belk Boulevard. The intended use for this property is a convenience store/service station, and the applicant is proposing a fuel canopy that would be located in close proximity to the build-to line.

The applicant contends that this site has an unnecessary hardship due to the irregularly shaped parcel, the topography, and the fact that the parcel fronts to two public roads. Staff agrees that in this instance, there is a hardship with the requirement for two front build-to lines. This property is located in an Urban Corridor district that does not appear to be ripe for urban intensities of development. Staff does believe that in this instance, the location for this service station is logical because the surrounding uses allow for commercial uses, it confronts MDOT right-of-way, the closest residential uses are on the far side of Hwy 7, and the proposed use would have a lesser impact on adjacent property owners.

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

1. The variance is for the plan as submitted.

Summary of Discussion:
Commissioner Gray asked why not have the building up front and the pumps in the back, so that you could meet the setback. The applicant's engineer, Paul Koshenina, said there were issues with the slope and terrain of the site. Commissioner Rigby said the portion that falls out of the spirit to me is that this is a corner lot, but it does it in the side yard. That makes it difficult because you are out over 100 ft. back from Belk. Commissioner Rigby said he did not realize with the slopes that drivers would be looking downward at the gas station and its canopy and that Belk Blvd. would be above the gas station.

Fails for lack of a motion.

Move: Second: Status: Failed

8. Public Hearing for Case #2495 – Sumerjit Singh has filed a request for Site Plan Approval for 'Belk Boulevard Convenience Store' for property located at northwest corner of Belk Boulevard and MS HWY 7. (PPIN #15610)

WITHDRAWN

9. Public Hearing for Case #2504 – Ronald T. Solberg has filed a request for a two-foot (2') retaining wall height Variance from Section 3.2.18.1 Retaining Walls for 'Sonic on University Ave.' for property located at 1207 University Avenue. (PPIN #8284)

Planners Comments: A Site Plan was administratively approved for the Sonic on University Avenue in November 2018, the subject of Case 2356-A. Administrative approval was authorized due to the size of the restaurant being less than 5,000 square

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feet. Since that approval was issued by staff, the site and building have been under construction.

Earlier this Spring, when Oxford experienced several extensive periods of rain, some sections of the previously approved and partially built retaining wall were unable to support the slope between Sonic's wall, and the Chancellor's House Hotel driveway. After several meetings with the City, the applicant worked with their engineers to develop a new design for the retaining wall. A taller wall is proposed in the northwest corner of the site, and the applicant is proposing to install a landscape area to allow for evergreen shrubs where the wall exceeds six feet in height.

The applicant is requesting a two-foot (2') retaining wall height variance that would allow for a six-foot (6') wall that is located in the front yard. The request is for an area that measures a total distance of approximately thirty-five (35') feet, and is also located about twenty-five (25') feet from the road. The applicant believes that the taller wall would be a better overall design, that would better support the slope and driveway along the Chancellor's House property line. Additionally, the applicant contends that the taller wall would be more aesthetically pleasing.
Staff believes that circumstances of this request are certainly unique, primarily caused by the extensive rain this Spring that led to erosion issues along the west property line, adjacent to the Chancellor's House driveway. Staff believes that the visual impact of this taller wall will be minimal, and it will result in a better overall retaining wall design.

Recommendation: Staff supports the requested two-foot (2') retaining wall height variance as submitted.

Move: J.R. Rigby Second: Darryail Whittington Status: Passed

10. Public Hearing for Case #2499 – Blackburn Holdings, LLC has filed a request for Site Plan Approval for 'Dollar General Faulkner Flats' for property located at 2994 Old Taylor Road. (PPIN #36014)

Planners Comments: The subject property measures approximately +/- 2.26 Acres and is located along Old Taylor Road, in front of the Falkner Flats apartment complex. This site is undeveloped with existing but sparse natural vegetation throughout. A Special Exception (Case #2479) for a one-story building in the (TNB) Traditional Neighborhood Business zoning district was approved by the Planning Commission at the April 2019 meeting.

The applicant is proposing to construct a one-story Dollar General at this location. The proposed building measures approximately +/- 10,640 square feet, with approximately +/- 8,513 square feet of gross floor area. The primary entrance to the store will be located at the southwest corner of the building, along Old Taylor Road. The provided plan indicates approximately +/- 59% of pervious area, well within compliance of the (TNB) standards.

Building
The building will be constructed of brick, with split face CMU block on all sides. Windows with shutters are proposed on the south and east elevations, which face Old Taylor Road, and Faulkner Flats Drive. The buildings will be consistent in color with the neighboring businesses. The HVAC equipment will be located on the roof of the building, and the proposal includes a parapet wall to screen it from view.

Retaining Wall
A retaining wall is proposed along the east property line, adjacent to Old Taylor Road, that measures 4' at its tallest point. Another retaining wall is proposed along the western

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property line, that measures approximately 3' at its tallest point.

Tree Mitigation
This site is mostly cleared, and only one significant tree is proposed to be removed (there are no heritage trees are to be removed), and therefore, mitigation is not required.

Landscaping
The landscaping plan that is provided by the applicant complies with the standards of the Land Development Code. The applicant is proposing a variety of Oak trees with Crape Myrtle trees along Old Taylor Road and Faulkner Flats Condo Drive. The parking lot trees are proposed to be Tulip trees. The dumpster enclosure and stormwater detention pond are screened with evergreen shrubs as required by code.

Engineering Comments:

Access
This development will have public access to Old Taylor Road via Faulkner Flats Condo Drive, a private street. An ingress / egress easement will be provided for this access. Old Taylor Road will be widened from the existing right turn lane into Faulkner Flats Condo Drive approximately 300 feet to the north to accommodate a new bike lane. Additional right-of-way will be donated to the city for this improvement. A traffic impact study was conducted for this development and found no adverse impact to the existing traffic level of service on Old Taylor Road.

Water and Sewer & Utility
Water for the site will be obtained via an 8" City of Oxford water main running along Faulkner Flats Condo Drive.

Sewer from the site will be collected and flow by a private gravity sewer line into an existing City of Oxford sewer manhole on Faulkner Flats Condo Drive.

Storm water
The storm water requirements will be met by an above ground detention pond located in the southwest portion of the site. Storm water will be conveyed by a private underground pipe system to the pond, which will then discharge overland. The final storm water report has not been approved as of yet, but it is anticipated it can be approved very soon.

Recommendation: Staff recommends approval of the site plan for 'Dollar General at Faulkner Flats' with the following conditions:

1. The approval is for the plans as submitted.

2. Upon conveyance of the property, the draft warranty deed donating right-of-way to the City of Oxford is to be executed and recorded. A copy of the recorded deed is to be provided to the City Engineer's office.

3. Upon conveyance of the property, an executed and recorded ingress / egress easement for access to the site from Faulkner Flats Condo Drive is to be provided to the City's Engineer's office.

4. A performance bond will be required during the widening of Old Taylor Road. A warranty bond will be required upon its completion for a period of one year.

4. Final approval of the storm water report and an approved Operation and Maintenance Plan.

Subject to staff conditions

Move: John R. Bradley Second: J.R. Rigby Status: Passed

11. Public Hearing for Case #2500 – Rosemont, LLC has filed a request for Preliminary and Final Plat Approval for 'Rosemont Subdivision Phase 2' for property located at 161 Rosemont Loop. (PPIN #18888) **(POSTPONED)**

12. Public Hearing for Case #2505 – UnitiFiber has filed a request for a Special Exception as provided in Section 3.11.8.4 (e.i.) Wireless Communication Facilities for small cell telecommunications facilities located within public right-of-way that are adjacent to residentially zoned property.

    Planners Comments: The applicant, UnitiFiber, is a utility provider that is in the initial stages of developing a small cell network throughout Oxford's public right of way. In this instance, the applicant is proposing a series of nine (9) small cell poles, however, four (4) of them are adjacent to residentially zoned property, thus requiring a special exception UnitiFiber has been actively working with the City of Oxford to determine the final locations and design materials, in order to identify the best locations for their desired needs, while minimizing the visual impact of each proposed pole.

    The four locations are as follows:

    Small Cell ID Proposed Location
    1. DT2 University Avenue & South 5th Street
    2. DT3 Martin Luther King JR Drive & Washington Avenue
    3. DT4 North Lamar Boulevard & Price Street
    4. W11 Anderson Road near Edinburgh Place

    Staff will continue to work with the applicant to finalize the locations and the pole designs but we feel confident that the end product will be result in smart cell poles that are co-located with other communication facilities, and/or the replacement of existing poles, and/or the installation of new poles that minimize the visual impact to the community to the greatest possible extent.

    Recommendation: Staff supports the requested Special Exception for these four small cell pole locations.

    Summary of Discussion:
    Rick Walls with UnitiFiber said they provide broadband for cities across the Southeast. He said this is internet service, and they would like to have at least 24 nodes in Oxford. They could sell the fiberoptic network once it is in place. He said they want to build the 5G network for Verizon.

    Move: J.R. Rigby Second: Marvin King Status: Passed

13. Discussion of signage in the Historic Urban Center at the request of Chairman Hyneman.

    Move: Second: Status: Tabled

14. Motion to Adjourn

    Move: J.R. Rigby Second: Marvin King Status: Passed

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- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission Regular Meeting
Monday, July 8, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order
2. Approval of the Agenda

   No Marvin King for agenda.

   Move: Darryail Whittington Second: J.R. Rigby Status: Passed

3. Approval of minutes from June 10, 2019 Meeting

   Move: Darryail Whittington Second: John R. Bradley Status: Passed

4. Staff Report

   Planning Director Ben Requet acknowledged that Professor Bradley's term ends at this meeting. Mr. Requet thanked Mr. Bradley for his dedicated service to this committee and the City.

   a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2490-A – Oxford School District have filed a request for Site Plan Approval for 'Oxford High School – Baseball and Softball Park' for property located at 101 Charger Loop. (PPIN #33805) **(Postponed from June and July)**

B. **Consent Agenda**

Move: Duncan Gray Second: Darryail Whittington Status: Passed

1. Public Hearing for Case #2515 – Laura D'Antoni Jones has filed a request for a six-foot, six- inch (6'6") side yard (east) setback Variance for property located at 236 St. Andrews Circle. (PPIN #6591)

   Planners Comments: The subject dwelling is located in the Country Club Subdivision, Part III on the south side of St. Andrews Circle. The lot size is just under an acre. It contains one single-family home built in 1970. A side yard setback (East) variance of six-feet, six-inches (6'6") is requested for a master bedroom addition. The home currently sits approximately twenty-three feet (23') from the property line on this east side. The

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new addition will be eight-feet, seven-inches (8'7") off the east property line. The applicant has supplied a letter of support from her neighbors, who own the lot directly to the east of this addition.

According to Mrs. Jones (the owner of Lot 89), prior to 1970, Lot 88 owners purchased both Lots 88 and 89 and 15 ft. was sold from Lot 89 to Lot 88 by metes and bounds. Lot 89 is currently approximately 15 ft. smaller than other lots along this portion of St. Andrews Circle. Directly to the west, Lots 90, 91, and 92 were amended in September 2018 to create new Lot 90.

The irregularity of the lot, along with the home's orientation and interior connectivity, make this addition at this portion of the home functional.

Recommendation: Staff recommends approval of the six-foot, six-inch (6'6") side yard (East) setback Variance with the following conditions:

1. The variance is for the plan as submitted.

C. **Public Hearings**

Commissioner King arrives.

1. Public Hearing for Case #2506 – Ann-Marie Wyatt has filed a request for a Variance from Section 7.2.9.7 Wall Signs for property located at 1415 University Avenue. (PPIN #8030) **(Withdrawn)**
2. Public Hearing for Case #2516 - Rosemont, LLC has filed a request for a Variance from Section 4.8.6 Sidewalks for 'Rosemont Subdivision Phase 2' for property located at 161 Rosemont Loop. (PPIN #18888) **(Postponed)**
3. Public Hearing for Case #2500 – Rosemont, LLC has filed a request for Preliminary and Final Plat Approval for 'Rosemont Subdivision Phase 2' for property located at 161 Rosemont Loop. (PPIN #18888) **(Postponed)**
4. Public Hearing for Case #2507 – JW McCurdy has filed a request for Final Approval of an Extension of City Utilities for a development located outside the City Limits of Oxford that includes a Preliminary and Final Plat approval for 'Briarwood Subdivision - Phase 2A' for property located at 470 County Road 101. (PPINs #3325 & #3331)

   Planners Comments:
   This is a Final Plat for a portion of the "Briarwood Subdivision", approved for the use of City Utilities by the Mayor and Board of Aldermen in December of 2017. The full Preliminary Plat and Phase One Final Plat were subsequently approved by Lafayette County in 2018. That final plat approval was for 69 of the 118 lots of Briarwood, as at the time there was not sewer capacity for the entire subdivision. The current request is for a new phase with 25 lots. The developer will be using sewer capacity previously allotted for use in the adjoining Oakmont Subdivision (same developer) for this Phase of Briarwood. There are ultimately to be three phases of development for this subdivision (see letter of April 29, 2019 attached) – the previously approved Phase One with 69 lots, the current request (Phase 2A of 25 lots), and a yet to be submitted Phase 2B with the remaining 24 lots.

   Engineering Comments:
   This Phase of 25 lots will connect to the existing construction from Phase 1 of Briarwood. As noted, this subdivision is in Lafayette County, but it will be served by city utilities and the water and sewer facilities will owned and maintained by the City of

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Oxford. Streets within the development meeting City standards and will become the responsibility of Lafayette County.

Stormwater - Storm water requirements for this Phase of Briarwood are met by an existing detention pond, which services both Oakmont and Briarwood Subdivisions.

Water Service – There are no concerns regarding water service for this Phase of development at Briarwood.

Sewer Service - This area is subject to a development agreement between the City of Oxford and MR Construction, which affects both Briarwood and the adjoining Oakmont subdivisions. Because of the limited number of units, the construction of this phase of Briarwood subdivision will mean that water and sewer services from the City of Oxford cannot now be extended into Oakmont Phase 3 until substantial improvements to increase capacity at the Industrial park treatment lagoon have been made. The owner has acknowledged such in a letter dated June 19, 2019. The total number of units allowed (capacity for sewer service) in all of Briarwood and Oakmont subdivisions is 177.

Sanitary sewer from this development flows by gravity to an existing lift station that services current phases of Briarwood, Oakmont, and Northpoint Subdivisions. This lift station will be required to be upgraded by the owner prior to any water or sewer taps being sold in this development.

Approval of utility service to Phase 2B of Briarwood is recommended with the condition noted below.

Recommendation:

1. A bond is required for the construction of sidewalks, water and sewer.

2. Prior to the issuance of a Certificate of Occupancy, a stamped, recorded copy of the covenants shall be provided to the Planning Department.

Subject to Staff conditions.

Move: Duncan Gray Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2508 – Brandon Crumpler and Mike Fudge have filed a request for Site Plan Approval (Amended) for 'The Nola' for property located west of Heritage Drive. (PPIN #27675)

   Planning Comments: This report pertains to a request for Site Plan Approval (Amended) for 'The Nola' a mixed use project on 1.75 acres located off Heritage Drive, west of Heritage Centre Shopping Center and north of Chipotle and Five Guys on West Jackson Avenue. The Nola will consist of two three-story buildings, each with ground floor commercial space and two floors above with residential units. The applicant requests to amend the approved site plan from November 2018 (Case #2408). The proposal includes the addition of eight (8) parking spaces and the addition of ten (10) residential units in Building A. Both buildings combine for 62,669.46 gross sq. ft. of residential and commercial space. The Planning Department has already received the public access easement, as well as water and sewer easement agreements.

   Building A was originally proposed with twenty-six (26) one, two, and three bedroom residential units and 16,865.07 sq. ft. of ground floor commercial space. Amended

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Building A with have thirty-six (36) one, two, and three bedroom residential units and the same amount of ground floor commercial space as previously proposed (16,865.07 sq. ft.) The applicant foresees the commercial space largely to consist of professional offices.

Building B will be much smaller than Building A, with six residential units and 3,931.75 sq. ft. of ground floor commercial units. This is the same proposal from the original site plan approval.
Landscaping on site meets all requirements of the Land Development Code. Previous concerns regarding evergreen shrubs to conceal retaining walls and robust screening of the two double dumpster enclosures have been addressed.

Subdivision
This development is within an existing subdivision, and the applicant did not previously realize that a subdivision plat amendment would be required before investing in the site plan drawings. The applicant is currently working through this process. Approval of a plat amendment for Heritage Subdivision will be a condition of approval. This requirement was discussed with the previous owner of the site at the time (the Shoppes of West Jackson site plan approval). The current owner is now aware of this requirement and has agreed to complete the subdivision process prior to beginning construction of the buildings. Site plan amendments are also required for the Shoppes of West Jackson and Heritage Center, both of which are changing their approved site plans because of this proposed plan.

Engineering Comments: There are no comments as none of the changes impact prior recommendations.

Recommendation: Staff recommends approval for 'The Nola' with the following conditions:

1. Approval is for the site plan as submitted.

2. Prior to the sale of water and sewer taps, the stormwater plan must be approved.

3. Prior to the issuance of building permits, documentation regarding the ownership and responsibility of the stormwater system must be confirmed to be shown in the deeds for the individual units.

4. Prior to the issuance of building permits, the subdivision plat and revised site plans with noted corrections must be approved.

5. Prior to receiving any certificate of occupancy, the Operation, Inspection and Maintenance Plan for Stormwater must be approved.

6. All signage must be determined to meet Land Development Code standards before any placement.

7. All addresses will be issued off of Lexington Point Drive.

Subject to staff conditions. Planning Director Ben Request said the applicant might come back for utility pole shifting within the landscape islands, which would be administrative approval.

Move: Darryail Whittington Second: John R. Bradley Status: Passed

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6. Public Hearing for Case #2509 – John Trezevant has filed a request for Preliminary and Final Plat Approval for 'Galleria II Subdivision' for property located at 2619 West Jackson Avenue. (PPIN #7868) **(Postponed)**

7. Public Hearing for Case #2511 – Regions Bank has filed a request for Special Exceptions as authorized in Section 2.6.8 Suburban Corridor a) Front Yard (East) Build-To Line, Maximum from 30 ft. to 64 ft. and b) Front Yard (South) Build-To Line, Maximum from 30 ft. to 78 ft. for 'Regions Bank Oxford 3-1' for property located at 1931 Jackson Avenue West. (PPIN #17962)

   Planners Comments: The subject property is the site of the former Applebee's restaurant that closed in 2017. This site is located in the northwest corner of the Jackson Avenue and Heritage Drive intersection and it has two front yards. Also, this site has a 75' Northeast Mississippi Electrical Power Association Easement in the western portion of the property that limits building area. Currently, this site provides two means on ingress and egress, both located off Heritage Drive. A Build-To Line variance was granted to Regions Bank in October 2018 for both the east and south property lines for a development proposal to demolish the existing Applebee's building, and to construct a new Regions Bank.

   The applicant is now proposing to instead adaptively re-use the existing Applebee's building with minimal modifications to the exterior of the building. One of these proposed modifications is to construct a small addition to the Jackson Avenue façade, but the change is expanding a non-conforming use. It is important to note, the modifications proposed will bring the existing building into better compliance with the Build-to Line provisions. Therefore, the applicant is requesting a Special Exception to allow an increased Build-to Line as authorized in in Section 2.6.8 Suburban Corridor. The proposal indicates that the building will continue to be approximately sixty-four (64') feet from the east property line, while the building will now be approximately seventy-four (74') feet from the south property line.

   Recommendation: Since the applicant is proposing to adaptively re-use the existing building, staff does not have an objection to the proposed Special Exception. Staff recommends approval of the request with the following conditions:

   1. Approval of the Special Exception is for the plan as submitted.

   Summary of Discussion: Commissioner Gray said he understood that this project had not received site plan approval, but had concerns for the traffic flow on the southern part of the site. He worried that with handicap spots, the area seems like it would be congested. The applicant's engineer, Phillip Piercy, stated that he was not opposed to looking into changing it, and that Heritage Drive is the only point of ingress/egress.

   Senior Associate Director Judy Daniel said that staff has been working with the applicant and The Nola group to the north to have an alternative exit. She said this has not worked out, but that staff is pushing for it and the code is requires developments to seek connectivity. Planning Director Ben Requet added that The Nola group wants it.

   Commissioner Rigby said that the applicant received a Special Exception for new construction previously, and wanted to know if the Planning Commission approves this one, would the previous Special Exception still be valid. Mr. Requet said no, it would be nullified. Mr. Requet added that if the Commissioners do not approve this one, the old one is technically still valid.

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Move: Duncan Gray Second: John R. Bradley Status: Passed

8. Public Hearing for Case #2512 – Regions Bank has filed a request for a Variance from Section 3.11.1.5 Accessory Uses or Structures (Excluding Dwellings): Additional Standards for 'Regions Bank Oxford 3-1' for property located at 1931 Jackson Avenue West. (PPIN #17962)

Planners Comments: The subject property is the site of the former Applebee's restaurant that closed in 2017. This site is located in the northwest corner of the Jackson Avenue and Heritage Drive intersection and it has two front yards. Also, this site has a 75' Northeast Mississippi Electrical Power Association Easement (NEMPA) in the western portion of the property that limits building area. Currently, this site provides two means on ingress and egress, both located on Heritage Drive, one of which is to be eliminated as a part of the site plan associated with this proposal. A Build-To Line variance was granted in October 2018 for both the east and south property lines for a prior development proposal on this site, which would have demolished the existing Applebee's building to construct a new Regions Bank.

The current development proposal for this site indicates one traffic lane entering the site and one leaving the site. The one entry lane becomes three drive-thru lanes with freestanding structures (1 for the ATM & 2 for VTM – Video Teller Machine), and a through travel lane, along the east side of the property - located in the front yard facing Heritage Drive. The building elevations indicate that the proposed atm/vtm canopy structures will measure approximately +/- 12 feet in height, and the project architect notes that they can be custom designed to reflect appropriate colors and materials to accommodate local design guidelines. In addition to the drive-thru lanes, there is also a lane dedicated for customers to exist the site.

The regulations for this use are found in Section 3.11 Accessory Uses or Structures (Excluding Dwellings) of the Land Development Code. 3.11.1.5(c) stipulates that Accessory structures may only be erected behind the front building line of the principal structure, and not in a side or front yard; unless authorized in this code. Since this is a corner site the property has two front, and two side yards. It is not possible for the accessory structures to be regulated to the rear yard, if one does not exist. The site is even more challenging because of a 75' NEMPA utility easement on the west portion of the site. It is staff's understanding that the easement prevents anything from being constructed within the easement (such as the ATM/video teller kiosks).

Staff has concerns of the visual impact of siting accessory structures such as these in front yards, which is why the regulations for accessory structures stipulate that they are to be located in the rear yard. The site plan presented with the variance approved in October 2018 indicated that the drive-thru lanes situated to the north of the building. In this instance, staff would much prefer supporting a request for the accessory structure in the side yard at the north of the site, as previously requested. Additionally, William Stewart, the City of Oxford Fire Inspector, has determined the proposed circulation plan for this development functions effectively as a dead-end because they feel the width of the proposed drive-through lanes will not accommodate a fire truck exiting the site.

Staff would be supportive of the variance for an accessory structure to be located to the north of the existing building but we do not support the request as presented.

Recommendation: Staff recommends denial of the requested variance.

Summary of Discussion: There was discussion about where to put the drive-thru lanes and if they should be visible from a road. The applicant's architect, Michael Foster, said that the bank wants to re-use the existing building. He added that the problem on the north side of the site for a drive thru is that there are grade issues and existing retaining walls. Mr. Foster said that there is a 75 ft. utility easement through the site which has also been an issue.

Comissioner Rigby was conflicted because the applicant would need a variance with the drive thru on either corner. Commissioner Rigby stated that his opinion was that the special condition is that it is a corner lot, but he did not see any reason why it has to be on the east side if it is just to save building. He added that a new building has been proposed before that meets city code, and that now the only reason for the variance is to use the existing building. Commissioner Riddell said that homeowners come before the Commission for variances with two front yard issues and that she said there seem to be lots of variances for corner lots. Commissioner Bradley stated that his choice would be to go with saving the building and this proposal.

Motion to grant variance due to the desire to save the building and due to the electric power easement across the property to the west side. Also, a condition that the structure furthest to the east be aesthetically similar to the existing building and that the VTM's be aesthetically consistent with building materials.

Commissioner Rigby opposed.

Move: John R. Bradley Second: Marvin King Status: Passed

9. Public Hearing for Case #2513 – Regions Bank has filed a request for a Variance from Section 5.7.8.1 Stormwater Detention Standards for 'Regions Banks Oxford 3-1' for property located at 1931 Jackson Avenue West. (PPIN #17962) **(Withdrawn)**
10. Public Hearing for Case #2514 – Regions Banks has filed a request for a Variance from Section 3.2.18.2 Retaining Walls for 'Regions Bank Oxford 3-1' for property located at 1931 Jackson Avenue West. (PPIN #17962) **(Withdrawn)**
11. Public Hearing for Case #2510 - The City of Oxford has filed a request for Amendments to the Land Development Code to correct mistakes and make modifications.

    Planners Comments:

    Article 2
    Modify the front yard build-to line standards for the Suburban Corridor and Suburban Center Districts
    Section 2.6.8 SCO-Suburban Corridor Dimensional Standards
    • Change the maximum Build-To Line to 50 feet.

    Section 2.6.9 SCN-Suburban Center Dimensional Standards
    • Change the maximum Build-To Line to 50 feet.

    WHY: This will make the Build-To Line less restrictive and consistent with the Traditional Neighborhood Business District. Having an increased Build-to Line will also facilitate one row of parking in front of the building, which is a characteristic of the suburban place

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type. An applicant is also allowed to request an increased Build-to Line by Special Exception.

Article 3
Modify the front yard build-to line or setback standards for zero lot line (patio homes) 3.5.2.5 (a) Front yard Build-To/Setback. The front yard shall measure a minimum of 20 feet between the front lot line (street right-of-way) and the surface of the front building wall. The front yard build-to line or setback, shall be determined by the requirements of the underlying zoning.

Article 7
Modify the Signage Standards for the Historic Districts
Sec. 7.3.1.2 Specific District Sign Requirements

C. Businesses are limited to one wall or projecting sign and two window or door signs for each façade that has a public entrance. A second wall or projecting sign may be requested by Special Exception. Additionally, a sign on a façade with no public entrance may be requested by Special Exception. Projecting signs will be no larger than 6 square feet in sign area (Typically, a 24"x36" sign.). Each window sign may cover no more than 15% of one window or door, and each wall sign may cover no more than 15% of the façade of the building. Where only one window sign is proposed, the percentage from the second allowed sign may be aggregated to allow 30% coverage of one window.

Recommendation: Staff recommends approval of the following requested modifications.

Move: J.R. Rigby Second: John R. Bradley Status: Passed

12. Discussion of signage in the Historic Urban Center at the request of Chairman Hyneman.

Chairman Hyneman said that there is redundant signage on the Square that can be lessened and removed and it should be a discussion. He wants to ask the BOA to look into the issue by forming a committee. One individual from PC, CHSPC, BOA and downtown business district. For example, city hall and neilson's "metered parking" double signs. Suggestion to put signs on a central parking meter. Other examples of excess: Quantity and location. "Wrong way"

City Engineer Reanna Mayoral said a lot of it is for enforcement. She said Engineering will look into it as well and can go ahead and remove it if not req. by MUTCD. Other things BOA would have to approve.

Paul Watkins said the Commission could just make the request to the Board of Aldermen.

13. Motion to Adjourn

Move: John R. Bradley Second: Darryail Whittington Status: Passed

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Oxford ADA Coordinator at 662-232-2453."

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MINUTES

City of Oxford
Planning Commission
Planning Commission Regular Meeting
Monday, August 12, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

THE CITY OF OXFORD

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

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

1. Call to Order
2. Approval of the Agenda

   Move: Duncan Gray Second: Darryail Whittington Status: Passed

3. Approval of minutes from July 8, 2019 Meeting

   Move: J.R. Rigby Second: Duncan Gray Status: Passed

4. Staff Report

   Director Ben Requet stated that Friday was the last day for applications for a new Planning Commissioner and that interviews would begin soon. He added that a signage committee has been agreed upon by the Board of Aldermen and working with the Mayor to decide who will be on that committee.

   a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2490-A – Oxford School District has filed a request for Site Plan Approval for 'Oxford High School – Baseball and Softball Park' for property located at 101 Charger Loop. (PPIN #33805) (Postponed from June and July)
2. Public Hearing for Case #2516-A – Oxford Commons Retail Phase III, LLC has filed a request for Site Plan Approval (Amended) for 'The Alexis' for property located at Ed Perry Boulevard at Commonwealth Boulevard. (PPIN #27718)

B. **Consent Agenda**

1. Public Hearing for Case #2527 – Laura D'Antoni Jones has filed a request for an eight-foot (8') side yard (east) setback Variance for property located at 236 St. Andrews Circle. (PPIN #6591)

   Planners Comments: The subject dwelling is located in the Country Club Subdivision, Part III on the south side of St. Andrews Circle. The lot size is just under an acre. It contains one single-family home built in 1970. A side yard setback (East) variance of six-

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feet, six-inches (6'6") was approved by the Planning Commission last month (July 2019 Meeting) for a master bedroom addition. The home currently sits approximately twenty-three feet (23') from the property line on this east side. Due to a surveying error discovered after that July approval, an additional one-foot, six-inches (1'6") is being requested. The City's Building Official has stated that this additional encroachment will not violate any International Building Code standards. The applicant has supplied a letter of support from her neighbors, who own the lot directly to the east of this addition.

According to Mrs. Jones (the owner of Lot 89), prior to 1970, Lot 88 owners purchased both Lots 88 and 89 and 15 ft. was sold from Lot 89 to Lot 88 by metes and bounds. Lot 89 is currently approximately 15 ft. smaller than other lots along this portion of St. Andrews Circle. Directly to the west, Lots 90, 91, and 92 were amended in September 2018 to create new Lot 90.

The irregularity of the lot, along with the home's orientation and interior connectivity, make this addition at this portion of the home functional.

Recommendation: Staff recommends approval of the eight-foot (8') side yard (East) setback Variance with the following conditions:

1. The variance is for the plan as submitted.

Move: Marvin King Second: Darryail Whittington Status: Passed

C. **Public Hearings**

1. Public Hearing for Case #2497 – Megan Jackson has filed a request for a Variance from Section 7.3.1.2 (c) Sign Regulations in Historic Districts for property located at 400 S. Lamar Boulevard. (PPIN #6049) (Tabled from June)

   Planners Comments: In June, a signage variance was initially requested at this location. The request is signage for a business that will be accessed from the rear (western façade) of the building located at 400 S. Lamar at Tyler. The June request would have allowed signs on both the northern and western façade of this building. The request was tabled due to concern about having essentially duplicative signs on both facades. This modified request is only for a sign on the northern façade of this building.

   The current request is for the wall sign on the northern façade (facing Tyler) where there is no public entrance to this business. This would be their primary sign, but there is also to be signs with smaller opaque vinyl letters on the glass entry doors, under an awning.

   The Oxford Land Development Code in Section 7.3.12 addresses the amount of signage allowed for properties in Historic Preservation Districts, "Businesses are limited to one wall or projecting sign and two window or door signs for each façade that has a public entrance." The sign on the Tyler Avenue elevation does not have a public entrance for Raymond James, so that sign will need the variance.

   The applicant states the "the entrance to the office faces an alleyway, so we are applying for a variance to allow the second wall sign to face Tyler Avenue. This will allow clients to determine the location of the business while not impeding other travelers on the road". They state as a hardship that the zoning ordinance "restricts Raymond Janes from using the full potential of the location of their offices and reduces their visibility to existing and potential clients". Also that "the granting of the variance will not be detrimental to the public, as it will help clients to not obstruct traffic while searching for the Raymond James

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office or haggardly stop to turn/park upon finding he building. If we are allowed the secondary wall sign, it will face the street and flow of traffic."

In May, the Courthouse Square Historic Preservation Commission granted a COA (#298) for the two signs for this building, with a condition that a variance would be needed for the sign on the north façade that has no public entrance into this business. The staff report questioned the need for two identical signs in immediate proximity to each other, but determined that visually each sign was appropriate. Now the west facing sign is no longer to be used. Instead, opaquely clear vinyl lettering with the business name is to be used on the two glass entry doors. That type of signage does not require additional approval. This proposed signage mix seems appropriate for this location. The applicant does face a degree of hardship since the business is located on a one-way street.

Also, a modification to the Land Development Code was recommended for approval by the Planning Commission at the July 2019 meeting, that would allow a second sign by Special Exception for a business located within the Historic Urban Center. The Mayor and Board of Alderman held a Second Reading and a Public Hearing for this (and others) modification on August 06, 2019.

Recommendation: Staff recommends approval of the sign proposed on the west façade.

Move: Darryail Whittington Second: J.R. Rigby Status: Passed

2. Public Hearing for Case #2500 – Rosemont, LLC has filed a request for Preliminary and Final Plat Approval for 'Rosemont Subdivision Phase 2' for property located at 161 Rosemont Loop. (PPIN #18888) (Postponed from July)

Planners Comments: The subject property is located in the older Grand Oaks PUD I, and will be a 2.18-acre, two-lot single-family residential subdivision, located northeast of Rosemont Subdivision. These lots will be accessed by a private drive off Rosemont Loop. (This existing drive also provides access to a sewer lift-station at its terminus.)

The existing Rosemont Subdivision is a forty-three (43) lot single-family residential subdivision that was platted in 2012. Despite its name, the proposed subdivision is a new subdivision sharing the Rosemont name. It might have been more correctly titled Rosemont Subdivision Extended.

The proposed lots measure between .53 of an acre to .74 of an acre, and the remaining land within the subdivision is to be classified as green space. This 2.18-acre area has been shown in and out of Rosemont Subdivision in various Preliminary Plat configurations since the original 2005 Preliminary Plat (Case #1220), but was never approved in a Final Plat. Moreover, while it was shown and its ownership indicated on the most recent revised Preliminary Plat approved in 2012 (Case #1630 and Case #1630A), it was not a part of the Plat. Therefore, this site is considered a new subdivision plat adjoining, but not a part of Rosemont Subdivision. The existing sewer lift station that will serve both subdivisions will remain in the northwest corner of the lot.
Rosemont Subdivision History: The Preliminary Plat for the original subdivision was approved in 2005 (Case #1220) and a Plat Amendment in 2007 (Case #1372-A) that indicates sidewalks on both sides of the street, meeting the City standard requirements (Section 163.06).

In 2012, Preliminary and Final Plat approvals were granted with the Planners Comments indicating that an issue with the Lift Station had prevented the Board of Aldermen from

SAFEGUARD BUSINESS SYSTEMS E2103300EA

granting Final Plat approval before the preliminary plat approval expired (Cases #1630 and #1630A). Staff comments during the Site Plan Review meeting were to add sidewalks indicating they were still required and expected. The construction plans associated with a plat amendment in 2013 eliminated a small section of sidewalk from the exterior loop between lots 13-16 (Case #1758), but the majority of the sidewalk on the interior and exterior loops remain.

A variance from the subdivision standards was requested and approved in 2017 for Rosemont Subdivision. A memo from the homeowner's association from April 2017 stated that a majority of the residents within Rosemont were in favor of not having sidewalks along both sides of the street. The subdivision received a Variance from Section 163.06 Required Improvements: Sidewalks in April 2017 (Case #2177), and it was allowed to have sidewalks along one side of the street – switching from the exterior to the interior of the street and back.

Tree Mitigation: The tree survey provided indicates that twenty-three (23) trees would be required for mitigation, but the applicant is able to preserve fifty-six (56) significant and heritage trees on site, thus, no payment to the tree escrow account is required. Four frontage trees will be installed along the subdivision property line and the east side of Rosemont Loop.

Engineering Comments: This development is a proposed two (2) lot subdivision located adjacent to the northeast corner of the existing Rosemont subdivision.

Access
This development will have public access to existing Rosemont Loop. Each lot will access a proposed concrete drive, which is a converted gravel access to a sanitary sewer lift station from Rosemont Loop. An easement for access to this lift station across the proposed concrete drive is required and shown on the plat. A five foot (5 ft.) sidewalk is proposed to be constructed in the right-of-way along the entirety of the roadway frontage of this property.
Water and Sewer
Water for the two lots will be provided via the existing 8" water main on Rosemont Loop. Sewer from the site will be collected and flow by private gravity sewer line into an existing City of Oxford lift station. One proposed manhole will be set.

Storm water
Storm water from the site will sheet flow overland to the north and west towards an existing lake. There is an existing 24" storm drain running across the property from Rosemont Loop towards the aforementioned lake, which will be owned and maintained outside of the right-of-way by the owner.

Recommendation: Staff recommends approval of the Preliminary and Final Plat for 'Rosemont Subdivision Phase 2' with the following conditions:

1. Approval of the Preliminary and Final Plat Approval for 'Rosemont Subdivision Phase 2' by the Mayor and Board of Aldermen.

2. Approval is for the plat as submitted.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a copy of the stamped recorded subdivision covenants.

4. A bond is required for the infrastructure to be owned and maintained by the City (sidewalk and sewer manhole).

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5. Plat must be amended to clearly indicate the easement to the City for the lift station and private easement for the sewer service line and private storm drain.

6. The construction plans must be amended as noted in the report (sewer).

7. Proposed Sanitary Sewer shown on Sheet C.7 of the construction drawings needs to be shown as "Private".

8. Typical section of the sidewalk to be constructed along Rosemont Loop needs to be added to Sheet CD.1.

Summary of Discussion: Resident Beverly Bolton asked who would maintain the green space in front of these proposed lots. The applicant's engineer, Kevin Mccleod, stated that it would be part of a separate subdivision with separate covenants for this subdivision and its green space.

Additional condition for sufficient street lighting

Move: Duncan Gray Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2528 – Brooke Krizbai has filed a request for a Variance from Section 7.2.9.8 Freestanding Business Signs, Pole Sign for property located at 703B N. Lamar Boulevard. (PPIN #5173)

Planning Comments: The subject property is located in the Mid-Town Shopping Center on North Lamar. The owner of the Track 61 restaurant is requesting a variance to allow the addition of a sign to the existing pole sign for Mid-Town Shopping Center.

The Mid-Town Shopping Center currently contains 10 occupied businesses (Track 61, The YMCA, Sears, The Depot Antique Mall, Jinsei Sushi, Tower Loans, Ron's Music Center, Big Bad Breakfast, Snackbar, and Star Yoga studio) located in three structures, but only two of the businesses have signage on the existing pole sign, which appears to have been there for many years. That existing pole sign appears to have been in place for several decades and contains only signage for "Mid-Town", "Sears", and "The Depot Antique Mall".

Section 7.2.9.8 (d) of the code states that existing freestanding business signs, including pole signs, over six (6) feet tall, may remain until a new business locates on the property. This is an incremental approach to ensuring compliance with the signage provisions of the code. Over time, as properties are redeveloped, or as new businesses locate to a particular building or center, non-conforming signs will be removed and brought into compliance with current standards.
Furthermore, staff's interpretation of this provision is that when a new business locates within a multi-tenant center, that the existing signage may remain, but a new business may not place signage on that existing pole.

Staff encourages the applicant to work with the shopping center owners to remove the existing pole sign, and install a new freestanding sign that complies with the current standards, and allows more visible signage for any of the businesses within the center.

Recommendation: Staff does not support the requested variance.

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Summary of Discussion: Brooke Krizbai described an email she gave to the commissioners with pictures and reasoning she felt why she should have the pole sign. She stated that she had limited visibility for drivers and that the owner said she could put it up. She mentioned that sales had increased with the new sign.

Commissioner Riddell asked Ms. Krizbai if she had approached the owner about taking down the old sign and putting new sign that has everyone on there and is complaint. The owner of the shopping center, Dave Tatum, said yes he would be open to a new sign but does not know all the regulations. He felt it would need to be on his private property. Ms. Krizbai added that she spent $1000 on this sign and said she would consider putting it on the North Lamar side of the building by YMCA per Code.

Commissioner Gray made a motion to table.

After discussing options with Planning Commission, Brooke Krizbai decided to withdrawal the application and work with Planning Staff on a solution.

4. Public Hearing for Case #2517 – Betty Lovelady has filed a request for Final Plat Approval (Amended) for 'Country Club Plat Amendment, Lots 35, 38, 47 and 37' for property located at 306 Country Club Road. (PPIN #5697) **(POSTPONED)**

5. Public Hearing for Case #2518 – Marketplace at Toby Tubby Parkway, LLC (Jeffrey Hollis) has filed a request for a Special Exception as provided in Section 2.6.7 Legacy Traditional Neighborhood Business: Structure Height for 'Marketplace at Toby Tubby Parkway' for property located at 2800 West Oxford Loop. (PPIN #6694)

   Planning Comments: The subject property is approximately +/- 1.68 acres at the northeast corner of Anderson Road and West Oxford Loop. In October 2018, the applicant was granted a Special Exception as authorized under Section 3.8.10 of the Land Development Code to allow a service station in the Legacy Traditional Neighborhood Business zoning district. Additionally, a site plan was administratively approved (the size of the development was less than 5,000 sq/ft) by Planning Department staff, and a staff report was placed on the January 14, 2019 Planning Commission agenda to keep the Commission informed. Both the Special Exception, and the Site Plan Approval indicated a two-story service station.

   The applicant is now requesting a Special Exception as provided in Section 2.6.7 of the Land Development Code for a one-story structure in the Legacy Traditional Neighborhood Business district. The submitted application provides two different elevations. The first elevation is exactly what was provided with the original Special Exception, and for the Site Plan Approval. The second elevation is what the applicant would like to construct. The proposal indicates a faux second story, giving the impression from the street view of a two-story building. The second story in this request will not be used as occupiable space. The elevation also reflects a modification to the building's architecture, by removing the hipped roof, and replacing it with a flat roof. It is also important to note that the covered outdoor patio that was previously indicated will be eliminated.

   The intent of the Land Development Code was to have functional second stories in the Traditional Neighborhood Business district. The code does not specify whether faux architecture will satisfy the requirement, and it is a philosophical position that the Commission will have to consider. The application states that, "it is more difficult to provide adequate service for a small upstairs tenant above a convenience store." The

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code does not stipulate the uses that MUST be located on the second floor, rather, it provides flexibility of uses that could be utilized, including residential, retail, service, office, etc. A critical part of the site selection process, is to find an area of need for the desired use, and to select a site that meshes with the requirements of the Land Development Code. In this case, there is plenty of suburban corridor and suburban center zoned property in close proximity of this location that does allow for a one-story building by right. South Lamar Court, 800 Park, and even Oxford Commons have recently constructed two-story buildings that included an occupied second story.

Recommendation: Staff does not support the request for a Special Exception for a one-story building with faux architecture of a second story. The suburban zoning district is an appropriate district for one-story commercial, including service stations, and it is located nearby this proposal.

Summary of Discussion: Applicant Jeffrey Hollis said he did not want a second story. Mr. Hollis said he preferred to reduce the density and create less traffic right off West Oxford Loop. Director Ben Requet said that density is related to residential uses, not a mixed-use development, which would be dictated by floor area ratio (FAR). Senior Associate Director Judy Daniel said the City is not trying to encourage less density for this zone. Mr. Hollis said he has had a difficult time trying to find a tenant above the gas station.

Commissioner King said it appeared that there was a lot of thought for the second story with a restaurant with the elevations provided. The applicant's engineer, Jeff Williams, said there has not been a tenant that wants this and they have not updated the plans with less parking.

Commissioner Rigby said he understood it that Mr. Hollis can find a tenant that will use a third of the building to rent in the back, but not one that wants the upstairs as well. Mr. Williams said that was correct.

Attorney Kirk Mylam stated that back in April the one-story Dollar General on Old Taylor Road was approved to reduce the amount of traffic on Old Taylor Road for residents on that road to easily access every day necessities. Chairman Hyneman stated that each proposal is case by case. Director Ben Requet added that if approved, this proposal would have to receive site plan amendment with revised reduced parking.

Commissioner Rigby noted that the concept from the beginning was part of the site plan and Special Exception that was approved. He felt like this current revision went against reasoning for the initial Special Exception.

Commissioner Rigby made a motion for denial, 2nd by Commissioner King. Motion passes 4-2.

Commissioner Riddell and Chairman Hyneman voted against denial.

6. Public Hearing for Case #2519 – MFM Development, LLC has filed a request for a Zoning Map Amendment from Traditional Neighborhood Business (TNB) to Suburban Corridor (SCO) for property located north of MS Hwy 30, east of White Oak Lane, and west of MS Hwy 7. (PPINs #4560, #4561, #4562, #4566, #4567, #4568, #17707, #4515, #15140, #4644, #4643, #4642, #4559)

Planners Comments

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Background: This is a request to rezone an approximately 17-acre site, composed of 13 individual properties, from Traditional Neighborhood Business (TNB) to Suburban Corridor (SCO). Collectively these are all of the properties zoned TNB on the north side of Hwy 30 in this area. These properties are under mixed ownership, collectively represented by MFM. (The list of property owners are in the letter attached to this report.) Of these properties 7 are owned and 3 under contract for purchase by MFM, and 3 (two owners) being represented only by MFM.

The properties east of the subject properties are zoned Suburban Center, those to the west are zoned Urban Center, and those to the north are zoned Suburban Corridor. The area north of the subject properties was annexed in late 2018, so its Suburban Corridor zoning was established after the subject properties were rezoned to Traditional Neighborhood Business in 2017. (The Vision 2037 Future Land Use Map had designated that area for a Traditional Neighborhood Development.)

Properties Requesting Rezoning

PPIN # PARCEL OWNER APPLICANT CAPACITY
4566 MFM Development, LLC Property Owned by MFM Development
4567 MFM Development, LLC Property Owned by MFM Development
17707 MFM Development, LLC Property Owned by MFM Development
4515 TDF PROPERTIES, LLC Property Owned by MFM Development
15140 TDF PROPERTIES, LLC Property Owned by MFM Development
4643 TDF PROPERTIES LLC Property Owned by MFM Development
4642 TDF PROPERTIES LLC Property Owned by MFM Development
4560 STOUT & STOUT INVESTMENTS, LLC Property under contract to MFM
4561 MITCHELL & BRIAN STOUT Property under contract to MFM
4562 JTM, LLC Property under contract to MFM

4559 JOE PEGRAM (LIVING ESTATE) Property Owner Representative
4568 FRANCES CAROLYN PERKINS MIZE Property Owner Representative
4644 FRANCES CAROLYN PERKINS MIZE Property Owner Representative

In support of the request, the applicant cites several factors. First cited is the change resulting the initial zoning to Suburban Corridor for the adjoining properties to the north resulting from the recent annexation that affected the general character of this area. Next, the application notes a need for more service type commercial development in this area resulting from recent residential growth in the area. It states that these residents have to travel closer to the Square or to the south and east part of Oxford to have access to certain types of service businesses that would be appropriate at this location. It goes on to states that development of many of the types of businesses needed face more complex development constraints in the TNB district than they would in Suburban Corridor (SCO). The types of businesses mentioned include fast food restaurants, tire/auto care centers, car washes, mini-storage, and similar (usually chain type) businesses commonly seen in suburban style strip shopping areas. The applicant believe this zoning change will encourage growth and development in this area, more quickly providing these service type uses for residents of this northeast area of Oxford.

Evaluation: Staff acknowledges that it is more a more complex process to build these types of uses in TNB than in SCO. That is intentional, as the intended character of TNB is more “human scale” and less auto-centric. Most of the noted uses can be proposed in TNB, but they are usually approvable by special exception, they must be of a smaller scale, one story buildings are only allowed by special exception, and the buildings are to be built closer to the road, without large fields of parking in front of a row of stores.

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Therefore, in one sense this request is a request to reconsider the intent of the adopted Master Plan and Zoning Ordinance for this section of Oxford. One of the primary directives from the Mayor and Aldermen for the Master Plan process was to develop alternatives types of commercial development that would not result in the type of disconnected strip commercial centers found on Jackson Avenue west of the University. That was achieved, and certain areas were designated for the lower intensity, more mixed-use neighborhood character zoning in the Traditional Neighborhood Business district. The "middle section" of the area along Hwy 30 from Hwy 7 to the intersection with N. Lamar was one of those areas. The concept for the zoning designated in this area was to have higher intensity zoning at the Hwy 30 and N. Lamar intersections (Suburban Center and Urban Center), with lower intensity zoning (TNB) in the area between those nodes.

Since that zoning was adopted, the City annexed property north of the subject area, and more of the higher intensity zoning (Suburban Corridor) was applied. The logic of that change was that the area would be likely to develop concurrently with the Suburban Center zoning to the east. The result, however, was that the areas zoned for TNB (intended for lower intensity growth) became more isolated and surrounded by the potential for the higher intensity development in Suburban Center, Suburban Corridor, and Urban Center.

Also, since the initial zoning, a rezoning from Estate Residential to Planned Unit Development was approved for a site across the street from these properties. That zoning included the potential for TNB type development for the portions of this property along Hwy 30, retaining low-density residential development, accessed separately, to the south. The result, however, was to establish additional commercial potential on the south side of this section of Hwy 30.

The Commission will need to consider the philosophical implications of this requested change of almost 17 acres from Traditional Neighborhood Business to Suburban Corridor, in relationship to the current commercial potential for this general area. It would be impossible to consider supporting such a request on the south side of this road segment, given the low-density residential development of the areas to the south. At the proposed location, however, the subject properties are now surrounded by higher density zoning (west, north, and east); while both share access to this four lane road.

While staff does not believe there was a mistake in the zoning approved in 2017, there has been change in this area since that time with the annexation and zoning approved and the PUD rezoning approved in 2018. That is a change in zoning potential, but did that affect the need for higher intensity development? The requested rezoning would allow higher intensity and more suburban oriented development than originally intended. The area would most likely be proposed for development with chain oriented, strip center, one-story, retail/restaurant pod type of development. It is unlikely to be mixed-use or be very walkable. It may, however, have a better likelihood of being developed in the near-term, if that is determined by the Commission to be an important factor.

Engineering Comments
Engineering will evaluate the traffic, stormwater and infrastructure requirements associated with any development in detail during the site plan process and not during a zoning consideration. However, the change in zoning may result in an increase in traffic volume due to the type of developments allowed. Access onto Molly Barr Road is a primary concern. The number of access points will need to be limited through shared access easements regardless of the number of property owners or property line

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locations. Staff notes this now so that all involved parties are aware of the concern and likely requirement early in the process.

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

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

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

Finally, Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, stated: "Under the "change and mistake " rule of municipal zoning, based on the presumption that the original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning.

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

Mistake: Staff sees no evidence of a mistake during the 2017 comprehensive rezoning of these properties from a mix of Residential Low Density (RA) and General Business (GB) to Traditional Neighborhood Business (TNB). The area had long outgrown any rationale for purely residential use of this frontage property, so the 2017 discussion regarding zoning at this location related to the appropriate intensity of commercial zoning.

Change: It is undeniable that there has been change in the zoning composition this area since the 2017 comprehensive rezoning. The properties behind the subject properties were annexed in 2018 by the Mayor and Board of Alderman (By Judicial Decree in 2019), and the zoning changed from the (recently imposed) Lafayette County R-1 Low Density Residential zoning to the moderate density mixed-use Suburban Corridor (SCO) zoning in Oxford. Also, in 2018, the property across Hwy 7 from the subject properties was rezoned from Residential Estate to PUD, allowing commercial development along that road frontage. These zoning changes do represent a change to the allowed intensity of development potential in the area; but they do not necessarily indicate a change in the character of the area. It is a change in the character of the area that is the general standard for a rezoning.

Need: The question of need is also complex. Is there a need for additional land zoned for suburban commercial type development? If this site were along N. Lamar or even the south side of this section of Hwy 30, the answer would be a definitive, no. There is a clear vision for alternative development in those locations. Additionally, there are other areas in this vicinity with suburban oriented zoning. The northeast quadrant of the Hwy 7 and Hwy 30 intersection is zoned for suburban and industrial zoning, and the southeast

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quadrant is zoned for suburban oriented zoning (as well as the commercial portions of Oxford Commons).

But do the changes to the zoning in the immediate vicinity of the proposed rezoning in 2018 make it logical to consider consistency of the zoning along the north side of Hwy 30 between Hwy 7 and Molly Barr? Have those changes collectively indicated a need for more suburban oriented zoning? Or, are the properties zoned SCO, SCN, and UCN in the general area sufficient opportunities for suburban character zoning in this corridor between Hwy 7 and Molly Barr?

Recommendation: Staff does not strongly oppose the requested rezoning, as there appear to be viable reasons to consider this request reasonable. This developer is requesting the zoning change because he believes that property with the SCO zoning would be more easily developed; and that the current "market" supports that sort of development in this area more expediently than the lower intensity, less auto-centric, TNB standards. This would be a compelling factor related to need if there were a current belief on the part of the Planning Commission and Aldermen, that the intent for development character and intensity on these properties has evolved since 2017.

Such reasoning requires reconsideration of the intent of the Vision 2037 Future Land Use Map. The requested zoning change would ultimately result in development on these properties substantially different in character from the vision implicit in the 2017 comprehensive rezoning. Staff does not believe that the potential of market forces in the absence of strong evidence of change in the character of the area, are sufficient reason to support a rezoning. Staff does not find sufficient evidence of a need for such a change in the zoning, and denial of the requested rezoning is recommended. The only reason to consider supporting this request would be if members of the Commission or Aldermen consider the potential for more suburban growth in the area to be a worthwhile consideration.

Summary of Discussion: The applicant's engineer, John Granberry, said there are lesser requirements and standards for development for Suburban Corridor (SCO) zoning than Traditional Neighborhood Business (TNB). Mr. Granberry said there are topographic restraints on this site that restrict where the front yard build-to line would need to be to meet standards. Mr. Granberry added that discussions with the Engineering Department will result in limited vehicular access onto Molly Barr Road. City Engineer Reanna Mayoral said that Staff does not want to see multiple access points similar to those on Jackson Avenue and they do not want to require a traffic light there.

Chairman Hyneman mentioned the rezoning test includes mistake, need, or change in the area. Mr. Hyneman asked if the need is because other wise you cannot develop it. Mr. Granberry said that is part of the need, along with the market research his developers have completed. Commissioner Rigby said that the rezoning test includes two not three criteria - mistake or change and then need. City Attorney Paul Watkins said that was correct.

Judy Daniel said there had been discussions about another PUD for this site, similar to the one across the street, but they did not have the full development plan in mind, and that is what a PUD requires. She added that this case is a philosophical decision about development in this part of Oxford.

Commissioner Rigby made a motion to deny and 2nd by Commissioner Gray.

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Commissioner King voted against the motion.

Move: J.R. Rigby Second: Duncan Gray Status: Failed

7. Public Hearing for Case #2520 – Oxford Commons III, LLC has filed a request for Preliminary Plat Approval for 'The Preserve at Oxford Commons, Phase 8' for property located at Allen Cove. (PPIN #4707)

   Planners Comments: The applicant is seeking Preliminary Plat approval for 'The Preserve at Oxford Commons, Phase 8' subdivision. The subject property is located north of Lakewood Drive and Phase III of The Heights subdivision. Phase 8 will be a northern extension of Allen Cove. 'The Preserve, Phase 8' is a ten (10) lot single-family residential subdivision and totals approximately +/- 7.196 acres. The topography is hilly, and typical of the surrounding area.

   At final plat approval, the applicant will be required to dedicate an equivalent of 14% of the land area of this subdivision as a conservation easement in accord with the 2015 Tree Mitigation variance granted to this developer. At that time, the area of this subdivision was not in Oxford Commons PUD, but was added in as a part of the PUD Amendment approved in May of this year. The Tree Mitigation variance agreement for Oxford Commons PUD requires 14% of land within designated portions of the Oxford Commons PUD to be preserved as open space.

   This subdivision is also in compliance with the Land Data Table requirements for Tract G in the Oxford Commons PUD, reflecting the 10 lots added into the PUD at this location as a part of the recent PUD modification.

   Engineering Comments:

   Site Location & Access
   This 10 lot subdivision will be built by extending Allen Cove to the northeast terminating in a cul-de-sac. Sidewalks are to be constructed on either side of the street.
   Water and Sewer
   Water will be served to the development by tying into an existing, capped 8" water main at the end of existing Allen Cove and extending north with the proposed street.
   Sewer will be tied to existing manhole at the end of existing Allen Cove and extend north under the street to the cul-de-sac.
   Storm water
   The development is proposed to be graded to the street where storm water will be collected and conveyed to a proposed above ground detention pond in the southwest portion of the property. The storm water report has been approved with the following condition: Prior to any water and sewer taps being sold the Owner will provide a certified topographic survey of the lots within the subdivision to ensure they are graded and constructed to the design criteria stipulated in the storm water report.

   Recommendation: Staff recommends approval of the Preliminary Plat for 'The Preserve at Oxford Commons, Phase 8' with the following conditions:

   1. Approval of 'The Preserve at Oxford Commons, Phase 8', by the Mayor and Board of Aldermen.

   2. Request for Final Plat approval will not be heard by the Board of Aldermen until Public Works has approved the construction plans.

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3. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting.

4. At Final Plat approval, the dedication of preservation land per Landscape Variance must be updated and recorded in the Oxford Commons PUD Plan Data Table.

5. Approval is for the plans as submitted.

6. Owner agrees to provide certified topographic survey of finished construction as indicated in the storm water comments above.

7. Provide the necessary approvals from MDOH and MDEQ for the water and sewer, respectively.

8. The owner will be required to provide the appropriate subdivision bonds during and after construction.

9. At the completion of construction, owner will provide the city with all required testing reports and videos for water and sewer infrastructure designated as public. The City of Oxford will video underground storm water infrastructure prior to acceptance.

Move: Marvin King Second: Duncan Gray Status: Passed

8. Public Hearing for Case #2521 – Avco Capital, LLC has filed a request for Final Plat Approval for 'Pea Ridge Road Subdivision' for property located at 325 CR 321. (PPIN #15775) **(POSTPONED)**

9. Public Hearing for Case #2522 – Galleria II, LLC (John Trezevant) has filed a request for a Variance from Section 2.6.9 Suburban Center: Front Yard Build-to Line, Min/Max for 'Galleria II Subdivision' for property located at 2619 Jackson Avenue West. (PPIN #7868)

Planning Comments: The request relates to the Galleria II shopping center located near and behind the northeast quadrant of Jackson Ave. and West Oxford Loop. It is the result of a request to subdivide this one parcel site plan into three lots, thus and requiring compliance with current Code requirements or variances.

This variance request states that the current Land Development Code requires all buildings constructed in the applicable SCN district to be no closer than 15 feet and no more than 30 feet from the front property line. This was not a requirement when the site plan was approved in 2014. Given the layout of this Site Plan, only two buildings meet that requirement; and all but two of the buildings approved in the 2014 Site Plan have been built. Variances are therefore needed to accommodate the remaining 11 buildings.

At the time of the Site Plan approval, this property was in the General Business District, which required a minimum 15 foot front yard setback (no maximum), a 10 feet side yard (on one side), and a 15 foot rear setback. The only actual "front yard" extant in the approved Site Plan was the limited frontage along Jackson Avenue.
Despite the rather odd layout for a shopping center, with only one building (still unbuilt) to have direct frontage on Jackson Avenue, all buildings planned met the standards required at the time of approval.

This variance request is not inherently complex by itself, as it relates to an "as built" situation. Even so, a variance requires evidence of a hardship not created by the applicant. To staff, that implies that the developer has created the hardship by wanting to

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subdivide this already developed site plan into fee simple lots, rather than using another available option of establishing a common interest development under a condominium structure to achieve individual ownership of portions of the site. To the developer, the City created the hardship by changing its Code requirements, thus imposing a difficulty on his desire to subdivide.

Beyond those differing interpretations of the intended nature of a "hardship", this request is further complicated because it is one of multiple variance requests relating to the request to subdivide the shopping center that are being presented at this meeting. Cumulatively this would be seven variances, far more than ever before approved (as far as anyone on staff can recall) for any other request. Staff believes that to be quite troubling.

Recommendation: Staff recommends denial of the requested setback variance due to the lack of a verifiable hardship unrelated to an action of the developer, and concern regarding the cumulative number of variances requested related to the subdivision request. Should the Commission wish to approve the variance the following condition is recommended:

1. The variance is for the plan as submitted.

Summary of Discussion: The applicant's engineer, Jeff Williams, said the request does not change how the subdivision functions. Mr. Williams said the covenants have been amended and that the revisions are being completed now to depict how everything is shared and maintained. Mr. Williams said if the subdivision were proposed as a Common Interest Development (CID), he thought they would still be asking for some of these variances. Commissioner Gray asked if the CID really would require similar variances. Senior Associate Judy Daniel said that Staff did not look at it in that context, but she thought there would be far less variances because it would be all one piece. She stated that she knew that the parking lot islands would still be too small. Ms. Daniel said that with a CID, the City would know who to go to if there was an issue with stormwater.

Commissioner Rigby asked if there was any grounds for a variance if the issue was created by the landowner. Mr. Williams said the setup for Galleria II works and several shopping centers around town function this way and this plat would not set a precedent.

Ms. Daniel stated that the City's stormwater engineer found several issues with the covenants and she disagreed with Jeff that the covenants were satisfactory. City Attorney Paul Watkins said the City does require plats to have a description of how lot owners will maintain stormwater if it fails. Mr. Watkins said he did not think it was intended as a subdivision originally and that he is worried the owner can dissolve responsibility of the subdivision. Ms. Mayoral said that Engineering modifications need to be made to the plat related to stormwater, cross access, storm drains and easements.

Developer of the property, John Trezevant, said there is lots of misunderstanding about the proposal and that this really is only about property lines. He said there are no disputes about ingress/egress, maintenance, or detention and he added that this does not change just because someone else owns something different. Mr. Trezevant said they had developed an ECR covenant/document which is similar to a condominium document. Mr. Trezevant said that they did not intend for several lots. He added that he never envisioned out parcels and he would not have been able to develop this in Oxford if there weren't tenants. He said every parking space is common and that too much would have to be undone for the shopping center to be a condominium. He said for Lot A,

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McAlister's Deli does not want to be a tenant, and they want to buy the lot. Mr. Trezevant said he would build the building and rent to McAlister's. Commissioner Riddell said asked if someone else wants to buy the lot and then rent to McAlister's. Mr. Trezevant said correct. He added that the ECR is already filed with Lafayette County. Ms. Daniel said she never saw this ECR document. City Attorney Paul Watkins said that Staff has read everything put in front of them, and there was nothing that related to a subdivision. Mr. Trezevant said he was right and said if this request is approved, he will amend the ECR.

City Engineer Reanna Mayoral said her concerns are that the document provided plainly states that the declarant can do away with these documents at any time and change and leave as long as they own the most square footage. Ms. Mayoral said this was a major concern that the owner can transfer responsibility to big box retailer. Ms. Mayoral said she would have no recourse for that and it goes against everything our code has and the stormwater regional detention standards.Ms. Mayoral stated that the City now requires all ownership and property owners to be in on the agreement. Ms. Mayoral said she had read the ECR and she said she has lots of unanswered questions.

Commissioner Whittington made a motion to table and work through paper work. 2nd by Commissioner Gray.

Mr. Trezevant said he preferred that there be a vote made at the meeting.

Decisions for all related cases:

Case #2509, Denial, 1st Commissioner Whittington, 2nd Commissioner King

Case #2522, Denial, 1st Commissioner Rigby, 2nd Commissioner Whittington

Case #2523, Denial, 1st Commissioner Rigby, 2nd Commissioner Whittington

Case #2524, Denial, 1st Commissioner Rigby, 2nd Commissioner Whittington

10. Public Hearing for Case #2523 – Galleria II, LLC (John Trezevant) has filed a request for a Variances from a) Section 5.3.3.2 Parking Lot Setback; b) Section 5.3.3.6 (a) Parking Lot Median and Mid-Bay Islands; c) Parking Lot Island Size Standards for 'Galleria II Subdivision' for property located at 2619 Jackson Avenue West. (PPIN #7868)

Planning Comments: The request relates to the Galleria II shopping center located near and behind the northeast quadrant of Jackson Ave. and West Oxford Loop. It is the result of a request to subdivide this one parcel site plan into three lots, thus and requiring compliance with current Code requirements or variances.

A) Parking Lot Setback Variance
This variance request states that the current Land Development Code requires all parking lots be setback from the property line by eight (8') feet. The applicant contends that while the variance is required due to the proposed property lines created with this subdivision, but in the absence of the subdivision, the most of the site does not comply with this provision because it was not a requirement when the site plan was approved in 2014.

B) Parking Lot Median and Mid-Bay Islands
This variance request states that the current Land Development Code requires parking lot does not provide median and mid-bay parking islands since it was not a requirement when the site plan was approved in 2014. The applicant contends that while the existing

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parking lot does provide for some mid-bay parking islands, there would be a substantial financial hardship with bringing the parking lot into compliance with both of these provisions. It is also stated in the application that complying with this requirement will result in a loss of approximately 10%-20% of existing parking spaces. Planning staff does not object to an overall reduction of parking for this site, because most big-box development is over-parked. Furthermore, the Land Development Code does authorize for the Planning Director to reduce the minimum required parking by 25%.

C) Parking Lot Island Size Standards
This variance request states that the current Land Development Code requires parking lot islands to be located every one hundred (100') feet in a parking lot, and it was not a requirement when the site plan was approved in 2014. The application states that the site does have an abundance of parking islands, but some of them do not meet the island dimensional requirements, and are farther than the required one-hundred (100') feet separation. The current Land Development Code requires that mid-bay islands be not less than 9' wide and 18' long.

These requested variances are not inherently complex by themselves, as it relates to an "as built" situation. Even so, a variance requires evidence of a hardship not created by the applicant. To staff, that implies that the developer has created the hardship by wanting to subdivide this already developed site plan into fee simple lots, rather than using another available option of establishing a common interest development under a condominium structure to achieve individual ownership of portions of the site. To the developer, the City created the hardship by changing its Code requirements, thus imposing a difficulty on his desire to subdivide.

Beyond those differing interpretations of the intended nature of a "hardship", these requests are further complicated because it is three of multiple variance requests relating to the request to subdivide the shopping center that are being presented at this meeting. Cumulatively this would be seven variances, far more than ever before approved (as far as anyone on staff can recall) for any other request. Staff believes that to be quite troubling.

Recommendation: Staff recommends denial of the requested parking lot variances due to the lack of a verifiable hardship unrelated to an action of the developer, and concern regarding the cumulative number of variances requested related to the subdivision request. Should the Commission wish to approve the variance the following condition is recommended:

1. The variance is for the plan as submitted.

Case #2523, Denial, 1st Commissioner Rigby, 2nd Commissioner Whittington

11. Public Hearing for Case #2524 – Galleria II, LLC (John Trezevant) has filed a request for a Variances from a) Section 5.7.3.8 Foundation Planting; b) Section 5.7.6.1 (a) Street Perimeter Edge Landscaping for 'Galleria II Subdivision' for property located at 2619 Jackson Avenue West. (PPIN #7868)

Planning Comments: The request relates to this shopping center located near and behind the northeast quadrant of Jackson Ave. and West Oxford Loop. It is the result of a request to subdivide this one parcel site plan into three lots, thus amending the terms of the site plan (approved in 2014, amended in 2017), and requiring compliance with current Code requirements or variances.

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The variance request states that the current Land Development Code requires foundation planting to be installed around buildings and requires that the street perimeter be landscaped with a minimum width of eight feet. Neither of these sections were requirements when the site plan was approved in 2014. Given the layout of this Site Plan, none of the buildings have foundation plantings and the site configuration does not meet the perimeter edge landscaping requirements.

This variance request is not inherently complex by itself, as it relates to an "as built" situation. Even so, a variance requires evidence of a hardship not created by the applicant. In this instance, the "hardship" to the developer is that the City changed its Code requirements, affecting his desire to subdivide the land. To staff, that implies that he created the hardship by wanting to subdivide the land into fee simple lots, rather than the less complex option of establishing a condominium structure to achieve individual ownership of portions of the site. To the developer, the City created the hardship by changing its Code requirements, thus imposing a difficulty on his desire to subdivide.

Beyond those differing interpretations of the intended nature of a "hardship", this request is further complicated because it is one of multiple variance requests relating to the request to subdivide the shopping center that are being presented at this meeting. Because that subdivision request is a modification of the approved Site Plan, approved on one parcel, it would require multiple variances (addressed in the subsequent reports) to accommodate current standards; as well as new set of central governance and management documents to cover a new three lot ownership reality. Cumulatively this would be 7 variances, far more than ever before approved (as far as anyone on staff can recall) for any other request. Staff believes that to be quite troubling.

Recommendation: Staff recommends denial of the requested foundation planting and perimeter edge landscaping variances due to the lack of a verifiable hardship unrelated to an action of the developer, and concern regarding the cumulative number of variances requested related to the subdivision request. Should the Commission wish to approve the variance the following condition is recommended:

1. The variances are for the plan as submitted.

Case #2524, Denial, 1st Commissioner Rigby, 2nd Commissioner Whittington

12. Public Hearing for Case #2525 – Galleria II, LLC (John Trezevant) has filed a request for a Variance from Section 5.7.8.3 Stormwater Detention System Slope Standards for 'Galleria II Subdivision' for property located at 2619 Jackson Avenue West. (PPIN #7868) **(Withdrawn)**

13. Public Hearing for Case #2526 – Galleria II, LLC (John Trezevant) has filed a request for a Variance from Article V. Stormwater Management Section 98-111 (a) Applicability and (d) Storage Capacity of the Municipal Code for 'Galleria II Subdivision' for property located at 2619 Jackson Avenue West. (PPIN #7868) **(Withdrawn)**

14. Public Hearing for Case #2509 – Galleria II, LLC (John Trezevant) has filed a request for Preliminary and Final Plat Approval for 'Galleria II Subdivision' for property located at 2619 West Jackson Avenue. (PPIN #7868) (Postponed from July)

Planning Comments
Background: The subject property is a single parcel with an almost fully developed shopping center located north of (but with very limited frontage on) Jackson Avenue, between (just east of) West Oxford Loop and Home Depot Drive. The site plan for this project was approved in 2014 (#1879), given a Stormwater related variance in 2015

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(#1971), and slightly modified in 2017 (#2552) to modify the sizes of two structures. The original site plan for this shopping center approved approximately 208,770 square feet in 15 buildings on 20.1 acres. The 2017 modification allowed approximately 218,000 square feet. That capacity is substantially lower than allowed in this zoning district. This site contains:

1. A long row of larger and smaller retail stores along the west side of the property,
2. Two fairly large box retail stores along the north side of the property,
3. A series of five retail structures along an access road on the northeast side of the property,
4. The single building with multiple retail bays facing the parking lot (to be Lot 2), and
5. The vacant site (to be Lot 1) facing Jackson Avenue.

This development is rather unusually situated for a shopping center, as it has no substantial frontage on the area major arterial, Jackson Avenue. The primary access points are via an easement drive (owned by the property to the south, with access rights for Galleria) off Home Depot Drive (a public street), an access drive to the north off West Oxford Loop (that enters into the back of the site) shared with the development to the north, and two "right in/right out" only access drives off Jackson Avenue. The limited access was imposed at the time of the 2017 modification. The concern was that an existing bank structure between the two entry drives which also had two access points; and these four drives are quite close to the traffic light at Jackson Ave. and West Oxford Loop.

Major issues of concern at the time of the site plan approval seemed to relate primarily to flooding issues, Stormwater issues, and traffic concerns. The modification in 2017 verified the size of one building and allowed an increase in the size of another, increasing the overall allowed square feet. As with the original approval, other concerns discussed with that request related to infrastructure issues: water, sewer, traffic flow, Stormwater.

The subdivision proposal is to create three lots:

• Lot 1 (.64 acre) - A still vacant site (planned for Building A of the center), with frontage on (but no direct access to) Jackson Avenue.

• Lot 2 (1.33 acre) – Contains a single, multi-bay structure (Building B of the center) backing into a bank, with flag staff access (a right-in/right-out drive) to Jackson Ave., and

• Lot 3 – (19.62 acres) – Contains the residual portions of and structures (Buildings C – O, with Building I not yet built) in the center. It has three access points:

o A narrow neck incorporating the westernmost right-in/right-out access drive to Jackson Avenue, providing approximately 43 feet of road frontage for this lot,

o A narrow neck access drive (approximately 34 feet wide) along the north side of the lot that provides access out to West Oxford Loop; shared (via cross-access easement) with a developed property to the north, and

o Access to Home Depot Drive to the east via an easement (with a cross-access agreement) owned by another property to the south. Lot 1 contains a sliver of that entry drive only, but cumulatively includes approximately 147 feet of frontage along Home Depot Drive.

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Variance Requests. This subdivision request will require seven variances, mainly related to confirming the existing built situation, approved under prior regulations. These variance requests are outlined in cases #2522, #2523, #2524. The seven variances are from Article 2 (front yard build-to requirement and Article 5 (parking lot setbacks, parking lot island standards, parking lot space size standards, building foundation planting requirement, and street perimeter landscaped edge requirement). These requests collectively relate to the difference between the existing standards and those under which this shopping center was approved in 2014. They do not seem to result from the way the proposed lot lines are drawn. It is the cumulative number of variances required that raises concerns.

It should also be noted that the application for the variances included two other areas related to use standards in the Table of Uses, and three other variances related to Stormwater requirements. Staff determined that the variances from the Table of Uses would not be necessary; and the applicant chose instead to agree to comply with current standards for Stormwater related to a regional detention facility. That compliance is addressed in a condition for approval of the subdivision.

Covenants and Other Governing Documents. More than with the variance requests, staff has substantial concerns regarding the proposed submitted covenants. As this shopping center is proposed to change from single ownership and management to a three-lot ownership and management situation, the proposal for ongoing governance and management of these properties is critical. Further, it is important to know if the new ownership entity for Lot 3 will be the holder of the easements governing the access routes out to the north and the east. To date, that has not been sufficiently verified.

The only submitted covenants are from 2015 and relate to the one parcel site plan, not a three-lot subdivision with existing shared access easements to the north and east, and a need for new cross-access agreements between the three proposed lots.

Subdivision Request Comments: The subdivision would have been far easier on an undeveloped site. Staff had advised the developer that under these circumstances a common interest development under a condominium arrangement, with lots for the store buildings, and common areas for infrastructure like access road and Stormwater facilities, would be a far easier to process. The developer seems determined to propose a traditional subdivision. Given that, there are two areas to be considered: the as-built conditions in relationship to the current regulations, and the governing covenants.

The as-built conditions are being addressed with via the requested variances. Changes to building setbacks, parking lot requirements, and landscaping requirements have resulted in the variance requests being requested. Collectively they relate changes to the Land Development Code in 2017, not to the way the lot lines are drawn. Individually they merely reflect accommodation of as-built conditions; but collectively they are a big hurdle, as it is extremely unusual to see this many variances requested for one subdivision.

Of even more concern than the number of variances needed, these variances also reflect differing interpretations of the Land Development Code intent. A major standard for consideration of a variance request is whether it is the result of a “hardship” that is “not caused by the applicant”. To staff, these variances result from a desire to subdivide an already developed property, approved and built under a different set of standards. The hardship is the result of a choice by the developer to subdivide that property.

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Having adequate governing covenants are even more important when such a development is to be divided. As there would no longer be single ownership of this shopping center, it is critical to clearly determine and establish how it will be managed in the future. It must be clear who will be responsible for ongoing maintenance of infrastructure elements, if there will be shared access agreements between the lots of shared infrastructure elements, and if the shared access easement with adjoining property owners to the southeast and north will be protected. Yet the only covenants submitted with this subdivision request were those submitted for the original site plan. They are not adequate.

Engineering Comments:
The creation of the lots as shown requires a number of easements and agreements to address the issues created by dividing an existing commercial property after it has been developed. A regional detention pond would need to be created to address the fact that the stormwater for the proposed lot would be detained on one lot of the three. Agreements regarding maintenance and ownership would be required and the regional pond would be required to meet all requirements of the stormwater ordinance. Staff was provided a copy of the Declaration of Easements, covenants, and restrictions (ECR) but these documents were not created for the subdivision and appear to leave open numerous holes that could allow for the stormwater detention to be abandoned or turned over to any entity without any knowledge on the City's part. This is directly contrary to the requirements for regional detention.

When this site plan was approved in 2014, the ordinance did not provide for Regional Detention. The pond was approved as part of the original site plan with a single owner. To create a subdivision will require the creation of a regional detention pond that complies with all provisions of the 2018 stormwater ordinance. The Regional Detention pond will also need to be shown on the plat and note all users that can use it. Easements and agreements would also be required to address the existing stormdrain pipes that are located within the proposed lots and connect to the stormdrain system that ultimately leads to the detention pond. The plat would need to be modified to reflect easements for the water line that is located on part of the proposed lot. Cross-access easements and maintenance agreements between all lots would be required for the drives. The adjacent properties would also have to grant new access easements to the proposed lots. All of these agreements would need to be shown on the proposed plat. Staff has noted each of these items in the site comments provided to the applicant/engineer. The response to Staff comments on many items was that these issues were addressed in the ECR documents, to which Staff does not agree.

Recommendation: Staff recommends denial of this Subdivision request, noting the lack of adequate covenants, the cumulative number of variances requested and their inability to meet the "hardship" standard.

Case #2509, Denial, 1st Commissioner Whittington, 2nd Commissioner King

15. Motion to Adjourn

Move: Duncan Gray Second: J.R. Rigby Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, September 9, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order
2. Approval of the Agenda

   Welcome Bill Freeman as a new planning commissioner. Commissioner Rigby not present. Commissioner King not present.

   Move: Darryail Whittington Second: Bill Freeman Status: Passed

3. Approval of minutes from August 12, 2019 Meeting

   Move: Duncan Gray Second: Darryail Whittington Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

A. **Consent Agenda**

1. Public Hearing for Case #2529 – Tom and Nan Davis have filed a request for a Variance from Section 3.11.1.5 Accessory Uses or Structures (Excluding Dwellings): Additional Standards for property located at 1208 Washington Avenue. (PPIN #6123)

   Planners Comments: The subject property is an approximately +/- .76-acre lot located on the east side of N. Lamar Boulevard, and within the North Lamar Historic District. The property is located at the corner of N. Lamar Boulevard and Washington Avenue. The main house was constructed in 1878, and is a contributing historic structure in the North Lamar Historic District.

   A small cottage (long used as a guest house) is also on this property, sitting north of the house very close to Washington Avenue and against the east property line. The

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Historic Survey indicates that the cottage was moved to this location (as long ago as 1940), and sits very close to the lot lines of this property. Due to this proximity to the lot setbacks, the cottage is a legal nonconforming use. It is not considered a contributing resource.

The applicant is proposing an extension of the roofline of the guest house for an addition. This modification was approved by the Historic Preservation Commission in August 2019. The applicant previously received approval for guest house modifications and an addition of a porch in January 2019.

While this cottage structure is substantially out of compliance with the locational and setback requirements, it has been located on this site since before the City established zoning standards. The additional standards for accessory structures states that proposed accessory uses shall not be built in a front or side yard and must be located at least five feet from any property line. The proposed change (the extension of the roofline) will not be visible from Washington Avenue. Additionally, the adjacent property to the east was recently acquired by the applicant, and they have stated that they believe that this addition would not adversely affect any other neighbors.

Recommendation: Staff recommends approval of the Variance from Section 3.11.1.5 Accessory Uses or Structures (Excluding Dwellings): Additional Standards with the following conditions:

1. The variance is for the site plan as submitted.

Move: Darryail Whittington Second: Judy Riddell Status: Passed

B. **Public Hearings**

1. Public Hearing for Case #2517 – Betty Lovelady has filed a request for Final Plat Approval (Amended) for 'Country Club Plat Amendment, Lots 35, 38, 47 and 37' for property located at 306 Country Club Road. (PPIN #5697) (Postponed from August)

Planner's Comments: This is a request to modify Lot 37 (.711 of an acre) and portions of Lots 35, 38, and 47 in the Country Club Subdivision, Part I on the south side of Country Club Road. The purpose of this request is to amend the subdivision plat to modify lot lines between Lot 37, which has acquired fractions of land from original Lot 35 (.714 of an acre), original Lot 38 (.025 of an acre), and from original Lot 47 (.051 of an acre) to create amended Lot 37 reflecting current ownership. Lot 37 and the surrounding lots are large in size and have a dense tree canopy.

The amended Lot 37 will be .79 of an acre (+/- 34,412 sq. ft.). The lot size minimum in the Traditional Estate Residential zoning district is 15,000 sq. ft. This modification will far exceed the minimum lot size required.

Attached are letters of approval from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "*persons to be adversely affected thereby or directly interested therein,*" to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.. As of the date of this report, Staff has not received any questions or complaints from the public regarding the amendment.

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Engineering Comments: Prior to this plat amendment to combine portions of Lots 35, 37, 38 and 47, there was a 10' utility easement shown along the rear of all four lots. Given the age of the subdivision, there may be utilities located within this easement including cable, phone, private sewer, etc. Country Club neighborhood in particular has a history of private sewer lines running between properties.

Staff requests the following note be added to the plat: Prior to the plat amendment, which combined a portion of Lots 35, 37, 38 and 47, there was a 10' utility easement along the rear property lines of all lots. Any utilities placed within that easement area prior to the plat amendment for Lot 37 were placed legally and are allowed to remain.

Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Country Club Subdivision, Part I Lots 35, 37, 38, and 47' with the following conditions:

1. Approval of Final Plat (Amended) for 'Country Club Subdivision, Part I Lots 35, 37, 38, and 47' by the Mayor and Board of Aldermen.
2. Approval is for the plat as submitted.

Move: Bill Freeman Second: Darryail Whittington Status: Passed

2. Public Hearing for Case #2521 – Avco Capital, LLC has filed a request for Final Plat Approval for 'Pea Ridge Road Subdivision' for property located at 325 CR 321. (PPIN #15775) (Postponed from August) (POSTPONED)
3. Public Hearing for Case #2530 – Brooke Krizbai has filed a request for a Variance from Section 7.2.9.8 Freestanding Business Signs, Pole Sign for property located at 703B N. Lamar Boulevard. (PPIN #5173)

Planning Comments:

Update

After Ms. Krisbai withdrew her request from the August Planning Commission meeting, staff met with the her regarding other potential options available for signage. Staff was informed that the property owner was not interested in constructing a monument sign, further limiting Ms. Krisbai's options. Staff informed her that she could seek permission from the adjacent business (YMCA), and the property owner to install her sign on the side of the building (south). It is staff's understanding that permission was not granted.

Ms. Krisbai also inquired if she could install a temporary sign. Currently, only two temporary signs are allowed on the property. The proposed Track 61 sign meets the size requirements for a temporary sign in the TNB zoning district. As long as there are only two temporary signs on the site, and the sign remains temporary, it can be installed.

Staff does still recommend denial of the requested sign variance.

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August Planning Commission Case #2528

The subject property is located in the Mid-Town Shopping Center on North Lamar. The owner of the Track 61 restaurant is requesting a variance to allow the addition of a sign to the existing pole sign for Mid-Town Shopping Center.

The Mid-Town Shopping Center currently contains 10 occupied businesses (Track 61, The YMCA, Sears, The Depot Antique Mall, Jinsei Sushi, Tower Loans, Ron's Music Center, Big Bad Breakfast, Snackbar, and Star Yoga studio) located in three structures, but only two of the businesses have signage on the existing pole sign, which appears to have been there for many years. That existing pole sign appears to have been in place for several decades and contains only signage for "Mid-Town", "Sears", and "The Depot Antique Mall".

Section 7.2.9.8 (d) of the code states that *existing freestanding business signs, including pole signs, over six (6) feet tall, may remain until a new business locates on the property.* This is an incremental approach to ensuring compliance with the signage provisions of the code. Over time, as properties are redeveloped, or as new businesses locate to a particular building or center, non-conforming signs will be removed and brought into compliance with current standards.
Furthermore, staff's interpretation of this provision is that when a new business locates within a multi-tenant center, that the existing signage may remain, but a new business may not place signage on that existing pole.

Staff encourages the applicant to work with the shopping center owners to remove the existing pole sign, and install a new freestanding sign that complies with the current standards, and allows more visible signage for any of the businesses within the center.

Recommendation: Staff does not support the requested variance.

Summary of Discussion:

Commissioner King arrives.

Chairman Hyneman asked applicant Brooke Krizbai if anything was incorrectly stated in the staff report and she said no, that everything was correct. She stated that she wanted the opportunity to have additional advertising for her restaurant on the existing Midtown pole sign. Ms. Krizbai said she was misinformed when she put the sign up. Planning Director Ben Requet stated that the pole sign is considered a legal non-conformity.

Commissioner Riddell said that there are older shopping centers in Oxford that the monument sign may not be very viable. Commissioner Riddell said Ms. Krizbai is only asking and this is an example of why the City has variances. She added that this Commission does not hold weight to precedents and that Ms. Krizbai is the only tenant asking for a new sign on the pole. Commissioner Riddell stated that she felt this commission and staff should reconsider the code for signing for older shopping

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centers.

Ms. Krizbai said that her and shopping center owner Dave Tatum have not spoken since the last meeting where he said monument sign would not likely be built at this time. She added that she reached out to the Local YMCA director in Oxford and they were not willing to allow us to use her wall.

Ms. Krizbai's husband, Adam Krizbai, said that the position of the business is the reason they need the sign at this location.

Planning Director Ben Requet said that all options have been explored. Chairman Hyneman made note that no one took a vote at the last meeting and that this commission's job is not to consider financial burdens. He said their task is to interpret the Land Development Code.

Chairman Hyneman opposed.

Move: Judy Riddell Second: Marvin King Status: Passed

4. Public Hearing for Case #2531 – City of Oxford has filed a request for a Variance from Section 2.6.4 Suburban Residential: Front Yard Build-to Line, Max for 'City of Oxford Fire Station 2 at Oxford Commons' for property located at Sisk Avenue Extension. (PPIN #4503)

Planning Comments: As indicated on the attached documents, the subject property is located on the west side, and near the mid-point of, the new Buddy East Parkway between Sisk Extended to the north, and Hwy 6 to the south. The City plans to build a new Fire Station at this location. The fire station is to be built on a parcel of 1.72 acre. The request is to exceed the maximum build-to line of 50 feet by 5.40 feet, a total of 55.40 feet from the property line. This will put the Fire Station structure further away from the road than the general standard. A site plan is not being submitted at this time.

The applicant states that the increased distance of the proposed building from the roadway will allow fire equipment set up (cleaning, staging for action, and testing components) on a deep paved entry area in front of the garage bays. This is a traditional layout for fire stations. It is stated to also be a safer way for fire trucks to be shown to visitors like school children. There would otherwise not be enough safe distance from the road for these functions if the structure is not placed as requested. This distance also allows for the required standard turning radius for fire trucks. This distance will make the site layout safer for the fire fighters, testing mechanics, and public visitors.

Staff believes the particular requirements for a fire station are sufficient evidence to meet the requirements for the build-to line variance.

Recommendation: Staff recommends approval of the requested variance.

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Move: Darryail Whittington Second: Marvin King Status: Passed

5. Public Hearing for Case #2532 – Q & A Properties has filed a request for a Variance from Section 5.7.6.2 Buffers for property located at 110 Commerce Drive. (PPIN #29161)

Planning Comments: The subject property is located east of Highway 7 South, and north of Commerce Drive in the Oxford Commerce Park development. The subject property is irregularly shaped, it measures approximately +/- 1.03 acres, and it is mostly undeveloped. This property was recently annexed into the City of Oxford; however, the Oxford Commerce Park was previously approved for City utilities. Other businesses located in this development include: Fastenal, Dollar General, Bottletree Animal Hospital, and Clay Canvas.

The applicant intends to submit a proposal to construct a service station at this location. After several iterations of conceptual site plans, however, the applicant believes that the included plan is the best layout. In order to facilitate this plan, the applicant will require a variance to reduce the fifty-foot (50') buffer that is required along a blue line stream to approximately +/- 21 feet. The applicant states that there is an existing mobile home and gravel parking area within this required buffer area that would be removed and replaced with required improvements for the service station, and the net impact of the removal of the mobile home and parking area will result in more perviousness within the buffer area.

The applicant's engineer has met with staff on a few occasions regarding this development proposal. After reviewing several layouts, staff believes that this variance will provide the most optimal layout for this use. It better situates the building along Commerce Drive, better aligns the driveways along Commerce Drive, provides for better circulation throughout the site, and brings the buffer into better compliance with the Land Development Code regulations. Landscaping around the proposed improvements that would be located within the buffer could provide a landscaping screen that shields the commercial activity from neighboring properties.

In addition, a service station requires a Special Exception in the (TNB) Traditional Neighborhood Business zoning district, and the proposal may require a subdivision plat amendment, so those applications would be before the Commission if this variance is approved.

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

1. The site plan will provide heavy landscaping in the buffer area, as required by the Land Development Code, to minimize the visual impact from adjacent properties.

Summary of Discussion:

The applicant's engineer, Paul Koshenina, said that if anything they are really restoring the buffer to what it will be intended to be. He stated that a lot of the buffer is already

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cleared. Mr. Koshenina said that when this project is completed, they will restore the foliage to create a buffer that was never really there to begin with.

Move: Duncan Gray Second: Marvin King Status: Passed

6. Public Hearing for Case #2533 – Trevor Yant has filed a request for Final Plat Approval (Amended) for 'Country Club Subdivision Lot 77' for property located at 110 Glen Eagle Road. (PPIN #5734) **(POSTPONED)**

7. Public Hearing for Case #2534 – James Mathews has filed a request for Preliminary and Final Plat Approval for 'JJM Jeff Davis Extended Subdivision' for property located at Jefferson Davis Extended. (PPIN #8855)

   Planner's Comments: The applicant is seeking Preliminary and Final Plat Approval for 'JJM Jeff Davis Extended Subdivision', a one lot subdivision. It will combine two adjoining existing parcels. The subject properties are located on the west side of Jefferson Davis Extended, directly south of Jeff Davis Storage, a self-storage facility and north of an existing single-family home. Currently the parcels are flat and do not have any trees.

   The purpose of creating this subdivision is to combine a strip of land (belonging to Cook and Swetland Properties, LLC) and combining it with an existing parcel (belonging to the James Joshua Matthews Trust) to form one lot. The "strip" has been part of a "flag" attached to the Cook and Swetland parcel that is no longer needed, as that parcel has primary frontage on S. Lamar Boulevard. The change will create a new lot to be owned by the JJM Trust, and reduce the size of the Cook and Swetland parcel to approximately .297 of an acre.

   The strip of land to be included from Cook and Swetland is approximately 15 ft. x 100 ft. long (.003 of an acre) and runs along the north boundary line of the Matthews's property. The Matthews's property is currently .26 of an acre and by acquiring the strip of land from Cook and Swetland Properties, LLC it will be a total of .293 of an acre (approximately 12,763 sf).

   Engineering Comments: City maps indicate a water line currently exists in the approximate location of the property being added to the original property owned by the Matthews Trust. This needs to be indicated on the plat with the standard 20' easement (10' on each side of the water line) as it is located as a condition of approval.

   Recommendation: Staff recommends approval of the Preliminary and Final Plat Approval for 'JJM Jeff Davis Extended Subdivision' with the following conditions:
   1. Approval of Preliminary and Final Plat Approval for 'JJM Jeff Davis Extended Subdivision' by the Mayor and Board of Aldermen.
   2. Approval is for the plat as submitted.
   3. The City of Oxford water line must be indicated on the plat with the standard 20 ft. easement (10 ft. on each side of the water line).

   Move: Duncan Gray Second: Marvin King Status: Passed

8. Public Hearing for Case #2535 – Brian Development has filed a request for Site Plan

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Approval (Amended) for 'The Barringer' for property located at 600 Molly Barr Road. (PPIN #5638)

Planners Comments: This property was the subject of Case #2341, rezoned from Institutional to Suburban Multi-Family in 2018, and a Site Plan was approved in February (Case #2459) for an age restricted (senior) housing development, The Barringer. The approved Site Plan is a multi-story (3 residential floors and a ground level parking floor), condominium (CID) development of 39 dwelling units (2 and 3 bedrooms) with a 90 bedrooms on a site of 1.75 acres. The structure will have a total size of 98,000 square feet, with a height of 45 feet and 83 parking spaces. The approved site plan required a special exception for additional height (Case #2456) for a (senior) age restricted structure, a special exception addressing the front step back (Case #2457), and a parking variance (Case # 2458). This development was the first to be proposed under a reduced site size requirement for multi-family development in the SMF district.

The applicant is returning to modify the points of ingress and egress, creating "in" and "out" lanes. The intent of this change is to help traffic flow better through the parking area under the building. That change allowed the addition of a trash compactor in this area (between the two lanes) letting occupants use a "trash chute" to be added to the north side of the building. This compactor is located so that it can be accessed by sanitation trucks. Also, a staircase has been added to the south side of the building to provide emergency access from the roof sitting areas, and from each floor.

Other Departments – All other Departments have recommended approval of this site plan. Conditions of approval are noted below.

Recommendation: Approval of this modification to the Site Plan of The Barringer is recommended with the following conditions. Certificates of Occupancy would not be issued until staff has verified compliance with these conditions:

1. Submittal of required Covenants indicating an age restricted 55+ community.
2. When requested, all signage must meet standards of Article 7 of the Land Development Code.
3. Verification of Intent to Move Compactor out as required for trash pickup.

Summary of Discussion:

Engineering comments were added to the report.

The applicant's engineer, Paul Koshenina, said that they made some improvements to the site and building including a new compactor and that the public ingress/egress did not change from the original site plan approval.

Move: Bill Freeman Second: Darryail Whittington Status: Passed

9. Public Hearing for Case #2536 – UnitiFiber has filed a request for a Special Exception as provided in Section 3.11.8.4 (e.i.) Wireless Communication Facilities for small cell telecommunications facilities located within public right-of-way that are adjacent to

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residentially zoned property.

Planning Comments: The applicant, UnitiFiber, is a utility provider in the process of developing a small cell network throughout Oxford's public right of way. Our Code requires special exception approval for such utility poles situated adjacent to residentially zoned property. UnitiFiber came before the Commission in June for a similar special exception request to install four small cell poles that would be adjacent to residentially zoned property (as part of an initial application of nine small cell poles). That request was approved, and UnitiFiber is currently in the process of installing the approved nine small cell poles.

This application is now proposing fifteen (15) additional small cell poles. Of those, seven (7) are situated adjacent to residentially zoned property; thus requiring approval by special exception. UnitiFiber has continued to work with the City of Oxford to determine the final locations and design materials, in order to identify the best locations for their desired needs, while minimizing the visual impact of each proposed pole. The seven proposed locations adjacent to residentially zoned property are as follows:

	Small Cell ID	Proposed Location
1.	DT8	Olive Branch Way & Grove Hill Dr.
2.	DT9	Molly Barr Rd. & Barlew Ln.
3.	W1	College Hill Rd. & McElroy Dr. (800 Park)
4.	W6	Anchorage Rd. & Creek Rd.
5.	W7	St. Andrews Cir. & Rayner Rd.
6.	W8	Anchorage Rd. (The Retreat)
7.	W9	Alexa Cove & Corley Beth Cove

As with the prior applications, Staff will continue to work with the applicant to finalize the locations and the pole designs. We feel confident that this will result in smart cell poles that are co-located with other communication facilities, and/or the replacement of existing poles, and/or the installation of new poles that minimize the visual impact to the community to the greatest possible extent.

Recommendation: Staff supports the requested Special Exceptions for these seven small cell pole locations.

Summary of Discussion:

Commissioner Whittington said he was worried about more and more hazards and if

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the poles will be designed to break if they were hit by the impact of a car.

Chairman Hyneman asked if the locations change would the applicant be required to come back to the Commission or could it be administrative approval. Planning Director Ben Requet said staff would evaluate and would consider it differently if the poles move 10-20 ft. versus across town.

Move: Darryail Whittington Second: Duncan Gray Status: Passed

10. Motion to Adjourn

Move: Duncan Gray Second: Marvin King Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, October 14, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order

2. Approval of the Agenda

   Not present: Commissioner Gray and Commissioner King

   Move: J.R. Rigby Second: Darryail Whittington Status: Passed

3. Approval of minutes from September 9, 2019 Meeting

   Move: Darryail Whittington Second: Bill Freeman Status: Passed

4. Staff Report

   The next meeting will be moved because of Veterans Day to Thursday, November 7th.

   a. Building Official's Report

   b. Reschedule the November Planning Commission meeting to Thursday, November 07, 2019 at 5:00 p.m.

5. Map of Cases this Month

A. **Administrative Approval**

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1. Public Hearing for Case #2537-A – John Martin and Kate Bishop have filed a request for a 2.59 ft. side yard (East) setback Variance for property located at 206 Williams Avenue. (PPIN #5256)

2. Public Hearing for Case #2538-A – City of Oxford has filed a request for Site Plan Approval for 'City of Oxford Fire Station' for property located at Sisk Avenue Extension. (PPIN #4503)

B. **Consent Agenda**

Commissioner King arrives.

Move: Darryail Whittington Second: J.R. Rigby Status: Passed

1. Public Hearing for Case #2539 – Dewitt and Karen Lovelace have filed a request for a Variance from Section 3.11.1.5 (c) Accessory Uses or Structures (Excluding Dwellings): Additional Standards for property located at 1215 S. 11th Street. (PPIN #8370)

Planner's Comments: This report pertains to a request for a variance to allow an accessory structure in a front yard. The subject property is located in the South Lamar Historic District with two front yards (one at South 11th St. and the other at S. Lamar Boulevard). The home on the lot faces S. 11th Street. The lot measures approximately +/- .62 of an acre and is developed with a historic single-family residence, which has recently been substantially expanded. The applicants are now planning a swimming pool east of the main house. It would be partially located in what is the "front yard" facing S. Lamar. The applicant received a Certificate of Appropriateness for the pool from the Historic Preservation Commission at the September 2019 meeting.

Such double front lots make it awkward at best, and somewhat irrational to comply with the Land Development Code's requirement that an accessory structure cannot be located in a front yard.
Staff believes the situation to create a hardship, not created by the applicant. Approval is therefore recommended, but plans for screening the pool from S. Lamar should be required.

Recommendation: Staff recommends approval for the Variance from Section 3.11.1.5 (c) Accessory Uses or Structures (Excluding Dwellings) with the following conditions:

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1. Approval is for the plans as submitted.

2. The Board finds that a special condition exists that is peculiar to the land, or structures that does not apply to other lands or structures in the same district under the terms of the ordinance

3. It avoids a literal interpretation of the ordinance that would deprive the applicant of rights that are commonly enjoyed by other properties in the same district.

4. A landscape plan indicating how the pool would be screened from S. Lamar Boulevard must be provided to the Planning Department before issuance of a building permit.

2. Public Hearing for Case #2533 – Trevor Yant has filed a request for Final Plat Approval (Amended) for 'Country Club Subdivision Lot 77' for property located at 110 Glen Eagle Road. (PPIN #5734) (Postponed from September)

Planner's Comments:

This report pertains to a request to amend the southeast lot line of Lot 77 of this subdivision to correct a property exchange done between Lot 77 and Lot 78 in 2013. Lot 77 fronts and takes access from Glen Eagle Road, but is located on the corner of Glen Eagle and what is called Tam O'Shanter Court on the plat, now a private drive. The purpose is to correct a boundary line between these lots created from a property exchange between these property owners in 2013. That property exchange gave Lot 77 slightly more land (.0425 acre) at the southeast corner of the lot, and gave Lot 78 slightly more land (.0523 acre) at the northwest corner of that lot. This exchange allowed a better vehicular access from Tam O'Shanter Court for Lot 78. Although it is affected, Lot 78 is not requesting this correction at this time.

The final plat for Country Club Subdivision, Part II was approved and recorded in 1966. The request will amend the subdivision plat to correct the boundary lines between these lots, reflecting the 2013 land exchange. Lot 77 was originally platted at approximately +/- 1 acre, and the result of the land exchange made it .985 of an acre. The lot size minimum in the Traditional Estate Residential zoning district is 15,000 sq. ft., and Lot 77 far exceeds that standard.

The applicant is providing letters of approval by the time of the meeting from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the *"persons to be adversely affected thereby or directly interested therein,"* to allow them to

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express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.

Engineering Comments: There are no City owned and maintained water or sewer located within the lots being amended. The original plat of Country Club Subdivision No. 2 shows a 10-foot utility easement along the east property line. No other easements are identified. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations. Stormwater management is not required for this plat amendment.

Also, while not directly relevant to this case, while researching the deeds for this lot it was found that Tam O'Shanter Court as shown on the original plat was never accepted as a public road. The City conveyed its interest in the right-of-way in 1967 (Book 236, Page 391 and BOA Minute Book 23, Page 424) to Lots 78 and 79. Also, it was found that the ownership of "Driveway Reserved" as shown on the original plat has been conveyed to the adjoining property.

Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Country Club Subdivision, Part II Lot 77' with the following conditions:
1. Approval of Final Plat (Amended) for 'Country Club Subdivision, Part II, Lot 77 by the Mayor and Board of Aldermen.

2. Approval is for the plat as submitted.

3. The amended plat shall be changed to reflect the changes in ownership of the street right-of-way and the reserved strip.

3. Public Hearing for Case #2540 – Yolanda and Bobby Logan have filed a request for a two-foot (2') fence height Variance from Section 3.2.8 for property located at 904 Maplewood Cove. (PPIN #17377)

Planners Comments: The subject property is a residential lot of approximately +/- 1.48 acres located at the end of a cul-de-sac on Maplewood Cove in the Woodlawn Subdivision. The lot has frontage on both Maplewood Cove and Anderson Road, but the front of the home faces Maplewood Cove. The applicant is requesting a variance from Section 3.2.8 for two feet (2') to extend the length of an existing six-foot (6') high wooden privacy fence on the Anderson Road side of the property.

The existing fence is in what is the "front yard" area facing Anderson Road. The new fence will be exactly the same height, size, and materials as the existing fence. The fence was built at approximately the same time when the subdivision was first built, and the subdivision was in the County at that time. The applicant believes that the

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fence will increase privacy and provide safety for children playing in the yard that borders the heavily traversed Anderson Road.

Such double front lots make it awkward at best, and somewhat irrational to comply with the Land Development Code's requirement that limits fence height in a front yard that realistically functions as a rear yard. Staff believes the situation creates a hardship, not created by the applicant. Approval is therefore recommended.

Recommendation: As a special condition exists that is peculiar to the land or structures that does not apply to other lands or structures in the same district under the terms of the ordinance, Staff recommends approval of the two-foot (2') fence height Variance with the following conditions:

1. The Board finds that a special condition exists that is peculiar to the land, or structures that does not apply to other lands or structures in the same district under the terms of the ordinance.

2. It avoids a literal interpretation of the ordinance that would deprive the applicant of rights that are commonly enjoyed by other properties in the same district.

3. Approval is for a two-foot (2') fence height variance, allowing a six-foot (6') high wooden fence that replicates the style and height of the existing fence.

4. Public Hearing for Case #2541 – Liza Fruge has filed a request for Final Plat (Amended) for 'Bramlett Gardens, Lots 106, 107, 108, 109, and 111' for property located at 504 Sisk Avenue. (PPINs #4852, #4854, #4851)

Planner's Comments: This report pertains to a request to change the lot lines for five lots within the Bramlett Gardens Subdivision, originally platted in 1977. The purpose of the request is to adjust the lots lines of current lots 106, 107, 108, 109, and 111 to create amended Lots 106, 108, 109, and Lot 111; and dissolve Lot 107. The subject properties will have frontage along McLaurin Road, Sisk Avenue, and Poplar Heights Drive. The lot size minimum in the Traditional Estate Residential zoning district is 15,000 sq. ft. Each of these modified lots will far exceed the minimum required. The request comes from a joint agreement between the owners of these lots and they are proposing these changes legally for the first time. The proposal includes:

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- Modification of original Lot 106 (.68 of an acre) on Poplar Heights Drive to create amended Lot 106 (.673 of an acre) from losing 261 sq. ft. to Lot 111.
- Modification of original Lot 111 (.600 of an acre) is modified to create amended Lot 111 (.604 of an acre) from acquiring 261 sq. ft. from Lot 106. (It is west of Lot 106)
- Original Lot 107 to become absorbed into amended Lot 108 and amended Lot 109, and will no longer exist. (It is north of Lot 106)
- Modification of original Lot 108 (.37 of an acre) to become amended Lot 108 (.817 of an acre) from acquiring .30 of an acre from Lot 107 and from acquiring .14 of an acre from Lot 109. It is located at the corner of Sisk Avenue and Poplar Heights Drive.
- Modification of original Lot 109 (.51 of an acre) to create amended Lot 109 (.500 of an acre) from acquiring .13 from Lot 107 and losing .14 of an acre from Lot 108. (It is east of Lot 108)

Attached are letters of approval from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the *"persons to be adversely affected thereby or directly interested therein,"* to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant. The applicant states that letters of support will be presented to the Planning Commission at the hearing as a demonstration that persons directly interested in the subdivision amendment do not find themselves to be adversely affected.

As of the date of this report, Staff has had only one question about the request, and no complaints.

Engineering Comments: All comments related to Engineering review of this plat have been addressed satisfactorily. Engineering has no issues with approving the plat.

Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Bramlett Gardens Lots 106, 107, 108, 109, and 111' with the following conditions:
1. Approval of Final Plat (Amended) for 'Bramlett Gardens Lots 106, 107, 108, 109, and 111' by the Mayor and Board of Aldermen.

2. Approval is for the plat as submitted.

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5. Public Hearing for Case #2542 – Rudolph Jenkins has filed a request for a Variance from Section 3.11.1.5 (e) Accessory Uses or Structures (Excluding Dwellings): Additional Standards for property located at 145 Slack Road. (PPIN #9152)

Planners Comments: The subject property is an approximately +/- .72 of an acre lot on the north side of Slack Road. A small residential cottage built in 1914 sits on the site. The applicant is proposing to construct a freestanding garage/workshop north of the existing house. It is to be large enough to park two vehicles in the structure and also has space to do repair work on cars.

The proposed garage building will be approximately 30' x 40' (1,200 sq. ft.) and the existing cottage is approximately 40' x 40' (1,600 sq. ft.). Section 3.11.1 Accessory Uses or Structures (Excluding Dwellings): Additional Standards (e) of the Land Development Code states: "Structures accessory to residential uses (except for agricultural buildings located in agricultural districts and accessory dwellings) shall have a combined floor area (aggregate of all detached accessory structures) of not more than 33% of the total floor area of the principal structure".

The cottage on this property was built was built well before the City had established zoning, and is not reflective of common modern housing layouts. The applicant states that due to topography and the existing tree canopy and vegetation, there will be minimal, if any, visibility of the structure from the street. Staff concurs with this assessment.

Recommendation: Due to the unique characteristics of the existing home and lot, Staff recommends approval of the variance request with the following conditions:

1. The variance is for the site plan as submitted.
2. The proposed garage cannot be used as a home occupation for any business without receiving a Special Use permit or Special Exception approval.

6. Public Hearing for Case #2543 – City of Oxford (OUT Facility Expansion) has filed a request for a Special Exception as provided in Section 5.6.1.9 Building Materials for property located at 409 McElroy Drive. (PPIN #9152)

Planning Comments: The subject property is located on the north side of McElroy Drive, situated between Institutional-Government zoned properties to the east and west, and the airport property to the north. The property measures approximately +/- 4.16 acres and functions as the Maintenance and Operations Facility for the Oxford-University Transit (OUT). The existing building measures 5,838 sq/ft and

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approximately 28% of the site contains impervious paving. There are two points of ingress/egress to the site.

OUT is proposing an expansion to the building (approximately 2,856 sq/ft) that will allow the organization to continue to expand its mission in the community. As part of the expansion, the development proposal indicates that the addition to the building will be constructed of the same metal material that is on the existing building. The addition to the building is fairly small, and the proposed material will maintain consistency of the existing siding of the building. Additionally, the OUT facility is surrounded by institutional uses on three sides and will not have an adverse impact to any existing nearby residential neighborhoods.

Recommendation: Given the special situations noted above, staff recommends approval of the requested Special Exception for building materials as authorized in Section 5.6.1.9 of the Land Development Code.

7. Public Hearing for Case #2544 – City of Oxford has filed a request for Site Plan Approval for 'OUT Facility Expansion' for property located at 409 McElroy Drive. (PPIN #5003)

Planning Comments: The subject property is located on the north side of McElroy Drive and it is situated between Institutional-Government zoned properties to the east and west, and the airport property to the north. The site is approximately +/- 4.16 acres and functions as the Maintenance and Operations Facility for the Oxford-University Transit (OUT). The existing building measures 5,838 sq/ft and approximately 28% of the site contains impervious paving.

New Building - OUT is proposing an expansion to the Maintenance and Operations Facility that will add approximately 3,000 sq/ft to be used for additional offices, clerical space, restrooms, and more room in the bus maintenance service area. This site is also the subject of Case #2543, a Special Exception request to allow the addition to be constructed of the same metal siding that was used on the existing building.

Site - Given the OUT's success in the community, and on campus, there is need to add more busses to the transit system. The proposal indicates that currently, the OUT facility can accommodate parking for 21 buses, but the proposal will double the parking to accommodate 42 busses. As the transit system continues to expand, it will also require additional employees. This expansion will provide an additional 19 employee parking spaces, located on both the east and west sides of the building, creating a total of 38 spaces. These additions to the site will increase the impervious coverage of the site by a total of 3% bringing the total to 31%, which is well within the requirements.

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Access - There are currently two points of ingress/egress to the site from McElroy Drive, including a circular driveway that provides access from the street to the entry drive along the east side of the property. This proposal modifies that access. The east side driveway will remain, and additional parking will be added along it. The circular driveway will remain in place, but it will be used only for pedestrian access from the facility to the transit shelter located on the site. A new driveway is proposed on the west side of the building, providing access to the service area for the buses and employee parking.

Landscaping - The proposed site plan includes foundation plantings around the proposed addition to the building. The parking lot and frontage trees proposed comply with the regulations of the land development code. Landscaping is also indicated around the perimeter of the detention pond.

Engineering Comments:
Water and Sewer - The additions will use current water, sewer, and utilities serving the facility. No additional water or sewer lines are being added to the site. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations.

Sidewalk – Currently there is no sidewalk on this site. The submitted site plan shows an offset sidewalk that runs parallel to McElroy Drive. The location was selected as a comprise between topography and the requirement to provide a frontage sidewalk.

After discussion with the Chair of the Pathways Commission, it was agreed that the proposed location does not provide a good connection for tying to future sidewalk to the east and west. The primary purpose of the sidewalk would be to provide access to the bus stop located on the site. The bus stop is shown on the drawings as being located inside the west curve of the east driveway entrance. Given these concerns, after discussions with the design architect and engineering staff, it was decided to relocate the bus stop to the circular driveway area. Bollards will be installed to prevent access by vehicular traffic.

The City of Oxford will provide the required frontage sidewalk at future time when there are improvements made to McElroy Drive or development of the adjoining properties that results in sidewalk to tie to.

Stormwater Management - The additions to the facility result in increased impervious cover. There is no existing stormwater management facility for the site. Stormwater management for the increase in impervious cover will be met with the

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use of pervious pavement grid system (rated for use by buses) in all new parking areas and a shallow detention pond along the north side of the new parking area.

Other Departments:
All comments from the other City departments have been adequately addressed and they all recommend approval.

Recommendation: Staff recommends approval of the Site Plan for 'OUT Maintenance and Operations Facility' with the following conditions:
1. Approval is for the Site Plan as submitted.

2. Prior to the issuance of permits, the site plan shall be updated to reflect the change in sidewalk, pervious pavement, and bus stop location.

8. Public Hearing for Case #2552 – Alex Ali has filed a request for Final Plat Approval (Amended) for 'O & A Properties Convenience Store' for property located at Commerce Drive and Highway 7 South. (PPIN #29161)

Planning Comments: The subject property is located east of Highway 7 South, and north of Commerce Drive in the Oxford Commerce Park development. The subject property is irregularly shaped, it measures approximately +/- 1.03 acres, and it is mostly undeveloped. Although this property was only recently annexed into the City of Oxford, the Oxford Commerce Park was previously approved for City utilities. Other businesses located in this development include: Fastenal, Dollar General, Bottletree Animal Hospital, and Clay Canvas. This property, Lot 1 of the Commerce Park Subdivision, was the subject of Case #2532, a buffer variance request that was approved at the September Planning Commission meeting.

The applicant is now requesting a modification to Lot 1. The owner also owns (or intends to purchase) a small property (+/- 11,979 SF) that is adjacent and contiguous to Lot 1 (to the north). He proposes to include the combined properties to become Lot 1 of the subdivision. Currently, Lot 1 measures approximately +/- .755 acres, but with the added property, it will measure approximately +/- 1.03 acres. This meets TNB standards (there is not a minimum lot size in the district.) and requirements for modification of a subdivision.

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

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directly interested. As of the date of this report, staff has not been contacted about the request.

Engineering Comments:
This plat amendment adds additional acreage to Lot 1 from the adjoining property north of Lot 1 as shown on the original plat. There is a 20-foot sewer easement to the City of Oxford, which runs east to west across the property. There is a City maintained sewer line within this easement. The setbacks also serve as utilities easements. No other easements are identified. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations. Stormwater management is required for any development on amended Lot 1.

Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Commerce Park Subdivision, Lot 1' with the following conditions:
1. Approval of the Final Plat Amendment by the Mayor and Board of Alderman.

2. Clarify setback widths for the additional acreage and update on plat. Currently the northern portion of the amended lot only shows partial setback lines.

3. Change the last call in the legal description to reflect the offset pin. E.g. (passing through a ½" Iron Rod set at a distance of 10 feet).

4. Approval is for the plat with all requested modifications.

C. **Public Hearings**

1. Public Hearing for Case #2545 – Kroger Limited Partnership, LLC has filed a request for a Variance from Section 5.6.1.8 (c) Inappropriate Façade/Appropriate Façade: Parapets for property located at 2013 University Avenue. (PPIN #9267)

Planners Comments:
A site plan for
the Kroger expansion was approved by the Planning Commission in November 2018. The staff report at that time acknowledged that the building would have a parapet wall on all sides of the new and existing building. However, the submitted plans did not include a parapet on the rear portion of the building. Section 5.6.1.8(c) of the Land Development Code stipulates *Parapet facades must be used on flat roof structures*

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where roof mounted building equipment is used. Parapets shall extend above the highest level of any roof mounted building equipment on all sides.

Kroger is now requesting a variance to not require a parapet on the rear portion of the building. The application states that the rear of Kroger is an undeveloped parcel (owned by the City of Oxford), that has a substantial increase in elevation. The applicant's concern is that whether or not a parapet screen is installed, due to the increased elevation, the rooftop equipment will still be visible from any development on that property. Included in the report are images taken from the adjacent property that assist with providing a perspective of the existing rooftop mechanical equipment, viewed at the higher elevation. A rendering was also provided that shows a perspective from the hillside, with the parapet, without the parapet, and without the parapet but with a landscape screen planted at the higher level.

It is also worth noting that most of the equipment on the existing building will be replaced with new equipment that will be less obtrusive in profile, and will be more centrally located on the roof within the building footprint.

This provision of the code has been in effect since it was adopted nearly two years ago, and the site plan staff report acknowledged this requirement. Staff agrees that there is a substantial elevation difference between the two properties, and in this situation the parapet wall may be less effective than intended. Staff therefore agrees that a more enhanced landscape buffer at the correct elevation would be more effective in screening the mechanical equipment on the roof of Kroger from the property to the north.

Recommendation: Therefore, Staff recommends approval with the following conditions:

1. A revised landscaping plan is provided that provides enhanced plantings (a mix of evergreen and trees) along the north property line.

2. Irrigation shall be installed to help with the viability of the plantings along the north property line.

Summary of Discussion:

Commissioner Whittington asked who owned the hill behind Kroger. He felt there should be more trees planted there as screening. Planning Director

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Ben Requet stated that the City owns the property to the north, which was the former Riverside housing property.

Commissioner Rigby said this was the second time the Commission has considered parapets on buildings. He stated that he had discussed this with Mr. Requet and he agreed there should be an ordinance review to propose a Special Exception for a smaller parapet on new buildings.

Move: Bill Freeman Second: Darryail Whittington Status: Passed

2. Public Hearing for Case #2547 – Robert Falsone has filed a request for a Variance from Section 5.3.3.2 Interior Design of Parking Lots: Setback for property located at 2109 University Avenue. (PPIN #9253)

Planners Comments:
The subject property is located on the north side of University Avenue, to the east of Kroger. The lot contains an existing professional office building with an adjoining parking area. The site measures approximately an acre in size. Mr. Falsone rents this building through the GSA to the local office of the FBI. At issue is a sidewalk that Kroger is required to build, a misplaced parking lot on the Falsone property, the height of a retaining wall, and MDOT right-of-way restrictions.

In the Spring of 2016, an initial site plan to expand the parking lot area was under consideration by the City that located the parking lot approximately 3.5 feet (the requirement at the time) from the property line along University Avenue. At that time, an issue was raised related to a sewer line with an easement that was on Mr. Falsone's property that also served the Kroger site. The project stalled out while negotiations between Mr. Falsone and Kroger were underway. Kroger made multiple design changes that delayed both projects from proceeding through the City's review/approval process. These negotiations extended for nearly two years. An agreement between these entities was finalized in February of 2018.

By the time an agreement was reached, the City had adopted a new Land Development Code, with a provision by the Mayor and Board of Alderman that any development proposal that had not been approved by the December 2017 Planning Commission meeting would be subject to the new code requirements. Therefore, the parking lot addition for the existing office building was now subject to the newly adopted Land Development Code requirements. In June 2018, the applicant received an approval for a site plan (Case #2302-A) that added parking to support the existing office. The proposal complied with all provisions of the revised Land

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Development Code, including the requirement that all parking lots are to be situated a minimum of 8 feet from the property line.

The application states that construction was scheduled to begin in the late Fall of 2018. The application for this project states: *During the construction staking of the project, the engineer mistakenly took the plans that were agreed upon by Kroger and the owner of 2109 University Avenue, and used those plans to lay out the parking lot. The most recently approved plan that had the parking lot 8 feet from the property line was not used.*Construction commenced and was completed utilizing the outdated plans due to this mistake. This resulted in a parking lot built too close to the property line, not in compliance with its approved site plan. This case is a request for a variance to resolve that mistake. The case, however, is made very complex because this mistake has made it very difficult for Kroger to comply with a requirement of its site plan to install a sidewalk at this location. As these issues are intertwined, an explanation of the competing issues will be helpful.

The project was completed this Summer (2019), and a Temporary Certificate of Occupancy was issued by the City for the Falsone site. Then, when Kroger began to stake the area to build the required sidewalk in August they found there was insufficient room to do that work. To correct it on the Falsone site would require totally reworking their construction and fencing. Therefore, Williams Engineering contacted the City of Oxford Planning Department in September and acknowledged the use of the wrong plans for the parking lot. City staff advised the engineer that the options (other than reconstruction of the parking lot) were a variance and a site plan modification. The biggest concern of this unfortunate circumstance is that the time required to address this situation is preventing Kroger from constructing the sidewalk segment, as required in its approved site plan. If it is not resolved fairly soon, they will not be able to complete their improvements on schedule, leaving the Kroger site in disarray for a number of months.

Per their agreement with Mr. Falsone, Kroger planned to grade the slope between the parking lot and the proposed sidewalk. As a result of the as built parking lot's proximity to the property line, Kroger is unable to sufficiently grade the property to the proposed elevation; thus, requiring a retaining wall to be constructed. Further, staff has been told that MDOT will not authorize a retaining wall to be constructed within the MDOT right-of-way along University Ave.

Therefore, a retaining wall is proposed to be constructed by Kroger on Mr. Falsone's property in order to facilitate the required sidewalk in MDOT right-of-way. But, due to the limited width available, portions of the proposed retaining wall will exceed the maximum height of 4' when located in a front yard necessitating the variance proposed by Kroger to address that concern, the subject of Case #2546.

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Therefore, the applicant of this case (Mr. Falsone, being represented by Williams Engineering) is requesting this variance from Section 5.3.3.2 of the Land Development Code that stipulates that all parking lots shall be setback from the property line 8 feet.

The circumstances present in this case leave all parties in a quagmire. If the variance is denied, and the parking lot is required to be constructed as was originally approved, then it will substantially delay the completion of the Kroger development. That will be detrimental not only to Kroger, but to all those who shop at Kroger and are currently dealing with the very disordered parking situation there. These are very extenuating circumstances. It is for these reasons that staff recommends approval of the requested variance (and why we will recommend approval of the Kroger variance request #2546).

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

1. A Site Plan Modification is required for the FBI Parking Lot Addition.

Summary of Discussion:

Commissioner Riddell leaves.

Representing the applicant, Joey Moore stated that the parking lot is 3.5 ft. from property line. Mr. Moore said that he picked up the wrong set of plans and staked the wrong set of plans. He stated that the parking lot was intended to to be 8 ft. off the property line per Code.

Move: Marvin King Second: Bill Freeman Status: Passed

3. Public Hearing for Case #2546 – 2109 University Property, LLC (via Kroger Limited Partnership, LLC) has filed a request for a Variance from Section 3.2.18 Retaining Walls for property located at 2109 University Avenue. (PPIN #9253)

Background History

The background history that surrounds the subject property and 2109 University Avenue was detailed in the staff report for Case #2547.

In the Spring of 2016, an initial site plan to expand the parking lot area at 2109 University Avenue was under consideration by the City that located the parking lot approximately 3.5 feet (the requirement at the time) from the property line along

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University Avenue. At that time, an issue was raised related to a sewer line with an easement that was on Mr. Falsone's property that also served the Kroger site. The project stalled out while negotiations between Mr. Falsone and Kroger were underway. Kroger made multiple design changes that delayed both projects from proceeding through the City's review/approval process. These negotiations extended for nearly two years. An agreement between these entities was finalized in February of 2018.

By the time an agreement was reached, the City had adopted a new Land Development Code, with a provision by the Mayor and Board of Alderman that any development proposal that had not been approved by the December 2017 Planning Commission meeting would be subject to the new code requirements. Therefore, the parking lot addition for the existing office building was now subject to the newly adopted Land Development Code requirements. In June 2018, the applicant received an approval for a site plan (Case #2302-A) that added parking to support the existing office. The proposal complied with all provisions of the revised Land Development Code, including the requirement that all parking lots are to be situated a minimum of 8 feet from the property line.

The application states that construction was scheduled to begin in the late Fall of 2018. The application for this project states: *During the construction staking of the project, the engineer mistakenly took the plans that were agreed upon by Kroger and the owner of 2109 University Avenue, and used those plans to lay out the parking lot. The most recently approved plan that had the parking lot 8 feet from the property line was not used.*Construction commenced and was completed utilizing the outdated plans due to this mistake. This resulted in a parking lot built too close to the property line, not in compliance with its approved site plan. This case is a request for a variance to resolve that mistake. The case, however, is made very complex because this mistake has made it very difficult for Kroger to comply with a requirement of its site plan to install a sidewalk at this location. As these issues are intertwined, an explanation of the competing issues will be helpful.

The project was completed this Summer (2019), and a Temporary Certificate of Occupancy was issued by the City for the Falsone site. Then, when Kroger began to stake the area to build the required sidewalk in August, they found there was insufficient room to do that work. To correct it on the Falsone site would require totally reworking their construction and fencing. Therefore, Williams Engineering contacted the City of Oxford Planning Department in September and acknowledged the use of the wrong plans for the parking lot. City staff advised the engineer that the options (other than reconstruction of the parking lot) were a variance and a site plan modification. The biggest concern of this unfortunate circumstance is that the time required to address this situation is preventing Kroger from constructing the sidewalk segment, as required in its approved site plan. If it is not resolved fairly

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soon, they will not be able to complete their improvements on schedule, leaving the Kroger site in disarray for a number of months.

Per their agreement with Mr. Falsone, Kroger planned to grade the slope between the parking lot and the proposed sidewalk. As a result of the as built parking lot's proximity to the property line, Kroger is unable to sufficiently grade the property to the proposed elevation; thus, requiring a retaining wall to be constructed. Further, staff has been told that MDOT will not authorize a retaining wall to be constructed within the MDOT right-of-way along University Ave.

Therefore, a retaining wall is proposed to be constructed by Kroger on Mr. Falsone's property in order to facilitate the required sidewalk in MDOT right-of-way. But, due to the limited width available, portions of the proposed retaining wall will exceed the maximum height of 4' when located in a front yard necessitating the variance proposed by Kroger to address that concern, the subject of Case #2546.

Therefore, the applicant of this case (Mr. Falsone, being represented by Williams Engineering) is requesting this variance from Section 5.3.3.2 of the Land Development Code that stipulates that all parking lots shall be setback from the property line 8 feet.

The circumstances present in this case leave all parties in a quagmire. If the variance is denied, and the parking lot is required to be constructed as was originally approved, then it will substantially delay the completion of the Kroger development. That will be detrimental not only to Kroger, but to all those who shop at Kroger and are currently dealing with the very disordered parking situation there. These are very extenuating circumstances. It is for these reasons that staff recommends approval of the requested variance (and why we will recommend approval of the Kroger variance request #2546).

Planners Comments:
In this instance, the applicant is requesting a variance from Section 3.2.18 of the Land Development Code, which regulates retaining wall height when located in the front yard. The code stipulates that a retaining wall shall not exceed four feet when located in the front yard. Due to the extenuating circumstances as outlined in the background history of this case, the applicant is proposing either a segmental block retaining wall, or a poured in place concrete wall with portions of the wall measuring 5.5' feet.

As previously stated, if the variance is denied, it will be detrimental not only to Kroger, but to all those who shop at Kroger and are currently dealing with the very

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disordered parking situation there. These are very extenuating circumstances. It is for these reasons that staff recommends approval of the requested variance

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

1. The variance is for the plan as submitted.

Move: J.R. Rigby Second: Darryail Whittington Status: Passed

4. Public Hearing for Case #2548 – Neon Shrive – Indoor Training Solutions has filed a request for a Variance from Section 5.7.6.2 (b) Buffers for property located at Old Taylor Road. (PPIN #16731) (Withdrawn)

Planners Comments: This property is located on Old Taylor Road, across the street from Faulkner Flats, and is situated on a parcel that includes an access easement to the Wellspring Community Church located on a separate parcel behind this property. The +/- .39 acre parcel is developed with an existing building that measures approximately 1750 SF. The property also contains a gravel parking area and the driveway that provides access to the church building and property. The proposed development on this property is also the subject of two other variance requests, Case #2549 and #2550.

The applicant is proposing to construct an office building that will incorporate the existing building on the site. Office uses are allowed in the Suburban Multi-Family zoning district as a "Special" Use (approvable by staff if they meet all required standards). As proposed in the attached exhibit, the expanded building will measure +/- 5,008 square feet. The exhibit indicates a total of fourteen (14) parking spaces on the site, but this plan has not been reviewed for compliance with the requirements of the Land Development Code for the proposed use. As noted above, a complete site plan review and approval will be required for the proposal.

Section 5.7.6.2 (b) of the Land Development Code (pertinent to edges and buffers) stipulates that on sites less than an acre in size, a 15-25 buffer (including the required setback) is required between commercial uses and any property zoned primarily for residential. In this instance, the applicant cannot meet that standard because he is proposing to use the area where the buffer would be for parallel parking spaces (next to the expanded building) and to maintain the required existing ingress/egress easement. Therefore, the applicant is requesting a 6.75'

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variance for the buffer that will enable the drive to remain in the same location within the existing easement. The application states that the proposal will include a heavily screened buffer between the driveway and the adjacent property.

This is a not a typical request primarily because the applicant is obligated to maintain access to the adjacent church. Additionally, the applicant is proposing to utilize the existing building, which limits the ability to provide an access on the north portion of the property. However, the three parallel parking spaces indicated along the building and driveway seem to be why the buffer requirement cannot be met. It appears to staff that if those spaces were not proposed, then the applicant would be able to provide the minimum required buffer and provide the same 12' driveway required by the easement. Staff is unsure whether the change in location of the driveway would require a modified easement but we believe that if it does, then this should be considered before a variance is granted.

Recommendation: Therefore, Staff does not recommend approval of the requested variance.

5. Public Hearing for Case #2549 – Neon Shrive – Indoor Training Solutions has filed a request for a Variance from Section 2.6.6 Suburban Multi-Family: Side Yard Setback for property located at Old Taylor Road. (PPIN #16731)

Planners Comments: This property is located on Old Taylor Road, across the street from Faulkner Flats, and is situated on a parcel that includes an access easement to the Wellspring Community Church located on a separate parcel behind this property. The +/- .39 acre parcel is developed with an existing building that measures approximately 1750 SF. The property also contains a gravel parking area and the driveway that provides access to the church building and property. The proposed development on this property is also the subject of two other variance requests, Case #2548 and #2550.

The applicant is proposing to construct an office building that will incorporate the existing building on the site. Office uses are allowed in the Suburban Multi-Family zoning district as a "Special" Use (approvable by staff if they meet all required standards). As proposed in the attached exhibit, the expanded building will measure +/- 5,008 square feet. The exhibit indicates a total of fourteen (14) parking spaces on the site, but this plan has not been reviewed for compliance with the requirements of the Land Development Code for the proposed use. A noted above, a complete site plan review and approval will be required for the proposal.

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According to the Tax Accessor, the existing building was constructed in 2000 when the property was not located within the City Limits. Therefore, the building was not required to comply with the Land Development Code regulations. As the applicant is proposing to utilize the existing building, all proposed additions must comply with the current setback regulations. The Suburban Multi-Family zoning district requires a 10' side yard setback, but the existing building is situated approximately +/- 4.37' from the property line. The applicant is requesting a 5.63' side yard (north) setback variance to bring the existing non-conformity into compliance.

As this is an existing situation, staff does not object to the requested to enable the adaptive reuse of the existing building.

Recommendation: Staff supports the variance request with the following conditions:

1. The variance applies to this proposal with any required modifications determined necessary by Staff, the Site Plan Review Committee, and the Planning Commission.

Commissioner Riddell returns.

Move: Darryail Whittington Second: Bill Freeman Status: Passed

6. Public Hearing for Case #2550 – Neon Shrive – Indoor Training Solutions has filed a request for a Variance from Section 2.6.6 Suburban Multi-Family: Impervious Coverage, Maximum for property located at Old Taylor Road. (PPIN #16731)

Planners Comments: This property is located on Old Taylor Road, across the street from Faulkner Flats, situated on a parcel that includes an access easement to the Wellspring Community Church located on a separate parcel behind this property. The +/- .39 acre parcel is developed with an existing building that measures approximately 1750 SF. The property also contains a gravel parking area and the driveway that provides access to the church building and property. The proposed development on this property is also the subject of two other variance requests, Case #2548 and #2549.

The applicant is proposing to construct an office building that will incorporate the existing building on the site. Office uses are allowed in the Suburban Multi-Family zoning district as a "Special" Use (approvable by staff if they meet all required standards). As proposed in the attached exhibit, the expanded building will measure +/- 5,008 square feet. The exhibit indicates a total of fourteen (14) parking spaces on the site, but this plan has not been reviewed for compliance with the

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requirements of the Land Development Code for the proposed use. A noted above, a complete site plan review and approval will be required for the proposal.

Section 2.6.6 of the Land Development Code stipulates that the maximum impervious coverage of a development shall not exceed 65%. Citing the two pre-existing ingress/egress easements that will require surfacing, the applicant is requesting a variance that would allow the property to have a total impervious coverage of 79.5%.

The Land Development Code allowed certain uses within the Suburban Multi-Family district, because they could provide access to amenities that had a minimum impact to the residential components. One of the items that could have an impact is the impervious coverage. All of the commercial zoning districts, with the exception of the Historic Urban Center, allow a maximum impervious coverage of 80%. Since this is not a commercial zoning district, rather a residential district that allows some commercial uses, it is important that any proposed uses comply with the provisions of the code.

The applicant is proposing to pave the driveway, and parking area, but has not provided staff or the Commission with the minimum possible variance request. The proposal could provide a paved surface for the driveway or proposed parking areas that is also permeable. For instance, permeable pavers, and permeable concrete are materials that are regularly seen in development proposals in Oxford. For example, permeable pavers were used in the parking stalls at the McDonald's on University Avenue.

Recommendation: Staff does not recommend approval of the requested variance. Consideration should be given to the use of permeable options in the driveway and parking areas.

Summary of Discussion:

Commissioner Freeman asked why the applicant was not willing to drop the impervious coverage down to 65%.

The applicant's engineer, Joey Moore, introduced an updated layout with cut out parallel parking existing in front. Mr. Moore said that with the updates, instead of 65% it would be down to 73.4%. Mr. Moore stated that pervious parking is expensive and that there is a unique situation with accessing the site. and there is an easement that is required to be maintained. Mr. Moore added that the variance request is for an area of 1,300 sq.ft.

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Chairman Hyneman asked how runoff would be affected with the new plan. Mr. Moore said they would have to account for new paving and there would still be less runoff than we have now. He added that they would still be planning to put a detention system in. He said their plan would be approximately $16,000 less than if they were to meet Code requirements for impervious coverage.

Commissioner Riddell asked if they did pervious, where would it go. Mr. Moore said it would probably cover 2,500 sq. Ft. and they would probably install it in the back of the site.

Denied.

Move: Bill Freeman Second: J.R. Rigby Status: Denied

7. Public Hearing for Case #2551 – J.P. Sharma has filed a request for Site Plan Approval for 'Holiday Inn and Suites' for property located at 1301 Jackson Avenue West. (PPIN #35087) **(POSTPONED)**

8. Public Hearing for Case #2553 – SAI Investments Inc. have filed a request for a Special Exception as provided in Section 2.6.8 Suburban Corridor: Front Yard Build-to Line for property located at 1906 Jackson Avenue West. (PPIN #17338)

Planner's Comments: The subject property is a 2.7-acre narrow parcel located on the south side of Jackson Avenue West, between Casa Mexicana and Wendy's. The applicant is proposing to build a four-story Comfort Inn and Suites. The site slopes down significantly off Jackson Avenue towards the southern end of the property. The site plan is currently under site plan review and will likely be heard by the Planning Commission at next month's meeting. A review of the proposed development indicated that as proposed, the building will not meet the 50-foot maximum front yard build to line standard of the Suburban Corridor zoning district. As allowed in the Land Development Code, (Sec. 2.6.8, Footnote 4) a front yard build-to line of up to 150 feet may be requested by Special Exception in the Suburban Corridor District. The intent of that provision was to consider unusual sites or building conditions in this commercial district.

The request is to exceed the maximum 50-foot front build-to line to fifty-three (53) feet. The applicant states that the Special Exception is being requested because of topographic restraints on the site that restrict the feasibility of the project if the building were positioned to adhere to the standard front yard build-to line maximum of 50 feet. The retaining walls at the entry and at the southern end of

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the lot have been maxed out per Code, and that has further dictated the positioning of the building 53 ft. behind the front yard property line.

The applicant received a Variance (Case #2453) from the landscape buffer requirement (Section 5.7.6.2) for the blue line stream located at the south end of the property at the March 2019 Planning Commission meeting.

Recommendation: Staff recommends approval of the requested Special Exception due to the topographic constraints and the narrow parcel configuration.

Summary of Discussion:

Commissioner Riddell and Chairman Hyneman said that applicants do not always get to automatically max out buildings on their sites.

Opposed: Commissioner Freeman and Commissioner Whittington.

Move: J.R. Rigby Second: Marvin King Status: Passed

9. Public Hearing for Case #2554 – David Blackburn has filed a request for Preliminary and Final Plat Approval for 'Lot 7, The Summit, Phase I' for property located at Commonwealth Boulevard. (PPIN #4705)

Planning Comments: This is a one-lot subdivision proposed along Oxford Commons Boulevard north of Commonwealth Boulevard. The lot is to be approximately .6 acre (.597 acre / 25,135 sf). The area slopes gradually east from Ed Perry Blvd.

The lot is being created to accommodate a new restaurant. Access to the restaurant will be from a new access drive to be built on the north side of this lot, indicated on the plats as an access easement. (The City will not allow direct access onto Ed Perry Boulevard from the lot.)

The submitted plats appear to meet all required subdivision standards for the City.

Engineering Comments: All comments related to Engineering review of this plat have been addressed satisfactorily. Engineering has no issues with approving the plat.

Recommendation: Staff recommends approval of the Preliminary and Final Plats of this one lot subdivision with the following conditions:

1. A stamped and recorded copy of the covenants will be required before a Certificate of Occupancy is issued.
2. Approval by the Mayor and Board of Aldermen is required.

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Summary of Discussion:

Oxford Commons resident Dick Dickerson asked about how this subdivision approval would affect the Oxford Commons PUD plan data table. Senior Associate Director Judy Daniel said that when a site plan comes in, staff would check it against the plan data table. Ms. Daniel said it was not uncommon to combine two lots into one for a commercial property prospect.

Mr. Dickerson asked if there were any construction costs paid from the TIF bond for the road work. City Engineer Reanna Mayoral said that Mr. Dickerson had called her to discuss the TIF and Board of Aldermen items from June. Ms. Mayoral stated that Chief Operating Officer Bart Robinson is handling those items and he would need to speak with him to discuss the matters. Ms. Mayoral said that the developer financed the roundabout on Sisk Avenue up front and the City is reimbursing him through tax revenue from the sites for a set amount. City Attorney Paul Watkins agreed that Ms. Mayoral explained it pretty well. Ms. Mayoral added that she said she did not know anything about another road being part of the TIF. Mr. Dickerson said that there is still another $6 million out there. Ms. Mayoral said she is not privy to that money.

Move: Marvin King Second: Bill Freeman Status: Passed

10. Public Hearing for Case #2555 – David Blackburn has filed a request for Preliminary and Final Plat Approval for 'Fire Station at Oxford Commons' for property located at Sisk Avenue Extension. (PPIN #4503)

Planning Comments: The request will create a new 1.72 acre lot. It takes access from the new "Buddy East Parkway", and has slight slopes going north to south. The City will be purchasing this lot from Mr. Blackburn and Mrs. Waller with the intent to build a new Fire Station to serve the eastern portions of the City. The proposed lot meets all subdivision standards for the City.

Engineering Comments: There are no substantial problems with the plats. They will need to be modified to reflect the conditions noted below.

Recommendation: Staff recommends approval of the Preliminary and Final Plats for this one lot subdivision with the condition noted below.

1. Before being considered by the Mayor and Board of Aldermen:

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a. Change the water line utility easement to be indicated on the site plan drawings Sheet C109.
b. Change "Future Roadway is under construction" to "Buddy East Parkway".

Move: Darryail Whittington Second: Bill Freeman Status: Passed

11. Motion to Adjourn

Move: Darryail Whittington Second: Bill Freeman Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Thursday, November 7, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

1. Call to Order

2. Approval of the Agenda

   No Commissioner Gray at meeting. No Commissioner Riddell for agenda.

   Move: Darryail Whittington Second: J.R. Rigby Status: Passed

3. Approval of minutes from October 14, 2019 Meeting

   Move: J.R. Rigby Second: Bill Freeman Status: Passed

4. Staff Report

   Commissioner Riddell arrives.

   MS APA gave two awards to the City of Oxford for the 2037 Comprehensive Plan and for The Square as a great public space.

   a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2556-A - Bob and Martha Whitwell have filed a request for a two-foot (2') rear yard (east) setback Variance for property located at 1303 S. 11th Street. (PPIN #8377)

B. **Consent Agenda**

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1. Public Hearing for Case #2557 – Terry Blackmarr has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 176 Garden Terrace. (PPIN #22381)

Planner's Comments: The subject property is a residential lot of approximately +/- 0.43 of an acre, located on the corner of Garden Terrace Drive and Thacker Heights Drive. The applicant is requesting a variance from Section 3.2.8 of two feet (2') to construct a six-foot (6') high wooden fence in a front yard along the Thacker Heights Drive side of the property.

The applicant wishes to build a wooden fence in portions of their yard along their western property line and to the north behind the home. The neighbors directly across the street already have a corner lot with a six-foot high wooden fence. The majority of lots along this portion of Thacker Heights Drive have two front yards and six-foot high wooden fences. The majority of those fences along Thacker Heights were built at approximately the same time, probably when the subdivision was built. This subdivision was in the County at that time. The applicant believes that the fence will not be detrimental to the public welfare and will increase privacy and safety.

Recommendation: Staff believes that replacing the existing fence, replicating the other existing fences along this road segment will avoid literal interpretation of the ordinance that would deprive the applicant of rights that seem to be commonly enjoyed by other properties in the same district.
Staff recommends approval of the Variance request from Section 3.2.8 Fences, Walls, and Hedges with the following conditions:

1. The Board finds that a special condition exists that is peculiar to the land, or structures that does not apply to other lands or structures in the same district under the terms of the ordinance.

2. Approval of the two-foot (2') fence height variance be conditioned on (no higher than) a six-foot (6') high wooden fence replicating the same style and height of existing nearby fences.

Move: Bill Freeman Second: J.R. Rigby Status: Passed

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C. Public Hearings

1. Public Hearing for Case #2551 – J.P. Sharma has filed a request for Site Plan Approval for 'Holiday Inn and Suites' for property located at 1301 Jackson Avenue West. (PPIN #35087) **(Postponed from October)**

Planner's Comments: The subject property measures approximately +/- 1.76 acres and is zoned (TNB) Traditional Neighborhood Business. It is located on the north side of Jackson Avenue, between the Double Quick Gas Station and Rainbow Cleaners. The site is generally at grade with Jackson Avenue, but slopes down towards the northwest corner of the site.

The applicant is requesting site plan approval to construct a four-story, eighty-nine (89) guestroom hotel (51,000 sq. ft.) and a three-story building (4,000 sq. ft.) with meeting room suites located in the far northwest corner of the lot. Eighty-nine (89) parking spaces are required and eighty-nine (89) have been provided. The lot coverage maximum in the TNB zoning district is 80% and this proposal will have 71.2% lot coverage.

The applicant received a Special Exception for additional building height to have a four-story building in August 2018 (Case #2343) and a Special Exception to allow a modification to the required building step back in October 2018 (Case #2380). The hotel will not exceed 50 ft. in height at any point. The step back is needed to accommodate a series of balconies and a terrace. The building will largely be constructed of brick and stucco, with EIFS only proposed as an accent trim along the roofline. Staff believes this to meet the design standards.

The Tree Survey indicated that no significant or heritage trees were found on site. Thus, no tree mitigation is required. The proposed landscape design meets all standards related to parking lot trees, landscaping, and green space setback requirements.

The Site Plan Approval does not include approval of signage as indicated on the plans. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:

Traffic

The possible impact of a hotel at this site has been the subject of much consideration and discussion for several months. Staff does not feel that the impact of traffic is sufficient to warrants a denial of the site plan. Given the complexity of the issues involved with this site, Staff requests any approvals

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granted include permission for Staff to approve the final design of the driveway access at Jackson Avenue. An attached memo outlines the elements that led to staff making this request.

Staff is requesting authority to approve the final design of the driveway in order to discuss the possibility of a median island at this one location with the Board of Alderman at a future work session. Staff recommends that the driveway be allowed at the location shown and that construction of the building can begin provided the owner agrees to comply with staff's final decision regarding the driveway design.

Also, an emergency Fire Lane is swn to the property line adjacent to Thirkield Drive, which is a privately owned and maintained road. This access does not imply permission for the Holiday Inn to use Thirkield Drive at any time. Access will be from Jackson Avenue.

Water and Sewer

A sewer line exists across the property and will require removal or relocation. Staff is awaiting confirmation on the use of the sewer from the Engineer but has been told the line is not in use. It may be that the line was installed years ago to serve a former house site at this location. Should the line be confirmed to be dead, the Board will have to agree to abandon the sewer easement. Should the line still serve any adjacent properties or be a connection from Jackson Avenue to the remainder, the line will have to be relocated at the developer's expense and in a manner approved by Engineering.

Sewer service within the site will be provided by a privately owned and maintained force main that will connect to the City sewer line. The plans indicate this connection directly into an existing sewer line, but it may be required in the manhole, as it is a force main and not a gravity connection. This would require the manhole be bored into by the developer to prevent cutting into Jackson Avenue.

A new 8" ductile iron water line will be laid through the site to serve the executive suites and the required fire hydrant. An easement is required for maintenance of the line.

Stormwater

The stormwater requirements will be fulfilled through an underground detention system. The stormwater submittal is approvable but additional documents are required for final approval.

Sidewalk

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A sidewalk was constructed along the front of the property by the City several years ago. Should the existing sidewalk be damaged or removed during construction, the new sidewalk should be constructed at the property line.

Right-of-Way Proximity

This building is to be built quite close to the edge of the city right-of-way. As such, there are to be no encroachments onto the right-of-way of any type without approval from the Board of Alderman. At this time, to Staff's knowledge, there are none shown or discussed for this site.

Approval is recommended with the conditions noted below.

Recommendation: Staff recommends approval with the conditions noted below:

1. Approval is for the site plan as modified to include:

   a. Revised plans indicating the correct setback for the proposed swimming pool.
   b. Revised plans indicating the correct pipe size required to meet Fire standards.

2. Signage to be submitted separately. (Planning)

3. Staff has the authority to approve the final design of the driveway connection and any possible improvements on Jackson Avenue. (Engineering)

4. Approval is contingent on final approval of the stormwater submittal. (Engineering)

Summary of Discussion:

City Engineer Reanna Mayoral discussed how a traffic study was not required for this site, but this portion of Jackson Avenue West would continue to come up in discussions for traffic safety and calming techniques.

Move: Marvin King Second: Darryail Whittington Status: Passed

2. Public Hearing for Case #2558 – W. Anthony Kennon has filed a request for a Variance from Section 7.2.9.8 Freestanding Signs for property located at 84 Highway 30 East. (PPIN #4710)

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Planner's Comments: This report pertains to a request for a variance to allow a freestanding pole sign in conflict with the height standards of the Land Development Code for such signs. This business, Highway 30 Collision Repair, opened before this area was annexed into the city. There are two existing signs for this business: one on the front facade of the business and an existing freestanding sign along Hwy 30. The freestanding sign is in poor condition and is being relocated a bit further back off the MDOT right-of-way.

The current front yard sign is a pole sign approximately 8 feet tall, and the new sign is proposed to be 10 feet tall, 4 feet higher than the 6 foot height limit. The variance application states that he needs a taller sign because his building is eight feet lower than Highway 30 and built below a hill (when viewed from the west). The proposed sign meets all other code standards for size and distance from the street and adjoining properties. Also, unlike the current sign, the lettering on the sign is to be internally lighted to render it even more visible.

While staff acknowledges the concern of this business owner, no impelling reasons to support this variance are presented. The City made a strong philosophical decision when the new code was adopted to stop allowing any new freestanding signs over six feet tall. This area, recently annexed, is now the approach into Oxford, and should reflect those new standards.
There are a few existing taller signs in this area, but there are also businesses without any freestanding signs. This is the first signage application in this area since it was annexed into Oxford last year. The existing taller signs predate that annexation.

After a site visit, staff does not agree that the larger and brighter new sign (at the allowed height) would not easily be visible from either direction. Between the existing sign on the façade of the building, and the very colorful new sign at the appropriate height, it will be very easy for anyone approaching from either direction to locate this business.

Given the factors noted above, staff finds no reason to support this four foot height variance. The proposed sign would be sufficiently visible to approaching traffic without extra height.

Recommendation: Staff recommends denial of the requested Variance from Section 7.2.8.9.a.

Summary of Discussion:

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Property owner Anthony Kennon stated that the old sign was on the MDOT right of way. Mr. Kennon said he must go back 22 ft. away from the road and at that point, the lot is down in a hole, approximately 8 ft. below the road.

Mr. Kennon said that he receives a fair amount of walk-ins, particularly college students that drive by and miss his business. Mr. Kennon said he prefers that the sign be back lit. Commissioner King stated that the business is located in a gateway to the City, but he sympathized that Mr. Kennon was recently annexed and 2 ft. seems reasonable to what the Code is trying to accomplish and Mr. Kennon's circumstances.

Bill motion: Not to exceed height of current sign relative to the roadway. Height of current location moved back 26 ft. Line from roadway to the new sign would be height limit. Anthony that's around 10 ft. Motion fails lack of 2nd.

Motion by Commissioner Rigby for a variance of 2 ft., which will allow for an 8 ft. sign. 2nd Commissioner Riddell. Motion carries.

Move: J.R. Rigby Second: Judy Riddell Status: Passed

3. Public Hearing for Case #2559 – SAI Investments, Inc. has filed a request for Site Plan Approval for 'Comfort Inn and Suites' for property located at 1906 Jackson Avenue West. (PPIN #17338)

Planners Comments: The subject property is a 2.7-acre narrow parcel located on the south side of Jackson Avenue West, between Casa Mexicana and Wendy's. The applicant is proposing to build a four-story Comfort Inn and Suites. The site slopes down significantly off Jackson Avenue towards the southern end of the property. This property was the subject of two previous cases that appeared before the Commission; Case #2453 (March 2019), a requested Variance from Section 5.7.6.2 Buffers, and Case #2553 (October 2019), a requested Special Exception from Section 2.6.8 to allow an increased Front Yard Build-to Line. Both of the previous requests were granted by the Commission.

The Comfort Inn and Suites is proposing to construct a new 4-story hotel, measuring approximately 43,000 sq/ft, with a total of 73 guest rooms. The overall height of the building is approximately 41 feet, well below the maximum allowable height of 50 feet. There is one primary point of ingress/egress located along Jackson Avenue, but an additional access is possible for emergency management officials near the rear portion of the Wendy's site.

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Use Requirements – Hotels, Motels, and Inns are a "Special Use" reviewed under the standards of Sec. 3.8.4.

Parking - Established parking requirements for this use are 1 space for every guest room. The proposal indicates a total of 73 parking spaces, which is the minimum requirement of the code.

Other Review Elements

- Landscaping – The landscaping plan complies with the requirements of the code. Additionally, a heavily planted buffer is indicated to the rear of the property as stipulated in the buffer variance (Case #2453).

- Building Façade – The code stipulates that the façade along a public road be recessed 1.2 feet for each foot above the third story. In this instance, the height of the building after the third story is 12'10" and the building is recessed 15'11", which complies with this provision of the code.

- Building Materials – The building will be constructed primarily of brick, stone, siding and EFIS. The proposal does indicate that portion of the building constructed with EFIS complies with the 2% maximum requirement.

- The trees to be removed on this site do not require mitigation.

Other Departments:
The submitted plans have been modified to address all standards and concerns of other City Department.

Engineering Comments
Traffic - This site does not approach either threshold (100 Peak hour or 500 Daily trips) for a traffic impact study. Although it is located near a signalized intersection, this portion of Jackson Avenue is not one we have had problems with in regards to congestion, accidents or complaints. For these reasons, a traffic impact study was not required and staff did not request a right-in right-out drive.

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Water and Sewer - The water line will be privately owned and maintained from the post-indicator valve near Jackson Avenue throughout the interior. This includes the fire hydrant assembly. An indemnity agreement is required to allow the fire department to test, flush and use the hydrant as needed. A private sewer main will be installed on site that will connect to the City's sewer main located in the ditch of East Goose Valley Creek. The parking lot is extended to the property line in the northeast corner to allow for a secondary emergency ingress/egress point if required. This does not grant permission or authority for the Comfort Inn or any of its guests to access the adjacent property unless directed by Emergency Services personnel.

Stormwater - The stormwater detention plan has been approved and will consist of subsurface detention in the parking area.

Approval is recommended with the conditions noted below.
Recommendation: Staff recommends approval of the site plan for 'Comfort Inn and Suites' with the following conditions:
1. An indemnity agreement is provided allowing the Fire Department to access the private fire hydrant for purposes including flushing, testing, and use. (Engineering)

2. Approval is contingent on approval of the stormwater Operation, Inspection and Maintenance Plan. (Engineering)

3. Approval is for the site plan as submitted.

Summary of Discussion:

City Engineer Reanna Mayoral stated that this is a tight site and in an emergency, fire and rescue could drive over the curb into Wendy's. The applicant's engineer, Paul Koshenina, stated that there will have to be lots of dirt to fill the site and fairly tall retaining walls on site.

Commissioner Rigby asked who owned the water line on site. Ms. Mayoral said that the western side on plans says private, and the eastern side does not. Ms. Mayoral said the post-indicator valve is the demarcation, but that it all would be private. Commissioner Rigby said it should be added to the plans and conditions to specify.

Conditions stated in the report plus condition to amended plans to show private water line.

Move: J.R. Rigby Second: Marvin King Status: Passed

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4. Public Hearing for Case #2560 – Regions Bank (Bethany Rooney) has filed a request for Site Plan Approval for 'Regions Bank Oxford 3-1' for property located at 1931 Jackson Avenue West. (PPIN #7827) (POSTPONED)

5. Public Hearing for Case #2562 – Blackburn Communities, LLC (David Blackburn) has filed a request for Preliminary Plat Approval for 'The Preserve at Oxford Commons, Phase 5' for property located at Lakewood Hill Drive. (PPIN #4502)

Planning Comments: This is a request for a large lot subdivision of 13 lots located in "The Preserve" areas, on the north side of the Oxford Commons PUD. It adjoins lots in Phase III of "The Preserve" to the west, the TVA powerline to the east, the Oxford High School property to the south, and properties beyond the PUD to the north.

These lots will be close to or surround an existing 9.17-acre pond (currently named Avent Lake) on this property, although it will serve as a recreational asset for other portions of Oxford Commons as well. The pond area will include a passive recreational space and a walking trail, including a pathway over the pond. It is to be served by a continuation of the existing Lakewood Hill Drive. This public road will be (at least temporarily) a cul-de-sac terminating near the southeast edge of the pond.

Five common areas are planned, one north of the pond, one south of the access road, two bordering the access road on the south, and one along the northwestern edge of the property. These lots vary considerably in size, but most are over an acre, substantially larger than the 7,200 square foot minimum lot size of the underlying Suburban Residential zoning.

The submitted plat appears to meet all required preliminary plat subdivision standards for the City.

Other Elements of Compliance

At time of Final Plat consideration this subdivision will require evidence of compliance with four other elements, related to the Planned Unit Development (PUD), the 2016 Tree Mitigation Agreements, and the PUD Modification approved earlier this year:

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- Evidence of compliance with the PUD Plan Data Table. It appears that the subdivision will comply with the 66-lot limit for Tract G.

- Compliance with the 2016 Tree Preservation Agreement, requiring dedication of 20% of the land area of the subdivision.

- Update of the approved Tracking Spreadsheet to indicate the location of the area to be dedicated, its size, how it is to be conserved, and whether it is to also be considered part of the Tree Mitigation requirements.

- Presentation to the City of Oxford an option to purchase, or an offer to dedicate to the City (or other appropriate entity), any of the land preserved for Tree Mitigation purposes in those Tracts in the PUD subject to the Tree Mitigation agreement. Whether or not to accept any offer would be up to the City.

Engineering Comments:

Access and Streets

This development will be part of the Oxford Commons PUD and will connect to the previously constructed Preserve, Phase III via an extension of Lakewood Hills drive. Section 4.5.9.3 of the Land Development Code states that no permanent dead-end streets shall be longer than 800 feet in length. In order for this development to comply with that requirement, a concept and statement of intent indicating how Lakewood Hills Drive will be extended in the future must be provided. A temporary turnaround must be provided and is shown in the construction plans. Lots 3,4,5, 8, 9 and some of the common areas will be access by privately owned and maintained driveways.

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

Water and Sewer & Utility

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Water for the development will be obtained by connecting to an existing 8" City of Oxford water main that is capped at the current terminus of Lakewood Hill Drive and The Preserve, Phase III.
Sewer from the site will be collected and flow by a gravity sewer line into a proposed lift station. From the proposed lift station, sewage will be pumped to an existing manhole on Lakewood Hill Drive at the existing terminus. All water and sewer main facilities and appurtenances will be owned and maintained by the City of Oxford.

Stormwater
The storm water detention requirements will be met by the rehabilitation of an existing earthen dam and lake. The dam/lake has been classified as a high hazard dam according to MDEQ Safe Dams Division and is therefore required to meet additional requirements for construction and maintenance. The engineer has stated that "the existing dam has heavy tree and brush canopy that has created a neat and aesthetically pleasing trail along the dam that is almost like a tunnel created by the trees. The intent is to build a new dam just behind the old one which will actually create somewhat of an island out of the old dam."

Recommendation: Staff recommends approval of the Preliminary Plat with the following conditions:
1. A stamped and recorded copy of the covenants will be required before a Certificate of Occupancy is issued.

2. Approval by the Mayor and Board of Aldermen is required.

3. Evidence of compliance with Oxford Commons PUD Plan Data Table before consideration of Final Plat.

4. Proof of compliance with the Oxford Commons Tree Mitigation Agreement before approval of Final Plat.

5. Submittal of offer to dedicate Open Space before consideration of Final Plat.

6. Utility and drainage easements referenced in the submitted construction drawings will need to be shown on the final plat before approval will be granted.

7. There is a large amount of "Common Area" shown on the plat. Who will own this "Common Area" and how it will be maintained will need to be specified in the final plat before approval will be granted.

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8. Before final plat approval is granted, all Engineering comments pertaining to the submitted construction drawings will need to be met. These comments include but are not limited to the following:

-A permit from MDEQ will need to obtained to construct the new dam and spillway structure for the existing lake.

-The proposed sanitary sewer design will need to be modified to meet the Engineering Divisions requirements.

-MDOH and MDEQ approval of water and sewer plans, respectively.

-Final approval of the storm water report and an approved Operation and Maintenance Plan.

Summary of Discussion:

Oxford Commons resident Dick Dickerson talked about how he understood that this land had previously platted, and worried about the future of active green space for residents in the Commons. He said the promotional material for Oxford Commons on their website does not match what is being built. Mr. Dickerson, Barbara Bowling, and Ken Byars (all Oxford Commons residents) expressed concern about the maintenance of private alleyways within this plat.

Move: Marvin King Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2563 – LT2, LLC has filed a request for Final Plat Approval for 'The Cottages at The Grove at Grand Oaks, Phase 6A' for property located at 731 Cottage Loop. (PPIN #26136)

Planners Comments: This Final Plat proposes a one lot subdivision on approximately 4.87 acres, on Clubhouse Drive, just across the street from The Grand Oaks Country Club. The lot is to be used for a condominium development (the subject of a site plan in Case #2197).

Engineering Comments: Street, sewer and stormwater infrastructure within the subdivision has been constructed as private. An 8" water main and appurtenances will be owned and maintained by the city, for which a 20' utility easement is shown on the plat.

Recommendation: As this request meets all subdivision standards for a Final Plat, staff recommends approval of the Final Plat for The Cottages at Grand Oaks, Parcel 23B, Phase 6A, with the following conditions:

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1. Prior to the case being heard by the Mayor and Board of Alderman, a stamped recorded copy of the covenants be provided to the City of Oxford Planning Department

2. Sheet 1 of 2: The **City Engineer's Certificate** needs to be re-worded to say "And Accepting Maintenance of Specified Utilities."
3. Sheet 2 of 2: Add a note that record drawings for the project are on file with the City of Oxford Engineering Department.
4. Approval by the Mayor and Board of Alderman is required.

Move: J.R. Rigby Second: Bill Freeman Status: Passed

7. Motion to Adjourn

Move: J.R. Rigby Second: Bill Freeman Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, December 9, 2019, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order

2. Approval of the Agenda

Commissioner Rigby not present.

Move: Bill Freeman Second: Marvin King Status: Passed

3. Approval of minutes from November 7, 2019 Meeting

Move: Marvin King Second: Darryail Whittington Status: Passed

4. Staff Report

a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

B. **Consent Agenda**

C. **Public Hearings**

1. Public Hearing for Case #2560 – Regions Bank (Bethany Rooney) has filed a request for Site Plan Approval for 'Regions Bank Oxford 3-1' for

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property located at 1931 Jackson Avenue West. (PPIN #7827) **(Postponed from November)**

Planning Comments: The subject property measures approximately +/- 1.13 acres and is zoned (TNB) Traditional Neighborhood Business. It is located at the corner of Jackson Avenue and Heritage Drive, at the site of the former Applebee's.

The applicant is requesting site plan approval to renovate the former Applebee's building into a single-story bank (4,926.6 sq. ft.) There is a small addition proposed on the southeast side of the existing building as a new entry vestibule.

A maximum of (20) parking spaces are required and twenty-seven (27) have been provided. The applicant received a variance in October 2018 that allows the applicant to propose up to 30 parking spaces (Case #2372). The only vehicular access will be from a point of ingress/egress along Heritage Drive. The interior drive with allow for vehicular circulation in both directions, and a patron could drive out of the parking lot without having to go through the lane directly east of the three drive thru lanes.

The applicant also received special exceptions in July 2019 allowing a) Front Yard (East) Build-To Line, Maximum from 30 ft. to 64 ft. and b) Front Yard (South) Build-To Line, Maximum from 30 ft. to 78 ft. (Case #2511). The building footprint will largely remain the same as it was under its previous use. It will remain brick and the proposed entryway addition will also be brick.

Staff believes that this extensive renovation to the building and change of ownership requires the extension of parapet walls along all portions of the roof to screen rooftop mounted equipment. The previous tenant had rooftop mounted equipment, but if the bank chooses to move the equipment to the ground level, the extension of the parapet walls would not be required.

The proposal meets open space and impervious coverage standards and the proposed landscape design meets all standards related to parking lot trees and landscaping requirements.

The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:

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Access - This site currently has two access points onto Heritage Drive. The proposed site plan will eliminate the access point closest to the intersection of Jackson and Heritage; and the far (east) side of Heritage Drive will be re-striped to provide a protected left turn into the site. This site will also maintain an easement for future access to the property north and west of the existing site. This easement is to be in favor of the City of Oxford.

In addition, a concrete sidewalk is proposed along the site's Heritage Drive frontage.

Traffic Impact - A traffic impact study was prepared for this site based on counts taken on January 31, 2019 while school was in session at the University of Mississippi and local City and County schools. The study concluded that there were minor impacts to traffic on Jackson Avenue and Heritage Drive as a result of the redevelopment of this site, and that a left turn lane into the northernmost driveway was warranted to mitigate the impact.

The left turn will be created by restriping the existing roadway at the developers expense as shown in sheet C-130 of the construction plans. The existing roadway is wide enough to support these changes.

Development at this site will also result in a slight increase in delay per vehicle to traffic (averaging 0.3 seconds/vehicle) at Jackson Avenue and Heritage Drive and at Harris Drive. The study recommends that City Staff change the signal timing of the intersection to reallocate one section of green time from Harris to Heritage. Staff will take this recommendation under advisement. Staff finds the Traffic Impact Study to be acceptable and has no concerns with approval of this development.
Water and Sewer & Utility - Water and sewer to the site will utilize the existing facilities in place from its previous use.

Stormwater - The storm water requirements will be met by a private underground chamber system located underneath the parking lot to the south of the existing building. All stormwater from the site will discharge into existing facilities on West Jackson Avenue. The final storm water report has not yet been approved, but it is anticipated to receive final approval soon.

Recommendation: Staff recommends approval of 'Regions Bank Oxford 3-1' with the conditions:

1. Approval is for the site plan as submitted. (Planning)
2. Signage to be submitted separately. (Planning)
3. A parapet wall must be installed around the entire perimeter of the rooftop, if rooftop mounted equipment is to remain. (Planning)

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4. Provide easement to the City of Oxford as shown on Sheet C-130 of the construction drawings. (Engineering)
5. Final approval of the stormwater report. (Engineering)
6. The contractor for the site shall give the City of Oxford, at a minimum, 48 hour notice before re-striping of Heritage Drive, and shall provide the city a traffic control plan for the striping operations before any work on Heritage is to be allowed. No striping operations will be allowed on Fridays, holidays, or special event days. (Engineering)
7. Complete all striping improvements as recommended in the Traffic Impact Study. (Engineering)

Move: Marvin King Second: Bill Freeman Status: Passed

2. Public Hearing for Case #2576 – City of Oxford has filed a request for a Variance from Section 7.2.9.7 Wall Signs for 'Ulysses "Coach" Howell Activity Center' for property located at 396 Price Street. (PPIN #5385)

Planners Comments: The City of Oxford is requesting a variance from the Land Development Code Section 7.2.9.7 to allow a wall sign to exceed the maximum sign size. There are not any signs located at the new or existing facility.

The allowed size of a wall sign is determined by the linear frontage to a public road, and intentionally limited to avoid excessively large signs on very large buildings. There is no differentiation between what is allowed for commercial and governmental uses. Thus, if a building is located from 0-30 feet from the property line, the building will be allowed to have one square foot of wall sign area for each linear foot of frontage. If the building is located at a distance greater than 30 feet from the property line, then the building will be allowed to have a two square feet of wall sign area for each linear foot of frontage to a public road. In both of these instances, a wall sign is not allowed to exceed 200 square feet.

The City is requesting the ability to install a wall sign that measures approximately +/- 360 sq/ft. at the Ulysses "Coach" Howell Activity Center. It is located more than 30 feet from the property line at the requested location, and would be limited to a 200 square foot sign. The request exceeds that standard by 160 square feet.

This building is one of the largest structures constructed within the city limits since Baptist Memorial Hospital. The Activity Center has a large, blank, metal face of approximately 3,607 sq/ft facing east along Price Street. The applicant states that the proposed sign would be appropriately scaled sign for this structure and would

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ensure easy visibility along the Price Street frontage. The applicant states that it should be considered that the intent of this sign is not commercial advertising but for branding of this important community use. The applicant believes the larger sign is needed to assist visitors and guests to easily identify the location of this building from Price Street.

Recommendation: The City respectfully asks for the Commission's consideration for this unique circumstance by granting a variance for a larger sign in order to assist residents and visitors with identifying the Ulysses "Coach" Howell Activity Center when approaching it along Price Street, if the Commission considers the size of signage allowed to be a hardship for this use.

Summary of Discussion:

City Liaison for the project, Mark Levy, said the sign will be backlit. Park Commission Director, Seth Gaines, said there were no plans for a sign along Molly Barr Road and the only sign would be facing Price Street.

Commissioner Riddell said there really should be a sign on the Washington Avenue side as well. Mr. Levy said that monument signs on the corner of Price Street would help with that. Planning Director Ben Requet said that they would be able to have two signs. Commissioner Riddell said she felt the Code does not necessarily consider visibility in a reasoning for having a bigger sign. She added that she was not necessarily opposed to this situation, she felt that the same considerations for bigger signage should be the same for the City as for local businesses.

Mr. Levy said there should be full visibility of the sign from 450 ft. away at the crest at the intersection of Price Street and the Depot Trail.

Commissioner King asked if denied, is the maximum allowed visible without the variance. Mr. Levy said it was probably possible to recognize the logo, but the scale of building makes it not easily recognizable.

Commissioner Freeman asked if it would be possible to move the City emblem on one end or the other of the activity center name to make the width of the sign comply to code. Mr. Levy said he thought the "O" at the top would be a cleaner mark. Mr. Gaines said the center is named after an individual and that is part of what makes the sign bigger at 14.6" x 23-9" approximately.

Commissioner King said he sympathized with the City and Park Commission, but there are giant buildings all over where signage is not scaled to the building. Commissioner Riddell said she did not think that the

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sign looked too big for that building. Chairman Hyneman added that the sign is basically 10% of the building frontage on that side.

Ben Requet said that there have not been many sign area variances. Mr. Requet added that there is no other signage on any other Activity Center buildings. He said that OPC is essentially taking square footage from the other building on site and putting it on this new activity center building. Mr. Levy said the activity center is a community building and has a different position from lots of other businesses that usually are perpendicular to a street.

Commissioner King ended the discussion by saying he appreciated and would support the City taking signage that could be distributed to the two buildings on site and putting it all onto the new activity center.

Motion of approval due to the decision by the City to have signage for multiple buildings only installed on the new activity center.

Move: Duncan Gray Second: Darryail Whittington Status: Passed

3. Public Hearing for Case #2564 – Andrew Callicutt has filed a request for a Preliminary and Final Plat for 'Oxford Farms – Phase 6', for property located on South Lamar Boulevard. (PPIN #36063)

Planners Comments: This is a request for a Preliminary and Final Subdivision Plat containing one lot for Oxford Farms, Phase VI. This property was the subject of Case #2489-A, a site plan approval to grade the property that was listed on the June 2019 Planning Commission agenda under the Administrative Approval section. Additionally, this property is the subject of several cases (Case #2565, #2566, #2567, and #2561) on the December 2019 agenda related to the 'Oxford Farms Senior Living' development proposal.

The subject property is located along South Lamar and is directly south of the Oxford Pediatrics Group. The proposed lot will measure approximately +/- 4.58 acres and access will be provided from South Lamar. The submitted plats appear to meet all required subdivision standards for the City.

Engineering Comments:
Regional Stormwater Management Facility
This lot proposes to incorporate a shared regional detention pond with the adjacent property, Lot 2 of Oxford Farms, Phase II (Owner: YMCA). Staff supports the use of a regional stormwater management facility if all the required elements of the stormwater ordinance are met. At the time of this report, the stormwater

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management plan has not been approved and there are still issues to be resolved regarding the ownership and maintenance of the regional stormwater management facility, but these can be resolved prior to the Final Plat approval by the Board of Alderman. The extents of the regional stormwater management facility shall be noted and shown appropriately on the plat so that there is no confusion regarding ownership, maintenance, or rights of use. The Oxford Farms, Phase II plat will also need to be amended to reflect the regional stormwater management facility.

Easements

Easements for the water and sewer line shall be shown on the plat with a note that they are located and installed according to the approved site plan for the Oxford Farms Senior Living Facility. The Owner has granted an easement to the City of Oxford for an extension of the box culvert located in the southeast corner of the lot for the Azalea-Office Way signalization project. This easement shall be shown on the plat.

Recommendation: Staff recommends approval of the Preliminary and Final Plats of this one lot subdivision with the following conditions:

1. The Final Plat shall not be advanced to the Board of Alderman for approval until staff comments have been addressed.
2. A stamped and recorded copy of the covenants will be required before a Certificate of Occupancy is issued.
3. Approval by the Mayor and Board of Aldermen is required.

Move: Bill Freeman Second: Darryail Whittington Status: Passed

4. Public Hearing for Case #2565 – Andrew Callicutt has filed a request for a Special Exception as provided in Section 3.6.1.2 Assisted Living Facility – Districts Permitted, for property located on South Lamar Boulevard. (PPIN #36063)

Planners Comments: The subject property is a 4.57-acre parcel located on the west side of South Lamar Boulevard, south of Oxford Pediatric Group. The applicant is proposing to construct an 86-unit, three-story assisted living facility with 108 bedrooms. An Assisted Living Facility requires a Special Exception as provided in Section 3.6.1.2 of the Land Development Code. When located in a Traditional Neighborhood Business District, there are no additional standards of review.

Through the efforts of the Retiree Attraction Program, the City of Oxford, for many years, has been recognized as a desired location to retire. According to 2018 US Census estimates, 23% of the Lafayette County population is 55 or older. As the

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baby-boomer generation continues to age, Oxford and Lafayette County need to ensure that there is adequate infrastructure in place to allow this segment of the population to age in place. Additionally, as Oxford continues becoming a regional healthcare hub, it is likely that the Planning Commission will review more requests for age-restricted developments, assisted living facilities, nursing homes, and memory care facilities.

In this instance, the location is ideal given its close proximity to Baptist Hospital and medical offices. The developer envisions this development as a place that will be appealing to individuals or couples along a continuum of care - from those still independent up to those who required assistance or even skilled nursing care. The site plan also indicates a future phase that will offer a memory care facility; but approvals are not being requested for that phase at this time.

Recommendation: Staff recommends approval of the requested Special Exception for the Oxford Farms Senior Living facility.

Move: Darryail Whittington Second: Marvin King Status: Passed

5. Public Hearing for Case #2566 – Andrew Callicutt has filed a request for a Variance from Section 3.6.1.3 Assisted Living Facility – Parking, for property located on South Lamar Boulevard. (PPIN #36063)

Planners Comments: The subject property is a 4.57-acre parcel located on the west side of South Lamar Boulevard, south of Oxford Pediatric Group. The applicant is proposing to construct an 86-unit, three-story senior assisted living facility with 108 bedrooms. The applicant is requesting a variance to allow more parking than allowed under the Assisted Living Facility standards. The code stipulates that one space is required for every two employees plus one visitor space for each four bedrooms.

In this instance, the code would only allow the facility to provide a total of 32 parking stalls (5 stalls for the anticipated 10 employees, and 27 stalls for visitors of the 108 bedrooms). The applicant is requesting the ability to provide a total of 98 parking stalls. This would enable each tenant to have one parking space, plus allow for an additional 12 parking stalls for employees and visitors. The applicant believes the extra parking is needed to provide parking for residents who still have vehicles and for their visitors.

Staff acknowledges that the Land Development Code only considers a type of an Assisted Living Facility, that provides full skilled care and whose residents often no

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longer drive; and it fails to consider a facility that provides care to a range of residents, including people that are fully-independent (or whose physical limitations does not impair their ability to drive).
What the applicant is requesting is consistent with the parking provisions for an age restricted housing development, which requires one parking stall per unit in addition to guest parking. Staff supports this requested variance, and plans to modify the Land Development Code to incorporate parking standards for a range of Assisted Living Facilities.

Recommendation: Staff recommends approval of the variance related to required parking for the Oxford Senior Living Development.

Summary of Discussion:

Joey Moore stated that the applicant wants to build for 55+ age community, not quite senior living, but "senior assisted". Chairman Hyneman said it appeared that the applicant is planning for the best case scenario that everyone would be independent and able to drive and find parking.

With the added condition that the future addition could share parking.

Commissioner King opposed.

Move: Bill Freeman Second: Darryail Whittington Status: Passed

6. Public Hearing for Case #2567 – Andrew Callicutt has filed a request for a Variance from Section 2.6.7 Traditional Neighborhood Business: Front Yard Build-to Line, Max for 'Oxford Farms Senior Living' for property located on South Lamar Boulevard. (PPIN #36063)

Planners Comments: The subject property is a 4.57-acre parcel located on the west side of South Lamar Boulevard, south of Oxford Pediatric Group. The applicant is proposing to construct an 86-unit, three-story assisted living facility with 108 bedrooms. The applicant is requesting a variance to allow the building to be setback more than the maximum distance allowed in this zoning district. The code stipulates that the building shall be constructed as close as the property line, but no farther than 50 feet from the property line.

In this instance, the applicant is requesting the ability to set the building approximately +/- 75 feet off of the property line. The proposed design prevents this building's ability to comply with the code. There is a proposed porte-cochere (covering over the driveway at the front door) that extends into the Build-to Line, but staff believes that measuring from this protrusion does not meet the spirit of

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the ordinance. Also, drop-off with a turnaround area is proposed at the primary entrance to the facility, and this arrangement does force the building to be located farter away from the property line. Additionally, since the building exceeds 30' feet in height, Fire Department Code dictates that a fire apparatus access road of at least 26' feet in width is required. Since the design of this facility has limited access to the rear of the building, the only location for this access road is from the front of the building.

Recommendation: Given the circumstances of the site, the need for convenient parking and access to the building for the intended residents, and the need for this use in the community, Staff recommends approval of the variance related to required Build-to Line maximum for the Oxford Senior Living Development.

Move: Bill Freeman Second: Marvin King Status: Passed

7. Public Hearing for Case #2561 – Andrew Callicutt has filed a request for Site Plan Approval for 'Oxford Farms Senior Living' for property located on South Lamar Boulevard. (PPIN #36063)

Planners Comments: The subject property is a 4.57-acre parcel located on the west side of South Lamar Boulevard, south of Oxford Pediatric Group. The applicant is proposing to construct an 86-unit, three-story assisted living facility with a total of 108 bedrooms. This property is the subject of several cases (Case #2565, #2566, #2567, and #2564) on the December 2019 agenda related to the 'Oxford Farms Senior Living' development proposal.

Use Requirements – An Assisted Living Facility requires a Special Exception as provided in Section 3.6.1.2 of the Land Development Code. When located in a Traditional Neighborhood Business District, there are no additional standards of review. Special Exception is requested and is the subject of Case #2565.

Parking – The standards for an Assisted Living Facility require one parking space for every two employees plus one visitor space for each four bedrooms. The proposal indicates a total of 98 parking spaces, which is more than what the code stipulates, but the applicant believes that this facility will target individuals and couples that are more independent that will still utilize a vehicle. A variance is requested and is the subject of Case #2566.

Other Review Elements

- Landscaping – The proposed site plan includes foundation plantings around the proposed building. The parking lot and frontage trees proposed

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comply with the regulations of the land development code. Landscaping is also indicated around the perimeter of the detention pond. A total of 107 mitigation trees are to be planted on this site.

- Building Height – The building height complies with the maximum height for the district.
- Building Materials – The building will be constructed primarily with a mix of block, brick, stucco, and hardi-board siding.

Engineering Comments

Access

The proposed site plan will have two points of access, one on South Lamar and one on Farmview via an access easement with the future YMCA site. Access on South Lamar was approved in the location shown after discussion and consideration with the owner and engineer. The site driveway was relocated to the northern portion of the lot from its original location mid-point in order to avoid conflicts with the turn lane recently constructed at Office Park-Azalea. There will not be a left turn lane at this driveway location, and there are no expectations of any significant problems with traffic.

Traffic Impact Analysis

The proposed use generates a low volume of traffic according to the ITE Trip Generation Manual based on the number of beds proposed. Staff did not request the overall Traffic Impact Study for Oxford Farms be updated for this use due to the low number of trips generated in the peak hour (18-25) and the fact that the YMCA has not been built out. The Traffic Impact Study provided in 2016 included the YMCA, which is a much larger development and would generate a significantly larger volume of traffic. The study recommended a signal at Farmview and South Lamar but Staff did not support that recommendation due to the proximity to the signal proposed by the City at Office Park-Azalea. The overall Traffic Impact Study will be required to be updated prior to any approval of the future YMCA or any other significant traffic generators within Oxford Farms.

Street Drainage

The completed site will sit higher than the adjacent portion of South Lamar and will impact curb cuts recently completed with the Office Park-Azalea signalization project. Engineering staff met on site with the engineer to resolve the resulting drainage issue and it was determined that a junction box and short section of pipe could be installed in the private storm drain system on site or a swale could be constructed to capture the water from South Lamar that previously flowed in the drainage ditch. These options are not shown on the plans but are required and will be constructed.

Utilities

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Water will be provided to the site by extending the water main from Creekside through the YMCA site. An easement will be provided to the City and noted in the site plan and plat. Sewer will be provided by extending the sewer main along South Lamar with an easement provided and noted as well.

Stormwater

The requirements for stormwater detention will be met by a regional detention pond between this lot and the adjacent YMCA lot. The pond will be designed at this time to meet the requirements of this site and the area graded at the YMCA site. It will be considered a "temporary" pond in the sense that we are aware that the pond will be enlarged to accommodate future development of the YMCA lot. However, it will be designed and constructed to be fully functional in the event that there is a no further development. The use of a regional detention pond requires additional documentation regarding ownership and maintenance. These documents have not been approved at this time but will be resolved prior to the approval of the Final Plat by the Board of Alderman.

Engineering staff is waiting on responses to additional comments about the stormwater management plan. These concerns include the sizing of the storm drainage pipes to convey runoff to the stormwater management system for all storm events, the sizing of the detention system to accommodate runoff from the graded YMCA lot, and issues related to the modeling of the site. These maybe be addressed prior to the Planning Commission meeting but are included as part of the stormwater management plan approval condition.

Other Departments:

All comments from the other City departments have been adequately addressed and they all recommend approval.

Recommendation: Staff recommends approval of the Site Plan for 'Oxford Farms Senior Living Facility' with the following conditions:

1. Approval of the Site Plan is contingent on the Planning Commission granting approval of Case #2564, #2565, #2566, and #2567.
2. Drainage issues between South Lamar and the site must be addressed as discussed between staff and the design engineer. (Engineering)
3. Approval is contingent on approval of the stormwater management plan and the satisfaction of all elements required for the use of regional detention. (Engineering)
4. Approval is contingent on approval of the Operation, Inspection, and Maintenance Plan. (Engineering)
5. Approval is for the Site Plan as submitted.

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Move: Bill Freeman Second: Marvin King Status: Passed

8. Public Hearing for Case #2568 – mTrade/Mike Overstreet Properties have filed a request for a Variance from Section 2.6.8 Suburban Corridor: Front Yard Build-to Line, Max for property located at 100 Barron Street. (PPIN #8911)

Planners Comments: The subject property is located at the corner of Highway 7 South, Grand Oaks Boulevard, and Barron Street (a private drive). The site measures approximately +/- 13.52 acres and is undeveloped with sparse vegetation and smaller pine trees on the west side of Barron Street, and more mature trees on the east side of Barron Street. The applicant is proposing to construct a two-story office building with a basement on a portion of this site. The building will measure approximately +/- 27,954 sq/ft and will be the new location for mTrade which is to relocate from the Oxford Enterprise Center located on Industrial Drive. The proposed development on this property is the subject of several cases (Case #2569, #2570, and #2571) on the December 2019 agenda related to the 'mTrade Technology Park' development proposal.

This case is a request for a variance to allow the Front Build-To maximum to exceed the required 150 feet. Although this application was advertised as a Special Exception, since the proposed distance exceeds 150 feet as limited in the special exception standards, a variance from the same provision is needed instead. It is another corner lot that winds up finding it difficult or impossible to comply with this standard on both frontages.

A significant part of the problem is that the building is to be sited on a small portion of this large property, toward the middle of the 13+ acre parcel. Subdivision into smaller lots is likely, but not yet planned. The building is placed so that it complies with the front build-to line along Highway 7 (although that will not be the front of the building), but the building is located approximately 375 feet away from the property line along Grand Oaks Boulevard. At this time, the applicant has not stated plans to develop the property between the proposed building and Grand Oaks Boulevard, but it seems logical that it will eventually develop given the size of the property, its location, and zoning.

The addition of a new office building that will continue to employ Oxford residents, and provide the ability for future growth and expansion is certainly desirable. This large parcel of property will have the potential to continue to be developed in the future, and potentially facilitate a new office campus. As this is very likely the initial building in what should be a larger development, and as the building does comply with one of the build-to lines, supports the requested variance.

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Recommendation: Staff recommends approval of the requested front build-to line variance for the mTrade Technology Park.

Move: Duncan Gray Second: Judy Riddell Status: Passed

9. Public Hearing for Case #2569 – mTrade/Mike Overstreet Properties have filed a request for a Variance from Section 3.8.5 Offices – Professional: Parking, for property located at 100 Barron Street. (PPIN #8911)

Planners Comments: The subject property is located at the corner of Highway 7 South, Grand Oaks Boulevard, and Barron Street (a private drive). The site measures approximately +/- 13.52 acres and is undeveloped with sparse vegetation and smaller pine trees on the west side of Barron Street, and more mature trees on the east side of Barron Street. The applicant is proposing to construct a two-story office building with a basement on a portion of this site. The building will measure approximately +/- 27,954 sq/ft and will be the new location for mTrade which is to relocate from the Oxford Enterprise Center located on Industrial Drive. The proposed development on this property is the subject of several cases (Case #2568, #2570, and #2571) on the December 2019 agenda related to the 'mTrade Technology Park' development proposal.

The applicant is requesting a parking variance for the proposed office building. The code requires that approximately 116 parking stalls to be provided for this site, while the development proposal indicates a total of 143 stalls (27 more than required). In meetings with the City, the applicant has stated that the proposed parking for this project is necessary based on their current number of employees at mTrade. Therefore, the applicant is requesting the ability to have additional parking in order to meet that current needs. The applicant stated that mTrade has approximately +/- 140 employees.

Recommendation: Given the unique circumstances of this case, and the applicant's hardship need for the proposed amount of parking based on the existing number of employees, staff recommends approval of the requested variance for 'mTrade Technology Park'.

Summary of Discussion:

Chairman Hyneman asked what M-Trade does as a company. Chip Bolton from M-Trade stated that the business is a spin off from FNC, and that they develop software for large financial institutions. Mr. Bolton said there would

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be employees coming to this office in differing shifts throughout the day. He said there are currently 135 people employed in Oxford right now and they intend to grow.

Commissioner King opposed.

Move: Duncan Gray Second: Bill Freeman Status: Passed

10. Public Hearing for Case #2570 – mTrade/Mike Overstreet Properties have filed a request for Site Plan Approval for 'mTrade Technology Park' for property located at 100 Barron Street. (PPIN #8911)

Planners Comments: The subject property is located at the corner of Highway 7 South, Grand Oaks Boulevard, and Barron Street. The site measures approximately +/- 13.52 acres and is undeveloped with sparse vegetation and smaller pine trees on the west side of Barron Street, and more mature trees on the east side of Barron Street. The applicant is proposing to construct a two-story office building with a basement. The building will measure approximately +/- 27,954 sq/ft and will relocate mTrade from the Oxford Enterprise Center located on Industrial Drive.

Use Requirements – A professional office is a permitted use in the (SCO) Suburban Corridor zoning district. It is regulated in Section 3.8.5 of the Land Development Code.

Parking - The standards for a Professional Office building require one parking space for every 300 square feet of gross office floor area. The proposal indicates a total of 143 parking spaces, which is more than what the code stipulates, but the applicant believes that this amount is needed to support the current number of employees that will work at this building. A variance is requested and is the subject of Case #2569.

Other Review Elements

- Landscaping – The landscaping plan indicates frontage trees along Grand Oaks Boulevard and Highway 7 will be installed. The proposed parking lot trees provide the required canopy coverage in the parking lot. The detention pond appears to be adequately landscaped
- Building Height – The maximum height allowed in the Suburban Corridor District is 4-stories and 50-feet. This proposal is well within compliance of the height standard
- Building Materials – The design of this building is utilitarian and will be constructed of mainly ground face block and glass.
- The trees to be removed on this site do not require mitigation.

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Engineering Comments

Access – This development involves construction of a new office building facility on Barron Drive immediately south of its intersection with Grand Oaks Boulevard. The property is abutted to the west by MS Highway 7, to which it will not access. A concrete sidewalk is shown to be constructed along the sites frontage of Grand Oaks Boulevard. The sidewalk will follow the curb return radius of the intersection with the Barron Drive and a striped crosswalk is shown across Barron Drive outside of the Grand Oaks Boulevard right-of-way. A pedestrian easement will be required at this crosswalk and any areas of sidewalk that are not on Grand Oaks Boulevard right-of-way as Barron Drive is private at this point in time. A sidewalk will not be required on MDOT right-of-way adjacent to the property as the majority of this area will be "no-acccess", meaning there will be an MDOT fence that prohibits access to the area around the intersection.

A traffic analysis of the intersection of Barron Drive and Grand Oaks Boulevard is currently underway considering traffic counts from the City of Oxford and proposed, generated traffic from the site. This analysis has not been completed at the time of this report. The anticipated finding of the analysis is a determination if a three-way stop is warranted at Barron and Grand Oaks Boulevard.

Water and Sewer – Water and sewer for the new facility will be obtained via City of Oxford water and sewer mains running along Barron Street. The City of Oxford maintains these lines by way of easements that are shown on the plat of survey for the property and construction drawings for the site. Water and Sewer facilities on the site will be private outside of the easement.

Stormwater – The storm water requirements will be met by a private above ground detention pond located to the south of the proposed building. The final storm water report has not been approved yet, but it is anticipated to receive final approval soon. Staff has noted to the engineer that groundwater is very likely going to be a problem with the proposed pond based on the soil boring logs provided and the time of year the bores were completed. The engineer has agreed to conduct additional soil borings in accordance with all required specifications. In the event that groundwater prevents the installation of a dry pond as proposed, the engineer will be required to provide an alternate design. Staff requests permission to approve any alternate stormwater plan at the staff level, provided that it meets all requirements of the stormwater ordinance.

Other Departments:

Environmental Services – The location of the dumpster has been a continued point of discussion. Initially, the dumpster was to be located on the west side of Barron,

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north of the entrance to the office building, however, a dumpster is considered an accessory structure and must be located in a side or rear yard. The dumpster was then to be located behind the front building line of the proposed building but on the east side of Barron Street. The Environmental Services Director expressed concerns about this proposed location because it would require the truck drivers to back into a street, a condition that is avoided. Staff desires that the dumpster be located within the parking lot, although a specific location has not yet been determined. Staff will recommend approval of that plan with a condition that prior to the issuance of any permits, the final dumpster location be approved by staff. This suggests that the site plan may be slightly altered to accommodate the final dumpster location, but we do not believe this to be a substantive modification.

The submitted plans have been modified to address all standards and concerns of other City Department.

Recommendation: Staff recommends approval of the site plan for 'mTrade Technology Park' with the following conditions:

1. Final location of the dumpster enclosure approved by Staff prior to the issuance of any permits. (Planning)

2. A final traffic analysis of the intersection of Grand Oaks Boulevard and Barron Drive is to be submitted to the City Engineer's office with a list of recommendations to be completed by the owner, if any. (Engineering)

3. A pedestrian easement is required for any sidewalk locations outside of public right-of-way.(Engineering)

4. Final approval of the storm water report. (Engineering)

5. Staff has authority to approve any alternate stormwater reports as noted in the staff report. (Engineering)

6. Approval is contingent on approval of the Operation, Inspection, and Maintenance Plan. (Engineering)

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Summary of Discussion:

Planning Director Ben Requet said there was a letter from a citizen in Grand Oaks that is now part of the record.

Architect Corey Alger said the dumpster location is the only issue he would like to address. He said that they do not want the dumpster in the parking lot and do not want the view of the dumpster coming up the highway and in the foreground of the building. Mr. Alger said that he believes what has been shown is compliant with the Land Development Code. Mr. Alger stated that there is the opportunity for 13 acres of development here and that the dumpster might be combined somewhere in the future. Mr. Alger said there intent is to utilize the existing Barron Street, across from the entrance to the building. He added that dumpster trucks will have to back out of the street.

City Engineer Reanna Mayoral said there had been lots of discussion about the dumpster location and that Barron Street is a private street, but it is traversed. Planning Director Ben Requet said that Environmental Services has not signed off on this location and that the LDC states that a dumpster needs to be contingent to the development.

Commissioner Gray said it appeared that departments have not signed off on certain aspects and that there are slots of unknown. He added that he preferred the Commission have less open ended issues. Commissioner Gray stated that if the Commission approves, and then there is no consensus on the dumpster, he thought that the applicant would have to come back. City Attorney Paul Watkins stated that the applicant cannot pull a permit until they choose to locate the dumpster where approved by Environmental Services.Ms. Mayoral stated that Environmental Services has not allowed this setup for a dumpster located across the street from a development at other locations. Chairman Hyneman said he would prefer to hear that from the Environmental Services Director, who was not present.

With conditions, including the easement within Grand Oaks only pertaining to Augusta Drive, not on any of the M-Trade site.

Move: Marvin King Second: Bill Freeman Status: Passed

11. Public Hearing for Case #2571 – mTrade/Mike Overstreet Properties have filed a request for a Variance from Section 7.2.9.8(a) Monument Sign: Height, for property located at 100 Barron Street. (PPIN #8911)

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Planners Comments: The subject property is located at the corner of Highway 7 South, Grand Oaks Boulevard, and Barron Street. The site measures approximately +/- 13.52 acres and is undeveloped with sparse vegetation and smaller pine trees on the west side of Barron Street, and more mature trees on the east side of Barron Street. The applicant is proposing to construct a two-story office building with a basement. The building will measure approximately +/- 27,954 sq/ft and will relocate mTrade from the Oxford Enterprise Center located on Industrial Drive.

Use Requirements – A professional office is a permitted use in the (SCO) Suburban Corridor zoning district. It is regulated in Section 3.8.5 of the Land Development Code.

Parking - The standards for a Professional Office building require one parking space for every 300 square feet of gross office floor area. The proposal indicates a total of 143 parking spaces, which is more than what the code stipulates, but the applicant believes that this amount is needed to support the current number of employees that will work at this building. A variance is requested and is the subject of Case #2569.

Other Review Elements

- Landscaping – The landscaping plan indicates frontage trees along Grand Oaks Boulevard and Highway 7 will be installed. The proposed parking lot trees provide the required canopy coverage in the parking lot. The detention pond appears to be adequately landscaped.

- Building Height – The maximum height allowed in the Suburban Corridor District is 4-stories and 50-feet. This proposal is well within compliance of the height standard.

- Building Materials – The design of this building is utilitarian and will be constructed of mainly ground face block and glass.

- The trees to be removed on this site do not require mitigation.

Engineering Comments

Access – This development involves construction of a new office building facility on Barron Drive immediately south of its intersection with Grand Oaks Boulevard. The property is abutted to the west by MS Highway 7, to which it will not access. A concrete sidewalk is shown to be constructed along the sites frontage of Grand Oaks Boulevard. The sidewalk will follow the curb return radius of the intersection with the Barron Drive and a striped crosswalk is shown across Barron Drive outside of the Grand Oaks Boulevard right-of-way. A pedestrian easement will be required at this crosswalk and any areas of sidewalk that are not

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on Grand Oaks Boulevard right-of-way as Barron Drive is private at this point in time. A sidewalk will not be required on MDOT right-of-way adjacent to the property as the majority of this area will be "no-acccess", meaning there will be an MDOT fence that prohibits access to the area around the intersection.

A traffic analysis of the intersection of Barron Drive and Grand Oaks Boulevard is currently underway considering traffic counts from the City of Oxford and proposed, generated traffic from the site. This analysis has not been completed at the time of this report. The anticipated finding of the analysis is a determination if a three-way stop is warranted at Barron and Grand Oaks Boulevard.

Water and Sewer – Water and sewer for the new facility will be obtained via City of Oxford water and sewer mains running along Barron Street. The City of Oxford maintains these lines by way of easements that are shown on the plat of survey for the property and construction drawings for the site. Water and Sewer facilities on the site will be private outside of the easement.

Stormwater – The storm water requirements will be met by a private above ground detention pond located to the south of the proposed building. The final storm water report has not been approved yet, but it is anticipated to receive final approval soon. Staff has noted to the engineer that groundwater is very likely going to be a problem with the proposed pond based on the soil boring logs provided and the time of year the bores were completed. The engineer has agreed to conduct additional soil borings in accordance with all required specifications. In the event that groundwater prevents the installation of a dry pond as proposed, the engineer will be required to provide an alternate design. Staff requests permission to approve any alternate stormwater plan at the staff level, provided that it meets all requirements of the stormwater ordinance.

Other Departments:

Environmental Services – The location of the dumpster has been a continued point of discussion. Initially, the dumpster was to be located on the west side of Barron, north of the entrance to the office building, however, a dumpster is considered an accessory structure and must be located in a side or rear yard. The dumpster was then to be located behind the front building line of the proposed building but on the east side of Barron Street. The Environmental Services Director expressed concerns about this proposed location because it would require the truck drivers to back into a street, a condition that is avoided. Staff desires that the dumpster be located within the parking lot, although a specific location has not yet been determined. Staff will recommend approval of that plan with a condition that prior to the issuance of any permits, the final dumpster location be approved by staff.

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This suggests that the site plan may be slightly altered to accommodate the final dumpster location, but we do not believe this to be a substantive modification.

The submitted plans have been modified to address all standards and concerns of other City Department.

Recommendation: Staff recommends approval of the site plan for 'mTrade Technology Park' with the following conditions:

1. Final location of the dumpster enclosure approved by Staff prior to the issuance of any permits. (Planning)

2. A final traffic analysis of the intersection of Grand Oaks Boulevard and Barron Drive is to be submitted to the City Engineer's office with a list of recommendations to be completed by the owner, if any. (Engineering)

3. A pedestrian easement is required for any sidewalk locations outside of public right-of-way.(Engineering)

4. Final approval of the storm water report. (Engineering)

5. Staff has authority to approve any alternate stormwater reports as noted in the staff report. (Engineering)

6. Approval is contingent on approval of the Operation, Inspection, and Maintenance Plan. (Engineering)

Summary of Discussion:

Commissioner Riddell leaves meeting.

After the Planning Commission agenda was published, architect Corey Alger stated that he emailed Planning Staff saying that the request was altered. Mr. Alger said that the sign on the building elevation was meant to show what size sign would be allowed per Land Development Code if they wanted a wall sign. Mr. Alger said that M-Trade does not want a wall sign right now, but that they do want a monument sign that would be 10 ft. tall, 4 ft. taller than allowed per Code. Mr. Alger said M-Trade needs more height

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to the monument sign for visibility from Highway 7. Mr. Alger stated that the sign proposed would be 10x12 ft. and illuminated.

Commissioner Hyneman noted that at last month's Planning Commission meeting, the owner of Highway 30 Collision asked for 10 ft. monument sign and the Commission granted him an 8 ft. sign. Mr. Hyneman said the argument was that the owner wanted his business to be seen for people trying to find him for his specific services.

Commissioner Gray asked who would be going to this building other than employees. Corey Alger said that it would mainly be for employees and that they could put a sign on the building. He said M-Trade wants the business to be visible to the public.

Commissioner King asked if the proposed sign would be the only monument sign on the property, even if other development occurs on the property in the future. Planning Director Ben Request said that additional site plans would have to come through for review at the time of any new proposals on the property.

Commissioner Gray asked what would occur if there is additional development on the property and more signs are needed. Mr. Alger stated that the future is fluid, but the plan is that this proposal would be the only sign. He added that there could be a wayfinding signage package in the future. Mr. Request stated that a wayfinding signage package would come back through the site plan review process.

Commissioner Gray made a motion to approve a variance for a sign height of 8 ft. as opposed to 10 ft. Carries, 3-2. Opposed Commissioners Freeman and King.

Move: Duncan Gray Second: Darryail Whittington Status: Passed

12. Public Hearing for Case #2572 – O & A Properties has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height, for property located at Commerce Drive and Highway 7 South. (PPIN #29161) **(POSTPONED)**

13. Public Hearing for Case #2573 – O & A Properties has filed a request for Site Plan Approval for 'Oxford Spot at Commerce Park' for property located at Commerce Drive and Highway 7 South. (PPIN #29161) **(POSTPONED)**

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14. Public Hearing for Case #2574 – Blackburn Communities, LLC has filed a request for a Site Plan Approval (Amended) for 'The Crossing at Oxford Commons' for a property located southeast from Sisk Avenue and Commonwealth Boulevard intersection, south of Della Davidson Elementary School. (PPIN #4958)

Planners Comments: This case is a request for a substantial amendment to the Site Plan approved last year for this site (Case #2406) on this site. This site adjoins Della Davidson School to the north. The approved site plan proposed 292 townhomes (with 894 bedrooms) within 67 structures in a common interest development (CID) on a site of approximately 24.6 acres. That acreage is somewhat more than on the original site plan, as the acreage of the site was increased by +/- 4.82 acres from an estimated 19.78 acres when the subdivision to accommodate this site was created last year.

This revised proposal reduces the number of units substantially. It now proposes a mix of 72 townhomes and 105 detached homes, a total of 177 dwellings (all with 3 bedrooms for a total of 531 bedrooms). The remaining townhomes will be in what is labeled as Phase I of The Crossing. Phasing plans for the residual portions with the detached homes have not yet been established.

General Compliance -The development remains a CID (to be sold as condominiums). Permitted density in this zoning district is established by bedrooms per acre rather than dwellings per acre. The 531 bedrooms in this revised proposal are substantially below the 1,028 bedrooms (at 52 bedrooms per acre) allowed; and the development, as proposed, has approximately 9 dwellings per acre.

The revised Site Plan results in 40.74% green space for the overall development and 59.26% impervious coverage. This is substantially less imperviousness than the 65% that is allowed in this zoning district, and substantially more than the 15% Open Space that is required.

Compliance with Plan Data Table – This development is in Oxford Commons PUD Tract E, which has 56 acres and is designated for 464 residential units on the Plan Data Table. The proposed 177 units of The Crossing will leave the potential for 287 residential units on the approximately 31.4 remaining acres in the residual portions of Tract E.

Compliance with Open Space Dedication Requirement - This property requires a "set aside" easement for open space, as indicated in the original PUD standards, and as further codified in the Oxford Commons PUD Amendment of May 2019. That amendment allows both Tree Mitigation and Open Space dedications

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to be jointly dedicated. This requirement is not addressed in the application and is a condition for approval.

Tree Mitigation - This property falls within the 2012 approved Tree Mitigation variance, allowing a set aside of 14% of the total land area in a permanent easement in lieu of Tree Mitigation as areas of the development are platted or site plans are approved. An area of 3.4 (3.445) acres was dedicated (14% of the 24.6 acre subdivision that was platted) when the Final Plat creating a lot for this development was recorded.

While the required conservation easement for this development has been recorded, staff has not yet received the required maps that allow us to update the Tree Mitigation records, so that is a condition of approval for the Site Plan. No building permits for the detached dwellings will be issued until that information has been received.

Development Amenities - The prior approved Site Plan has no common amenities other than the pool area, which will remain. Architectural plans submitted for the pool house complement the architectural proposals for the homes.

The revised site plan now also includes two "pocket parks" (at the northern and southern borders) but no specific uses for them are proposed. Staff would prefer that at least one of these be a small park with playground equipment for resident children; and a practical use like a fenced off-leash dog park could be considered for the other. Both would be pleasant amenities for the residents.

Landscaping and Parking Lots - An extensive planting plan has been proposed, meeting parking lot tree, foundation planting and edge/buffer landscaping requirements of the Land Development Code. These plans appear to meet code standards.

At the time of the original report, the overall grading plans for the site still needed revisions. The grading plan indicated portions of retaining walls in excess of six feet. Also, the Land Development Code requires any retaining wall in excess of six feet to be screened with evergreen shrubs, and this has not been shown on the current plans. Modifications to address these concerns have been addressed. Final approval of these changes by staff will be a condition of approval.

Parking - For this development of 177 homes and 531 bedrooms, 413 parking spaces are required and 483 spaces are proposed. Parking is provided in garages accessed off alleys for the proposed detached dwellings, and on-street parking serves the townhomes. Additional on-street parallel visitor spaces are provided in the areas where the detached dwellings are to be built. There are also 14 on-street

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parallel spaces available on Commonwealth Blvd. Also, handicapped spaces are not required for this type of development, but one such space is proposed at the pool area.

Between the on-street and garage spaces, 70 more spaces are proposed than required, almost 3 spaces per bedroom. Also, the calculated parking available does not include parking spaces on the driveway "aprons" at the entrance to the garages. They are 18 feet long, and thus sufficient for parking most personal vehicles. Therefore, those areas are likely to also be usable for guest parking for at least some of the dwellings (who do not use their garage for storage).

Subdivision – The subject property was granted approval for a Preliminary and Final Plat by the Mayor and Board of Aldermen in November of 2018 in case #2405 for a lot of 24.6 (24.598) acres. Staff has not yet received the information from the applicant as to why the approved lot is almost five acres larger than the subdivision. Receipt of that information is a condition for approval.

Architecture - No changes are proposed to the already approved designs of the townhomes. The architecture was designed to disguise the bulk of the townhomes, so they look more like larger duplexes than banks of four to six townhomes. They are proposed to be constructed of wood siding (including some "board and batten" elevations) with brick trim, and metal roofing over doors and for awnings. Roofing will be asphalt shingles.

There are three proposed exterior designs for the new detached homes and two types of two-car detached garages (a single story and a two story). All are traditional, with some "Craftsman" details, many with front porches. They are to be a combination of "siding" and brick, but the applicant has not yet submitted a full list of materials to be used. Submittal of that list and approval by staff is a condition of approval. There is not yet a plan for which designs will be built where in this section of the development.

Staff also requested information on the proposed use of the second story of the two-story garages. The applicant stated that they would be available for storage, a bonus room for recreational uses, or perhaps a spare bedroom at the discretion of the owner. We reminded the applicant that any use of the area for a finished space usable for sleeping (room with bath) would require approval by special exception, since this would make the structure a four-bedroom dwelling; as noted in the standards for Detached Dwellings in Sec. 3.5.1.2.c.

Build-To Line Variance Request – The previously approved variance to the front build-to line at the time of the prior site plan review is still valid, as the front set of

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sixteen homes confronting Commonwealth Blvd. will remain as already approved.

Engineering Comments:
Approval of the Site Plan is recommended with the conditions noted below. There are still technical corrections to the plans that are under review. These items relate only to the water and sewer infrastructure and the street design.

Access - There is no change to the access to the development from an extension of Commonwealth. The street type is a boulevard City Avenue 1 (4.6.2.7), which has wider sidewalks and narrower streets and allows for on-street parking parallel to the roadway. A pedestrian easement will be required for a portion of the sidewalk that falls outside the right-of-way. A temporary turn-around will be provided at the end.

The engineer is still working with TVA to obtain all easements needed for the relocation of a pole within the turnaround. If there are delays associated with that approval, the alignment of the turnaround may be changed slightly from what is shown in the plans. Right-of-way will be dedicated for the roadway as shown in the related plat.

No changes are proposed to the required secondary (emergency) access road indicated on the northwest side of the development going through another property to access Commonwealth Blvd. As it passes through another property an easement for that access is required as a condition of approval.

The proposed gated road will meet the intent of the Code for a secondary point of access for emergency vehicles, but the lack of a fully accessible secondary access may become problematic at full development of this property. The developer proposed at the first review of this Site Plan, and the Commission accepted, that a fully accessible secondary road will be required when either more than 80 homes are built or more than 250 bedrooms (whichever comes first). That commitment remains a condition of approval. The exact layout of this access drive may change in the future depending on how that land is developed.

Also, a small access drive to an existing cell tower is still provided along the north side of the property.

A traffic impact study was not required due to the creation of the Public Improvement District at Oxford Commons and the agreement between the Developer and the City to implement a Tax Increment Financing (TIF) plan to fund traffic improvements in Oxford Commons. As a result, the developer will be

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installing a traffic signal at Commonwealth and Sisk, which will address the needs of traffic associated with this development. The construction of the roundabouts at Ed Perry and Highway 7 has addressing many traffic needs associated with this development.

Currently, traffic from Della Davidson Elementary queues along Commonwealth, Hopkins and Ed Perry at drop-off and pickup times. The roadway is wide enough for vehicles to drive around those waiting. If problems develop once the Crossing is open, staff will make an assessment at that time as is our policy at all schools in the area. Traffic from this development is not expected to adversely impact the queues as there is an alternative exit route.

Sidewalks - The sidewalk in front of the development will be 6 feet wide, required for the established "City Avenue" (Sec. 4.6.2.7) street type. It narrows to 5 feet as it nears the existing sidewalk along Commonwealth, which was built to that width (as required when it was built).

Internal Crosswalks are proposed along the internal (private) streets to provide safer crossing options for pedestrians.

Water and Sewer - No changes are proposed to the water and sewer requirements for this development.

Water mains to fire hydrants and water meters will be owned and maintained by the City; and easements will be provided and are shown.

The gravity sewer within the development is private but will connect to a lift station that will be owned and maintained by the City. The City will own and maintain a sewer force main that connects from the lift station at the Crossing to an existing lift station closer to Della Davidson Elementary. Easements will be required within the development and the adjacent property, owned by the same person, to access the force main for maintenance and repairs. Future developments to the south of this development will connect to this lift station as well. As is often seen, the detention pond is located downstream of the lift station. Therefore, an indemnity agreement will be required in the event there is a bypass event at the lift station.

Stormwater - The Stormwater requirements will be met using a detention pond in an area that includes the TVA easement area. The Stormwater report has not yet been fully approved, but is approvable pending technical corrections. The property owners association will share ownership and maintenance responsibilities for the pond.

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The site will be required to comply with the August 2018 Stormwater ordinance. As required under the new Stormwater ordinance, an Operation, Inspection and Maintenance Plan must also be provided. The preparation of this document may take longer as this is a new requirement that the City and the owner/engineer must resolve. As such, staff has no objection to receiving this document later in the construction process.

Other Departments:
The submitted plans address all standards and concerns of other City Department.

Recommendation: Although this proposal has 115 fewer dwellings than the originally proposed site plan, it will still offer a more affordable housing option in this PUD than has previously been offered. Staff recommends approval of this Site Plan with the following conditions.

1. Planning

a. Compliance with Open Space Dedication Requirement – As noted in the report, this property requires a "set aside" easement for open space, as indicated in the original PUD standards, and as further codified in the Oxford Commons PUD Amendment of May 2019 (see new Condition #16). No provision for this requirement has been offered. That must be resolved to the satisfaction of staff before any Certificates of Occupancy are issued.

b. Tree Mitigation Requirement – As noted in the report, while a conservation easement has been recorded for this development to address this requirement, staff has not yet received the required maps that allow us to update the Tree Mitigation records, so that is a condition of approval for the Site Plan. No further certificates of occupancy will be issued until that information has been received and recorded.

c. Grading Plans - As noted in the report, at the time of original approval of this Site Plan, there were concerns about the grading plan related to certain areas of retaining walls, and the landscaping for the retaining walls. Changes to address those concerns have been submitted, but not yet approved by staff. No certificates of occupancy will be issued until staff has approved these changes to the plans.

d. Garages Uses – One of the two versions of the proposed garage designs for the detached uses is a two-story structure. No intended use of that second floor area is given. No building permits for these garages can be issued until staff has reviewed and approved the proposed use of the second level. Any finished space

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on the upper level that includes a bath (or half bath) will require a special exception per Sec. 3.5.1.2.c.

e. Architectural Plans/Materials - As noted in the report, staff has still not received or approved a full list of the building materials for the detached dwellings. No building permits for these dwellings will be issued until staff has received and approved this list.

f. Covenants - Prior to the issuance of any certificate of occupancy, a stamped recorded copy of the covenants for this development must be provided to the City of Oxford Planning Department.

d. Approval is for the Site Plan as submitted together with any approved modifications.

e. The fully accessible secondary road will be required when either more than 80 homes or more than 250 bedrooms (whichever comes first) are proposed for building permits.

f. Receipt of an approved easement for use of the secondary access road which passes through an adjoining property before any further building permits are issued for this development.

f. All landscaping on the property and in the parking areas must meet required standards of the Code.

g. Approval of the updated grading plan with correct calculations and an updated landscape plan
indicating evergreen shrubs in front of retaining walls in excess of six feet prior to issuing any Certificate of Occupancy.

2. Engineering

a. The stormwater plan must be approved prior to the sale of any water and sewer taps.

b. Documentation regarding the ownership and responsibility of the stormwater system must be confirmed to be shown in the deeds for the individual units; prior to the issuance of any further building permits.

c. Prior to receiving any certificate of occupancy, the Operation, Inspection and Maintenance Plan for the Stormwater facility must be approved.

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d. Staff has the authority to allow certificates of occupancy prior to the signal at Commonwealth and Sisk Avenue being in operation, provided the developer has been making full-faith efforts to have it installed in time. Evidence of such efforts would be a contract in place for the construction with a reputable contractor who is committed to installing the signal as soon as possible and with proof that the signal equipment has been ordered.

Summary of Discussion:

The applicant's engineer, Paul Koshenina, stated that they have not completed the covenants, but the units would be designed as three-bedroom homes. Mr. Koshenina said that he thought the developer would prefer that homeowners could add on on their own and go through the variance process if they wanted to. Commissioner Gray said he would not prefer to see lots of Special Exceptions come through for four-bedroom units out there.

Move: Marvin King Second: Bill Freeman Status: Passed

15. Public Hearing for Case #2575 - Judy Riddell has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Dwelling Unit Density, Maximum for property located at 200 Indy Lane. (PPIN #5103)

Planning Comments: The subject property is an approximately +/- .27-acre property located west of (behind) Ink Spot Screen Printing Company on N. Lamar Boulevard. The site is currently vacant green space. The applicant plans to propose a small residential complex, comprised of a two-story building (two pods connected at the roof, separated by a breezeway/stairwell). The complex has four units (two ground floor, two upper level). The quadplex will have 2,060 square feet. The applicant is seeking a special exception to allow for two ground floor residential units.

The site is accessed by a narrow public street west of N. Lamar Boulevard known as Indy Lane. Currently no businesses that take access directly from Indy Lane. Properties directly across the street to the south are two detached homes. There will be limited visibility to the structure from N. Lamar Boulevard. Staff believes that in this instance, the unique location of the lot and the proposed layout make it more difficult for the proposal to be viable for first floor commercial.

A site plan for this proposal is currently being reviewed by the Planning Department that will be approved administratively.

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Recommendation: Staff believes that there are unique circumstances peculiar to this lot, including its limited visibility and vehicular access, that warrant a recommendation of approval of the Special Exception from Section 2.6.7 TNB – Traditional Neighborhood Business: Dwelling Unit Density, Maximum to permit the two residential uses on the ground floor of the structure. Three conditions of approval are recommended:

1. Granting of the Special Exception will not adversely affect the public interest.

2. If no permits are issued after 18 months, the Special Exception will expire.

3. Special Exception shall be granted for a site plan essentially similar to the development concept as presented.

Move: Duncan Gray Second: Darryail Whittington Status: Passed

16. Motion to Adjourn

Commissioner Whittington is leaving the Commission. He advised with his environmental expertise and his service is greatly appreciated.

Move: Marvin King Second: Bill Freeman Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, January 13, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom

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

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

1. Call to Order
2. Approval of the Agenda

   Move: J.R. Rigby Second: Bill Freeman Status: Passed

3. Approval of minutes from December 9, 2019 Meeting

   Amend the minutes to modify the direction mentioned of the new entry vestibule at Regions Bank (Case #2560). Should read as southwest side, not southeast.

   As amended.

   Move: Bill Freeman Second: J.R. Rigby Status: Passed

4. Staff Report

   Planning Director Ben Requet stated that there is a vacancy on the Commission and the Mayor has announced it. Interested city residents should contact the Planning Department or the Mayor's Office.

   a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

1. Public Hearing for Case #2578-A – Oxford Farms, LLC has filed a request for Site Plan Approval for 'The Cottages at Oxford Farms Grading Permit' for property located at Oxford Way. (PPINs #8844, #8903, & #18836)

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B. **Consent Agenda**

Move: J.R. Rigby Second: Marvin King Status: Passed

1.

Public Hearing for Case #2583 – The Grove on North Lamar (Savannah Square) has filed a request for a Site Plan Approval (Amended) for 'Savannah Square' for a property located on North Lamar Boulevard. (PPINs #5119, #5116, #5118, #5216)

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

The applicant came back for an amended site plan in January 2019 to reduce the size of the "Building A" mixed-use structure, and consequently reduce the number of multi-family dwelling units. Also, while the structure count of the detached dwellings did not change, the number of bedrooms proposed decreased.

The applicant has returned for a second amendment to modify the layout and parking for the cottage units #36, #41, and #42. This modification includes removing the previously approved parking lot north of units #36, #41, and #42 and the addition of individual driveway for each of those units. The applicant's engineer has stated that there with be no changes to utilities or any other parts of the development.

Engineering Comments: The Engineering Department does not have any additional comments pertaining to this amendment. The conditions from the previous site plan approval remain to be satisfied.

Environmental Services Comments: There will be curb-side pick-up for 32 homes in Savannah Square Oxford. All 32 homes are in a condominium association. It will be noted in the condominium association documents that the home owner's association will supply each house with a City of Oxford garbage can that will have the address of the respective home. This garbage can will be provided when each house is sold. It will be the condominium association's responsibility to insure that on the day after garbage pick-up that the subject garbage cans will be in the allocated location which will be stated in the condominium association documents where the garbage can shall be maintained in the rear on a 2 x 2 concrete pad.

Savannah Square Oxford has 10 units that do not have driveways but are serviced with parking lots. Savannah Square Oxford will have two dumpsters in these locations to serve the 10 units with no driveways, and a recycling dumpster for the entire development, and for any overflow of garbage from the 32 homes.

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All other departments have reviewed and approved the proposed modifications.

Recommendation: Staff recommends approval for this amendment to the approved Site Plan for Savannah Square with the following conditions, including those from the previous amendment:

Improvements to North Lamar must be provided according to the Traffic Impact Study and to staff's approval.

The Developer may be required to improve North Lamar in accordance with recommendations from the joint LOU Transportation plan instead of according to the recommendations of the traffic impact study.

Building permits will not be issued until the minor, technical changes requested by Staff have been completed.

Building permits will not be issued until the stormwater report has received final approval from Engineering.

Building permits will not be issued until the signed easement for the water line has been submitted to Engineering.

Approval is for the site plan as submitted.

2.

Public Hearing for Case #2580 – Drew and Corey Mauldin have filed a request for a) 5.75 ft. setback (west) and 6.49 ft. setback (east) existing non-conformity Variances and c) 5.86 ft. side yard (east) Variance to construct an addition for property located at 304 Philip Road. (PPIN #5574)

Planning Comments: The subject dwelling is located in the Philip-Glen Subdivision on the south side of Philip Road. The lot size is approximately .76 of an acre and substantially deeper than wide. The lot contains one single-family home built in 1958. A 5.86 ft. side yard (east) variance is being requested to construct an addition to the southeast portion of the existing home. The applicant is simultaneously requesting to remedy non-conforming side yard setbacks on the east and west sides of the home. The home currently sits approximately 15.73 ft. from the property line on the west side of the home and 8.51 ft. from the east property line.

The new addition will be 9.14 ft. off the east property line. The irregularity of the lot shape, along with the home's orientation and interior connectivity, make this addition at this portion of the home functional. The proposed addition does not expand the

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width of the existing home any closer to the east property line than the existing house footprint.

Recommendation: Staff recommends approval of a) 5.75 ft. setback (west) and 6.49 ft. setback (east) existing non-conformity Variances and b) 5.86 ft. side yard (east) Variance to construct an addition with the following conditions:

1. The variance is for the plan as submitted.

3. Public Hearing for Case #2581 – Diane Fergusson has filed a request for an 8.68 ft. side yard (west) setback Variance for property located at 358 Vivian Street. (PPIN #5162)

Planning Comments: The subject property is an approximately +/- .38 acre lot located on the south side of Vivian Street. The home on this lot was built in 1952, prior to the establishment of zoning in the City of Oxford. The applicant is now proposing a carport addition to the west side of the house. A variance is being requested as portions of the addition will exceed the side yard west setback.

The proposed addition will be at its closest 1.32 ft. from the property line and therefore extend 8.68 ft. over the side yard (west) setback. The Building Official has reviewed the plan, and sees no issue with the proposal so long as the opening on the west side is closed in with a fire-rated wall. The homeowner had no issues making this modification to the carport. The applicant has received a letter of support from their neighbor directly to the west and that letter is attached in the case file.

Recommendation: The irregularity of the lot shape, along with the home's orientation and interior connectivity, make the carport at the west side of the home more functional. Staff recommends approval of the requested setback variance for the footprint of the carport addition with the following condition:

1. The variance is for the plan as submitted.

C. **Public Hearings**

1. Public Hearing for Case #2572 – O & A Properties has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height, for property located at 110 Commerce Drive. (PPIN #29161) **(Postponed from December)**

Planners Comments:
This request is to allow a one-story retail building. The Traditional Neighborhood

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Business District standards establish a standard two-story building height, but allow a one-story building to be considered by special exception. While no standards for consideration are given, the concept behind this special exception is that there would be situations (probably where TNB is located in more rural settings) where a one-story building would be a reasonable option.

In this instance, the requested use is a retail structure of approximately 5,500 square feet comprised of a convenience store and one additional retail bay, and an associated gas pump island in an area along Hwy 7 South that is still a mix of rural and suburban land uses. This location is about a half mile south of the terminus of South Lamar. A small commercial center (Oxford Commerce Park) has been evolving at this location over the past several years with a mix of office, service, and retail uses. The subject property measures approximately +/- 1.03 acre and is located at the northeast corner of Hwy 7 and Commerce Park Drive within the commercial center. This vacant site has relatively sparse natural vegetation and few trees.

The applicant contends that other existing commercial uses in this center are one-story buildings and that this proposal would be consistent with the character of the commercial center, and more typical of this type of use, especially in more rural settings. He also states that all building in this development are single-story as most of them were built while this area was in Lafayette County, so this building would be compatible with the character of this development. In addition, a special exception was granted earlier this year (Case #2446 – 104 Commerce Park) for a one-story commercial building in this commercial area.

The fact that all the other commercial buildings in this area are one-story is not a fully acceptable reason for supporting this request. They were built under different zoning requirements in Lafayette County. However, combined with the still mixed rural nature of the surrounding area, the proposal is not out of character.

Staff would still prefer to see a two-story building at this location, with the upper floor being available for something like professional office uses (or even small apartments) that are sure to become desirable in this evolving area. Commerce Park has become a nucleus of the evolving neighborhood in this recently annexed part of the City. Staff considers the decision a bit shortsighted on the part of the applicant, but not out of context with the current building patterns this far south on Highway 7.

Recommendation: Staff supports the Special Exception request for a one-story building with the following conditions:
1. The proposed building shall be substantially similar to the development concept as presented.
2. If no permits are issued after 18 months, the Special Exception will expire.

Summary of Discussion:

Planner Gray Parker stated that the most recent building elevations have been attached to the report and that there are no changes to the conditions.

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The Commissioners discussed how the site is located along a southern entry into town and questioned whether any two-story structures would ever be built within Commerce Park since it was annexed into the City and the majority of sites have already been developed with single story buildings. The applicant's engineer, Paul Koshenina, stated that the two-story conversation was discussed with Planning Staff, but it did not seem logical for the client to have a two-story gas station in Suburban Corridor.

Commissioner King stated that he would vote against this request because the City will continue to extend further south into the County and applicants could continue to argue in a short-sighted way that one-story buildings seem more appropriate and suburban. He added he would like to see more of a mix of heights and building types that Staff and the Code foresee for future growth and development.

Motion to approved, passed 5-1. Commissioner King opposed.

Move: J.R. Rigby Second: Bill Freeman Status: Passed

2.

Public Hearing for Case #2579 – O & A Properties has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business to allow a service station use for property located at 110 Commerce Drive. (PPIN #29161)

Planners Comments:
The proposed Service Station use is approvable by special exception in the Traditional Neighborhood Business District. The requested use is in an area along Hwy 7 South that is still fairly rural but becoming more suburban. This location is about a half mile south of the terminus of South Lamar. The proposed use includes a convenience store with accessory gas pumps and one additional retail bay. The subject property, located at the northeast corner of Hwy 7 and Commerce Park Drive, is a part of a small commercial center (Oxford Commerce Park) has been evolving at this location over the past several years with a mix of office, service, and retail uses.

The Special Exception standards for this use relate to both visual and operating elements. The submitted site plan meets almost all the required standards as the:

- Provided stacking space is sufficient to avoid traffic conflicts,
- Pumps are located as required (to the side and rear),
- Structure meets the build-to lines,
- Pumps are located over 20 feet from all property lines,
- Pump island provides sufficient stacking space from the entry,

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- Structure and canopy meet required architectural standards,

- Canopy columns comply with standards of harmony with the structure, and no lighting plans for the use have, however, yet been submitted. Approval of lighting plans is a condition of approval for this use.

The use will be required on an ongoing basis to meet the operational standards including having no outside displays. The Code requires all display items for sale to occur within the main building or within designated areas screened from view of the public streets. As this is not a vehicle repair business, it will not have inoperative vehicles parked on the site.

Recommendation: This use seems appropriate at this location, and it appears to meet all required special exception standards for this use. Staff supports the Special Exception request for a service station use with the following conditions:

1. The proposed building shall be substantially similar to the development concept as presented.
2. The proposed lighting for the use must be found to conform to the requirements of Sec. 5.4 of the Land Development Code before any building permits are issued.
3. The use must abide by all limitations regarding outside displays as outlined in Sec. 3.8. 10 for the gas station use.
4. If no permits are issued after 18 months, the Special Exception will expire.

Move: Bill Freeman Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2573 – O & A Properties has filed a request for Site Plan Approval for 'Oxford Spot at Commerce Park' for property located at 110 Commerce Drive. (PPIN #29161) **(Postponed from December)**

Planners Comments:

The requested use is a retail structure and associated gas pump island in an area along Hwy 7 South that is still fairly rural but becoming more suburban. The retail structure faces both Commerce Park Drive and the gas pumps. The island with the gas pumps is to be located on the northern portion of this property, with more direct access from Hwy. 7.

This area is about a half mile south of the terminus of South Lamar. A small commercial center (Oxford Commerce Park) has been evolving at this location over the past several years with a mix of office, service, and retail uses. The subject property (Lot 1 of Oxford Commerce Park Subdivision) measures approximately +/- 1.03 acre and is located at the northeast corner of Hwy 7 and Commerce Park Drive within the commercial center. This vacant site has relatively sparse natural vegetation and few trees. A subdivision amendment to increase the size of this lot (incorporating

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the western portion of the property located to the north, not previously in the subdivision) was approved in November (Case #2552). That change increased the size of this lot from 33,105 square feet to slightly over an acre.

Two ingress/egress points are proposed – one from Commerce Park Drive and one onto Hwy 7. (Approval for the Hwy 7 access is still pending from MDOT.) The proposed building is to have a bay for the convenience store of 3,990 square feet, and a second leasable area of 1,510 square feet for a total size of 5,500 square feet.

Adjoining both sides of the retail structure are 19 parking spaces, including two handicap spaces, one on each side of the building. The proposed parking meets required standards.

Other Review Elements

- **Building Façade** – The architecture planned for this commercial structure is utilitarian, but acceptable as it reflects standards generally proposed for this type of use. It is designed to have two entrances, one that faces the fueling pumps, and another that faces towards Commerce Drive.

- **Building Materials** – The originally proposed building materials are acceptable. It is a combination of painted brick and Hardie Siding, with a few large windows. A revised submittal indicated the use of EIFS with the brick on the siding which is not allowed. The applicant has agreed to use the originally submitted materials plan. This is a condition of approval.

- **Lighting** – No lighting plans have been submitted with this site plan. As such, a condition of approval will be for them to submit plans that meet the standards of Sec. 5.4 of the Land Development Code.

- **Buffer** - A variance request to reduce the width of the required buffer adjoining the blue line stream for this site (Case #2532) was approved in September. Staff supported, and the Planning Commission approved, the request as it allows a better site layout without increasing perviousness on the property. It reduces the required buffer from 50 feet to 21 feet. That approval required heavy landscaping in the buffer area to minimize the visual impact from adjacent residential properties. Staff believes the proposed landscaping to be sufficient.

- **Landscaping** – The proposed landscaping meets all requirements.

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- **Tree Mitigation** - The few trees to be removed on this site do not require mitigation.

Use Requirements
A special exception is required for the gas station use in the TNB District. That request is the subject of Case #2579 at this meeting. A special exception is also requested to allow a one-story building for this use in the TNB District, the subject of Case #2473 at this meeting. Approval of those requests will be required for approval of this site plan request.

Other Departments:
The submitted plans address the standards and concerns of other City Departments.

Engineering Comments

Pedestrian Access - A pedestrian easement is provided along the sidewalk located adjacent to Highway 7.

Vehicle Access - A traffic impact study was required and provided for this site, with access from Highway 7 being under the jurisdiction of the Mississippi Department of Transportation (MDOT) and access from Commerce Drive under City jurisdiction. The study recommended a widened paved shoulder from the north Commerce Drive intersection to a point approximately 150 feet north of the Highway 7 entrance shown on the plans, but no left turn lane.

While the traffic study did not recommend a left turn lane on southbound Highway 7, MDOT is expected to require that one be installed, and built according to MDOT standards. However, the left turn lane would not be needed if the long planned widening of Hwy 7 in this area is funded. The City believes the left turn lane is needed unless the 4 lane is built, and would not support a gas station on a two-lane section of Highway 7 without some form of dual access in the long term.

The applicant's engineer has indicated that MDOT may not require the applicant to build the left turn lane if it appears that funding will be available in the next year or so to complete the four-lane expansion of this segment of Hwy 7. However, it will likely be another year or two before we know if this funding will be confirmed. Staff is concerned that the addition of this use to this commercial center may cause traffic back-ups in the near term and also recognizes MDOT's role of primary jurisdiction. Given this situation, the City proposes the following:

1. To not require the turn lane to be built immediately (assuming MDOT does not require otherwise), but to monitor the traffic flow in this location during construction. Should traffic backups become a problem, construction of the turn lane would be required before a final certificate of occupancy is issued.

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2. If the turn lane is not required to be built immediately, to require a bond before the issuance of a final certificate of occupancy, and to continue to monitor traffic at the site over the next year. If traffic backups become a problem, and DOT has not secured funding for the road expansion, the bond would be called and the turn lane installed.

3. If, during this timeframe, there is no evidence of substantial traffic backups at the site, a turn lane is not required by MDOT and MDOT has not secured funding, the bond will be reevaluated. Staff will return to the Commission with a determination of action on the bond one year after it is issued.

Water and Sewer - Water will be provided from an existing water main. The meter location has been approved as shown in the plans. At the time of this report, the engineer was still coordinating with Oxford Utilities to locate an existing sewer manhole to verify the depth. A City maintained sewer line exists across the site and will have to be relocated to allow for the fueling station. A new easement will be provided to the City.

Stormwater - The stormwater requirements will be fulfilled with a subsurface detention system. The final report has not been approved but there are only minor details remaining to be addressed that will not impact the location or size of the proposed structure. A box culvert will be extended from MDOT right-of-way through the site and will be privately owned and maintained.

Engineering recommends approval of this Site Plan with the conditions noted below.

Recommendation: Staff recommends approval of this Site Plan with the following conditions.

Planning:

1. Submittal of lighting plans and approval by staff before any building permits are issued.

2. Use of the original submitted façade materials plan.

3. Submittal of revised plans for the canopy and columns and approval by staff before any building permits are issued.

Engineering:

4. A left turn lane is constructed on Highway 7 South in accordance with MDOT

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standards, unless deemed unnecessary due to MDOT's secured funding of a four-lane section of Highway 7, or receipt of a bond for construction of the left turn lane; to be used at the discretion of Engineering staff.

5. Approval contingent on final approval of sewer location.

6. Approval contingent on receipt of a permit from MDOT for all work within the MDOT right-of-way.

7. Approval is contingent on final approval of the stormwater report.

Move: Duncan Gray Second: J.R. Rigby Status: Passed

4.

Public Hearing for Case #2582 – Waffle House, Inc. (Ken Williams) has filed a request for a Variance from Section 3.8.8.3 Restaurants: Parking for 'Waffle House at Oxford Commons' for property located at Ed Perry Boulevard. (PPIN #4705)

Planning Comments: The subject property is located along Ed Perry Boulevard north of Commonwealth Boulevard. A one-lot subdivision for this property was approved by the Mayor and Board of Alderman (Case #2554). The property measures approximately +/- .6 acres, and it is undeveloped. There are no other structures in this area so far. The applicant has submitted a site plan for review by City departments to construct a new restaurant. The proposal indicates the building will measure approximately +/- 1,800 SF and provides 31 parking spaces.

The applicant is requesting a variance to allow more parking than is designated in the Land Development Code for a restaurant. Section 3.8.8.3(a) *Restaurants: Parking* states that one space is required for each 100 square feet of patron area. In this instance, the submittal indicates that eighteen (18) parking spaces are required. The code does allow a development proposal to provide a maximum of 25% more parking that what is allowed unless otherwise determined by the Director of Planning or the Planning Commission. An additional 25% of parking for this proposal would allow for a total of twenty-three (23) parking spaces.

The application and supplemental letter states that based on Waffle Houses' experience of operating 2,000 restaurants for 64 years, that they find it typical for 3-4 of their customers to be driving from separate locations to share a table at all times of the day. Additionally, the letter states that a typical shift can vary from 3-4 employees

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during slower parts of the day to as many as 10+ during busier shifts. The applicant believes that a strict enforcement of the parking code would place an unreasonable hardship on their business and would cause the business to be unsuccessful even resulting in failure as customers would avoid stopping if convenient parking was not provided on the site.

The site plan for Waffle House is still under review by the Site Plan Review Committee. The Planning Department has provided a comment that may alter or reduce the total amount of parking by at least one (1) space bringing the total to thirty (30) spaces. This space is located in the southeast corner of the site. It is also interesting to note that the code has different parking requirements for different restaurant types. If this development proposal included a drive through window, it would be allowed have a total of twenty-five (25) parking spaces. This situation has caused us to consider a need to reevaluate the parking requirements.

As noted above, the Waffle House development proposal will be the first development to occur along this stretch of Ed Perry Boulevard, north of Commonwealth Boulevard. Based on preliminary proposals for Oxford Commons, this site is intended to be an outparcel for a suburban style development that would typically allow for shared parking. Since this is the first development to occur in this area, Waffle House is unable to take advantage of shared parking from adjacent properties and must provide it on its own site. Therefore, given these unique circumstances staff is willing to support the requested variance.

Recommendation: Staff recommends approval of the parking variance with the following conditions:
1. The development proposal indicates a total of 31 parking spaces, but that may be reduced by one space for a total of 30 spaces.

Summary of Discussion:

Commissioner King asked exactly where the restaurant would be along Ed Perry Boulevard. The applicant's engineer, Paul Koshenina, said that it would be located north of Sisk Avenue, going towards the daycare.

Commissioner Gray asked if parking should be re-evaluated for restaurants. Mr. Requet stated that it is important to have a holistic view of parking in the Code. Commissioner King asked if there would be shared parking at this location. Commissioner Rigby stated that shared parking is not the norm in the City. He added that The Alexis shopping center is being built next to the movie theater and there is no incentive between property owners to have a parking agreement.

Move: Bill Freeman Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2584 – James Mogridge has filed a request for Final Plat Approval (Amended) for 'Southwood Subdivision Amendment Lots 5-10' for property located at 2115 Old Taylor Road. (PPINs #8524, 35619, 8521, 8520, 37942,

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8519, 21083) (POSTPONED)

6. Motion to Adjourn

   Move: Duncan Gray Second: Bill Freeman Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, February 10, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom

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

1. Call to Order

2. Approval of the Agenda

Commissioner Riddell not present.

Move: Brian Hyneman Second: Bill Freeman Status: Passed

3. Approval of minutes from January 13, 2020 Meeting

Move: Bill Freeman Second: J.R. Rigby Status: Passed

4. Staff Report

Planning Director Ben Requet said the March meeting scheduled for March 9th would be re-scheduled to Wednesday, March 18th at 5pm.

a. Discuss rescheduling the March Planning Commission meeting.

b. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

B. **Consent Agenda**

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Commissioner Riddell arrives.

Move: Marvin King Second: Bill Freeman Status: Passed

1. Public Hearing for Case #2591 – Joesph Echols has filed a request for Site Plan Approval (Amended) for 'Molly Barr Road Condominiums' for property located at 607 Molly Barr Road. (PPINs #5634 & #5635)

Planning Comments: The subject property is approximately +/- 1.10 acres and is located on the west side of Molly Barr Road, across the street from the Stone Park baseball fields. At the February 11, 2019 Planning Commission, an amended site plan was approved for Molly Barr Condos (Case #2452) that included eight (8) three-bedroom residences in six (6) three-story structures in a common interest development.

The plans have been modified to instead provide nine (9) three-bedroom residences in six (6) two-story structures. Building 1 will now be a two-residence structure and the overall height of all six buildings has been reduced from 38' to 30'-9". Buildings 1, 2, and 5 each include two attached two-story townhomes with three bedrooms each. Buildings 3, 4, and 6 are free-standing individual two-story units with three bedrooms each. The applicant states that no other architectural or structural changes to the site plan or proposed buildings have been made.

The Fire Department previously required the buildings to be sprinkled, but that issue has been resolved with these proposed modifications.

The buildings will be aligned parallel to Molly Barr Road along an entry drive. There is no on-street or surface parking on site. All parking will be accessed through garages on the first floor of each unit, so each unit now has two stories of livable space (previous amendment called for three story units).

The project meets all standards for this proposed common interest development. There will be vehicular access to the site via one point of ingress/egress onto Molly Barr Road. The proposed layout is well under the maximum impervious coverage calculations for Neighborhood Residential (NR) sites, with this lot having 41.9% impervious coverage.

<u>Landscaping</u>

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An extensive planting plan has been proposed, meeting all landscaping and site design requirements of the Land Development Code. Trees credited by preservation on site eliminated any tree mitigation requirements.

Variance Approved

In September 2018, the applicant received a Variance (Case #2407) from Section 2.6.5 Neighborhood Residential: Side Yard Building Separation to allow for portions of the buildings to have ten feet (10') of separation as opposed to the required fifteen feet (15').

Engineering Comments: This site is being amended to add 1 unit to Building #1 of the proposed development. The addition of this unit does not negatively affect our previously recommendation for approval.

Recommendation: Staff recommends approval of the site plan for 'Molly Barr Road Condominiums' (Amended) with the following conditions:

1. Approval is for the site plan as submitted. (Planning)

2. Prior to the issuance of any Certificate of Occupancy, a stamped recorded copy of the covenants for this development will need to be provided to the City of Oxford Planning Department. (Planning)

3. Prior to the issuance of any permits, including Land Disturbance, documentation regarding the ownership and responsibility of the stormwater system must be confirmed to be shown in the deeds for the individual units. (Engineering)

4. Prior to the issuance of any permits, including Land Disturbance, an indemnity agreement must be submitted regarding the placement of the retaining wall within the new sewer easement. (Engineering)

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5. Prior to receiving any certificate of occupancy, the Stormwater Operation, Inspection and Maintenance Plan must be approved. (Engineering)

2. Public Hearing for Case #2592 – Kroger Limited Partnership I has filed a request for Site Plan Approval (Amended) for 'Kroger University Avenue V473 Expansion' for property located at 2013 University Avenue. (PPIN #9267) **(Deferred)**

3. Public Hearing for Case #2589 – Derrick Saulsberry and Carlos Gene Behel (Tennessee Valley Authority) have filed a request for a Special Exception as provided in Section 3.11.7.5 (c) Temporary Uses, Additional Standards for property located at 2511 University Avenue. (PPINs #9148 & 9149)

Planners Comments:
The subject property is located north of University Avenue and measures approximately +/- 25 acres. A portion of the property is currently being used for a storage facility, but the remaining portion is the focus of this staff report. On September 13, 2019, the Planning Director authorized TVA to use this property as a lay-down yard and office for a construction project. Section 3.11.7.5(c) authorizes the Planning Director to grant this use for a period of 6 months, but any extensions would have to be sought in three month increments by Special Exception from the Planning Commission. The site is being utilized to store trucks, some heavy equipment, and three modular office buildings while doing infrastructure electrical work in this area.

The hours of operation for the offices at this site are between 6:00am-4:30pm Monday-Thursday. Staff has not received any complaints for the work activity at this location. The applicant has been informed that this extension is for a period of three months, and should they need more time at this property, additional extensions will be required. TVA was able to provide a general estimate of how long they will need to use this area, which should be until sometime this fall.

Recommendation: Staff recommends approval of the requested Special Exception for a three-month extension of the Temporary Use for TVA.

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4. Public Hearing for Case #2593 – Jay Shipp has filed a request for Site Plan Approval for 'Mississippi Eye Consultants' for property located at Lot 7 of Leslie Court Subdivision. (PPIN #36225)

Planners Comments:
This request is the first site plan submitted within the commercial portion of the Leslie Court Planned Unit Development (Case #2342), later subdivided in the Leslie Court Subdivision (Case #2422). Both were approved in 2018. It is on a portion of Lot 7 of the Leslie Court Subdivision, the only lot for the commercial portion of the PUD. The residential southern portion of this PUD (which takes separate access as an extension of Zilla Avent Drive) is already under construction. This submittal is the first structure in what will become a commercial center fronting along this final segment of Molly Barr.

The request is for a structure that is to house medical offices. It is to face Molly Barr with the associated parking area located behind the building. The building has a footprint (first floor) of 5,218 sf and a smaller second level of 1,588 sf for a total of 6,806 sf, and does not exceed 28 feet in height. Building materials are indicated to be a combination of "architectural cast stone" and a "stucco finish system".

As this structure is less than 10,000 sf, and has few review concerns, it has been placed on the consent agenda. It is noted that the Leslie Court PUD has a requirement that 25% of the structures in the commercial area must be two story buildings, but the second level of this structure is less than 50% of the size of the first level and does not qualify for a two-story structure. Therefore, it will not count toward that 25% requirement.

Use Requirements - The use is a Medical Facility, a Service use. Commercial uses in this PUD are to be reviewed under the standards for the Traditional Neighborhood Business (TNB) district. As such, it is a Special Use under the standards of Sec. 3.9.1. The proposed structure, as 6,806 sf, does not exceed the 7,000 sf size limit for a Medical Facility in the TNB district.

The parking standard for this use is one space for every 250 sf of gross floor area, which would be 27 spaces. While 33 spaces are proposed, an increase of up to 25% more spaces may be authorized by the Director. Given the patterns of this type of use, the additional parking was approved. Due to the abrupt elevation change coming off of MS Hwy 30, there will be a retaining wall of varying height installed east of the building and along the eastern access drive.

Other Review Elements

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- **Building Façade** – The architectural design of the structure is attractive, with a reasonable design for the facade of the building facing Molly Barr. There is sufficient glazing (the required 30% glazing has been met). Further, the application states that direct access to the parking area will be important for this clinic, as a high proportion of patients are older persons, so the primary entrance will be from the parking area.

- **Building Materials** – The proposed primary use of architectural stone and stucco is acceptable.

- **Lighting** – Lighting plans will be finalized at building permit stage. Lighting that meets code standards will be a condition of approval.

- **Signage** – Representative signs are shown on the building elevation drawings, but signage approval is not requested. Signs will be requested at time of final constructions. Signage that meets code standards will be a condition of approval.

- **Buffer** – The design of this PUD includes a large open space area between the commercial and residential areas. In addition the 25 foot buffer required to the south, and the 50 foot buffer required to the east are provided.

- **Landscaping** – The proposed landscaping meets required standards. (Certain elements of the landscaping approved with the Leslie Court Subdivision are noted on the Existing Conditions Sheet of the construction plans.

- **HVAC Location** - An HVAC screen wall is proposed on the West side of the second floor level. When the final size and location of the HVAC unit(s) are determined (during construction) a screen wall that blocks visibility of all HVAC unit(s) from the ground or clerestory windows will be installed as reflected on the construction plans.

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- **Tree Mitigation** – Tree mitigation for Leslie Court was handled with the subdivision approved in 2018. The retention of a great many trees in the residential portion of this PUD offset the need for any mitigation on the smaller commercial portion.

Engineering Comments

Vehicular Access - The proposed site plan does not require a traffic impact study due to the size of the building proposed. Further development of the site may trigger a study in the future but staff has no concerns regarding traffic at this time. The proposed access is at an existing median crossover and a right-in right-out drive.

Pedestrian Access - The site plan provides for a sidewalk located immediately adjacent to the property line. Staff is still undecided whether the proposed sidewalk location is the most appropriate for development along Molly Barr Road. However, to avoid delaying the development, the sidewalk can be constructed as shown, but it is suggested that the owner wait until the next phase of development on the site occurs to construct any sidewalk, which would allow more time to discuss the optimal location.

Staff typically requires that sidewalks be built at the edge of right-of-way to provide a buffer and to allow room for future expansion of the roadway. However, in this case the right-of-way is exceptionally large and the adjacent site, and subsequent sidewalk, are located much lower than the roadway. There are valid points for placing the sidewalk either adjacent to the existing bike lane or at the edge of right-of-way.

For this reason, staff feels it is important to provide some flexibility and perhaps allow time for some development to occur adjacent to the roadway in order for the final vision of Molly Barr Road to be determined. For this same reason, there is no sidewalk shown at the easternmost portion of the property line. Installing the sidewalk on the right-of-way at this location would require the removal of a small cluster of trees and an awkward termination in what the adjacent property owner likely views (in error) as their front yard.

Sidewalks along the entire frontage will be required as the entire site is developed. Should the sidewalk be located at the edge of the bike lane, a portion of the retaining wall along the front of the building would not be required and the sidewalk would be extended north along the drive to meet the sidewalk at the bike lane.

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Stormwater - The stormwater requirements for this site will be met through the detention ponds constructed with the preliminary plat approval. The plans are approved with one minor plan change required regarding the drainage: Staff requested that the grate inlets 9 and 11 be changed to drop curb inlets to reduce the chance of the opening becoming blocked with leaves/landscaping debris. This change has not yet been made on the plans submitted but will be made prior to construction.

Water and Sewer - The water line will be publicly owned up to the right-of-way and will be private within the site. The sewer line is currently shown as private within the site other than an area of existing sewer easement near the residential portion of Leslie Court. Staff may request an easement for sewer ownership at some point in the future depending on the future needs to provide a sewer connection from Molly Barr.

Summary - Approval is recommended with two conditions noted below related to the sidewalk and type of grate inlets.

Other Departments: The application appears to meet, or be able to meet all requirements. Several conditions of approval are noted related to comments from the Oxford Utilities Department (for electrical plans), the Fire Department, and the Environmental Department.

Recommendation: Staff recommends approval of this Site Plan with the following conditions.

Planning:

1. Final proposed lighting must meet Land Development Code requirements of Article 5.
2. Proposed signage must meet Land Development Code requirements of Article 7.
3. The final location of the HVAC units must meet Land Development Code requirements of Article 5.

Engineering:

4. Staff has authority to approve the final location of the sidewalk and any required site plan changes associated with the final layout and design.

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5. Change grate inlets 9 and 11 to drop curb inlets on construction plans before building permits are issued.

Fire Department:

6. Final approval of proposed hydrant locations by Fire Department.
7. Final approval of fire truck turnaround by Fire Department.
8. Final approval of plans indicating location of roads around the building by Fire Department.

Other:

9. Final approval of proposed electric designs by OED.
10. Final approval of modified location of dumpster (southeast of the entrance) by the Environmental Department

C. **Public Hearings**

1. Public Hearing for Case #2584 – James Mogridge has filed a request for Final Plat Approval (Amended) for 'Southwood Subdivision Amendment Lots 5-10' for property located at 2115 Old Taylor Road. (PPINs #8524, 35619, 8521, 8520, 37942, 8519, 21083) **(Postponed from January)**

Planners Comments: This report has been revised due to information received on Friday 2/7/20.

The Southwood Subdivision, platted in 1969 with 12 lots, is located between Old Taylor Road and Frontage Road, just southeast of the Hwy 6 and Old Taylor Road intersection. Through property exchanges between lot owners over the years, the lot lines of six (6) of these lots (5, 6, 7, 8, 9, and 10) were changed by agreement with the property owners, changing the boundaries of some of the lots and creating two additional parcels. However, no formal subdivision modification was ever completed. The requested modification affects only those six (6) lots.

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Those changes also changed the numbering of the affected lots, for reasons unknown. The Tax Assessor numbered the original lots affected by this change [5-10] as parcels 15-20. No modification is proposed to the six (6) other original lots (1, 2, 3, 4, 11, and 12 (currently numbered parcels 13, 14, 21, 22, 23, and 24 by the Tax Assessor).

The requested modification will create five (5) more lots than the original subdivision (three (3) more lots than are reflected on the current parcel divisions) by modifying the original lots lines of lots 5 to 10. The requested change will "clean up" some of the informal property exchanges, return the lots to their original numbering, and reflect current ownership patterns and density potential at this location in the Suburban Residential district. It is noted that the southernmost portion of the original Lot 7 (now called Parcel 20) is owned by the City of Oxford, dating from a property exchange in the 1970's. A portion of that Parcel was later dedicated to become the western terminus of Belk Boulevard. It was the inclusion of this lot into the subdivision that necessitated the modification of the proposed plat.
The changes proposed to the subdivision include:

- Original Lot 5 (called Parcel 17.01) is divided into two lots to be called Lots 5A and 5B.
- Original Lot 6 (called Parcel 18) is divided into a smaller Lot 6 (portions of it are to become portions of the new Lot 5B and Lot 8A).
- Original Lot 7 (called Parcel 19 and Parcel 20) is divided into three lots called Lots 7A, 7B, and 7C.
- Original Lot 8 (called Parcel 17) is divided into two lots to be called Lots 8A and 8B (a small portion of 8B is to be grafted onto Lot 9).
- Original lot 9 (called Parcel 16) remains Lot 9, but become slightly larger, taking in a small portion of Lot 8B.
- Lot 10 (called Parcel 15 and Parcel 15.01) is to become Lot 10A and 10B, reflecting the current configuration of the parcels.

In summary:

Original Subdivision Lot #	Current Parcel # on Submittal	Proposed Lot #	Lots Proposed
5	17.01	5A and 5B	1 for 2
6 (northwest)	Part of 17	Part of 8A	Exchange

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6 (northeast)	Part of 17.01	Part of 5A	Exchange
6 (south portion)	18	6	1 for 1
7 (north/middle portion)	19	7A and 7B	1 for 2
*7 (south portion)**	20	7C	1 for 1
8	17	8A and 8B	1 for 2
9	16	9	1 for 1
10	15 and 15.01	10A and 10 B	2 for 2
6 lots	**8 parcels**		**11 lots**
1,2,3,4, 11,12	*NA*	*NA*	*Not in request*

**Owned by City of Oxford*

The proposed subdivision modification appears to meet all Code requirements. Such a modification, however, requires that other members of the subdivision be notified of the proposed change. The applicant has stated that he has informed the other members of this subdivision.

The applicant is providing letters of approval by the time of the meeting from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the *"persons to be adversely affected thereby or directly interested therein,"* to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant. To date, no comments have been received regarding this request; and no letters have been provided.

Engineering Comments:

Stormwater - The submittal provided for this case provides for a detention pond fronting Old Taylor Road. While this appears to meet the requirements, it is not the most desirable option. When new lots are created within a previously platted subdivision, the City's preference is to do lot specific stormwater management facilities.

The barrier to implementing lot specific stormwater management has been the inability to track individual lots after plat approval. With the implementation of the City's project tracking software, it should be possible to flag a lot that requires a lot specific stormwater management facility so that no building permit is issued without an approved stormwater management plan for the lot. The advantage of a

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lot specific stormwater management facility is that ownership and maintenance would be tied to the lot and be the responsibility of the lot owner. An additional potential benefit could be the design of a facility with a less intrusive appearance.

Lot specific stormwater management should allow the use of alternatives to impervious driveways and the using specifically designed low impact landscaping features. This would be similar to the design approaches used for the OUT Facility expansion and the Heron and the Hare (site plan currently under review). Staff requests permission to approve either option at the time of building construction based on the homeowner's preference. To accomplish that, the following language should be added to the plat:

> Stormwater management requirements shall be met with lot a specific stormwater management facility or a jointly owned stormwater management facility that services adjoining lots. A jointly owned stormwater management facility shall have easements for conveyance of runoff across lots and the dedicated location of the stormwater management facility. No building permits shall be issued prior to approval of stormwater management plan.

Approval is recommended with the conditions noted below.

Recommendation: As this request meets all subdivision standards for a Final Plat (modification), staff recommends approval of the requested modifications to the Final Plat for Southwood Subdivision, with the following four conditions:

1. Prior to the issuance of a building permit, a stamped recorded copy of the covenants be provided to the City of Oxford Planning Department.

2. Approval by the Mayor and Board of Alderman is required.

3. Staff has the authority to approve a jointly owned pond(s) or site specific stormwater management facilities. Building permits will not be issued for the three newly created lots until all stormwater requirements have been met.

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4. The plat language must be amended prior to the case being heard by the Board of Alderman.

Summary of Discussion:
Commissioner Freeman asked if the City had any plans for the property they own at the corner. Senior Associate Judy Daniel said no and that most of that piece of land helped create Belk Boulevard. She added that it could be considered for green space.

Move: Duncan Gray Second: Marvin King Status: Passed

2. Public Hearing for Case #2585 – Jason T. Plunk has filed a request for a Zoning Map Amendment (Neighborhood Residential (NR) to Traditional Neighborhood Business (TNB)) for property located at 281 Highway 7 South. (PPINs #10329 & #10330)

Planning Comments: The request is for a rezoning of two properties located on the east side of Highway 7, just south of County Road 412, with a total size of approximately three acres. Both of these properties were a part of the 2018 annexation, and the Mayor and Board of Alderman adopted the zoning of (NR) Neighborhood Residential for these properties at the March 19, 2019 meeting. Prior to the annexation they were zoned R-1 Residential Low Density in Lafayette County. The owner operates a transportation business on the northern property (+/- .92 acres), and until recently a day spa type use operated in the home (as a legal nonconforming use) located on the southern property (+/- 2.16 acres). That business is no longer there, and the home is vacant.

The properties located to the north and south of this request function as commercial properties:

Mr. Ronnie Windham owns the property to the south of the subject properties, (zoned Neighborhood Residential) and has operated his accounting firm from his home for many years. He did not request a rezoning and such a use could be considered as a Home Occupation.

At the time of the annexation related zoning staff had initially recommend the (NR) Neighborhood Residential zone. At the hearing, the Mayor and Board of Alderman received a request to reconsider the zoning for G&D Services, property immediately to the north of this applicant's property, as the property was currently being utilized

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for commercial activities. In response to that request, the Mayor and Board voted to change the zoning of the G&D property from (NR) Neighborhood Residential to (TNB) Traditional Neighborhood Business.

The applicant, Mr. Plunk, is requesting that the zoning on both of his properties be changed from (NR) Neighborhood Residential to (TNB) Traditional Neighborhood Business. Mr. Plunk states in his application that these properties have functioned with commercial uses for some time prior to the annexation. Mr. Plunk states that the northern property contains his home, and a large shop building that functions as a base of operations to his shuttle bus company. He also states that he has an employee that performs maintenance and service on the buses. The *Suthern Oasis Spa* operated out of a structure built as a dwelling located on the southern property, but it recently closed, and Mr. Plunk would like to market the building for another business.

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

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

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

Finally, Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, stated: *"Under the "change and mistake " rule of municipal zoning, based on the presumption that the original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning.*

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

Mistake: Staff does not find evidence of a mistake on the zoning of (NR) Neighborhood Residential, although given the commercial nature of adjoining

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zoning to the north, and west, the northern property of this request could have just as easily have been given a commercial zoning designation. However, it should be noted that had staff had known during the initial zoning process that G&D would be granted a last minute approval for TNB zoning, we would likely have changed the recommendation for the northern property of this request to TNB.

Change and Need: The Mississippi Department of Transportation has planned a widening of Highway 7 to four lanes for several years. In recent years, MDOT has acquired property for the purposes of this project, and they intend to alter the alignment of the South Lamar, County Road 401, and Highway 7 Intersection, but the timeframe for these changes to the highway unfortunately still seem to be in the distant future.

Also, allowing too many curb cuts that provide access to properties is always a point of concern along linear corridors like Highway 7. [Highway 6 west near Ricky D Britt Boulevard is often challenging to navigate with cars entering the road from the businesses that have lined the highway in recent years.] Additionally, Vision 2037 proposed developing new neighborhood centers that provided for mixed-use commercial activities at various nodes along the periphery of Oxford, but with an emphasis on concentrating commercial to existing commercial corridors and centers nearer the center of Oxford.

Despite these concerns, the G&D Services property, to the north, received a change to the zoning classification at the time that the City of Oxford zoned all properties that had recently been annexed. There have been no substantial changes in this area since the initial zoning less than a year ago. There is tangentially, however, reason to say that there has been a change affecting the northern property of this request since his neighbor to the north was granted a last minute rezoning. If that is considered, the request for rezoning that northern property is supportable, especially since both properties share a common entry drive off Hwy 7, and will not need separate entrances for commercial traffic.

With the G&D Services property to the north being changed to commercial zoning, however, there is also an argument that the +/- 1-acre northern portion of Mr. Plunk's property would create a new node at an intersection of two county roads and Highway 7.

There is no similar logic to support the rezoning of the property to the south. It is larger, it contains only a dwelling that has been used for a low impact

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commercial use, and its driveway is very close to the entry drive for the properties to the north. That alone could cause traffic issues if this property were to be given commercial zoning. This property could easily continue to be used for residential or low impact home occupation type uses. With a change to the northern property there would already be approximately +/- 10 acres of TNB zoning in the immediate vicinity of this site. That is far more than would seem supportable in the near future. Also, there is another commercial area of TNB about a mile to the south. These two nodes would see sufficient for the time being, as a lot of this area is still fairly rural or low density suburban in character.

Recommendation: Staff recommends approval of the rezoning of the northern (+/- .92 acre) property from Neighborhood Residential (NR), to Traditional Neighborhood Business (TNB), equivalent to the properties adjoining it to the north and west, for the reasons related to "Change in the area" discussion above. Similarly, approval of the request for the southern (+/- 2.16 acre) property is not recommended for the reasons noted above.

Summary of Discussion:
Chairman Hyneman said that it seemed that if Planning Staff knew that G&D LLC were going to get TNB (Traditional Neighborhood Business) zoning from the Board of Aldermen, he thought Planning Commission would have been supportive of the northern lot of Mr. Jason Plunk's parcels for TNB as well.

Commissioner Gray said he thought that Planning Commission initially supported the request for the northern piece to be TNB for G&D LLC. Planning Director Ben Requet said that Mr. Plunk's parcel and several along Pat Patterson Parkway came back for consideration to change the zoning. Mr. Requet said that Planning Commission did not recommend approval and it then went to Board of Aldermen and it was reversed. Mr. Requet said that several people spoke at that Board of Aldermen meeting and Mr. Requet said he had passed along several emails to the Commission via Aldermen Huelse.

Commissioner Gray said there is currently a business on this property and he asked if it could operate on TNB and NR. Mr. Requet said it could be allowed in TNB by Special Exception but not allowed in NR (Neighborhood Residential). If the current use/business changes, a new business could not operate in NR. Mr. Requet said the current business is grandfathered in. Commissioner Riddell asked what would be considered a change of business. Mr. Requet said if Mr. Plunk proposed a new building or if the use changed from its current use as a transportation business to a restaurant. He stated that staff would not support those changes in this district.

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Commissioner Freeman asked Mr. Plunk why he did not request a change in zoning when it was annexed. Mr. Plunk said he does not keep up with politics and had a 5 year lease on the property before annexation. He thought it would remain non-conforming. He stated that Southern Oasis Spa left and then he realized he would need to change the zoning for a new business.

Chairman Hyneman asked if he took over the lease and then operated a spa, would that be considered a change of use. City Attorney Paul Watkins said he did not think that the Land Development Code considers that a change of use. Mr. Watkins said that it could be a spa or something very similar to that. He added that the owner could re-rent to another spa without having to go through this process.

Mr Plunk said there are two houses on the property. The northernmost house he said he lives in and the other is a 50x30 shop for servicing buses. Mr. Plunk said he plans to live there and that he does not want a restaurant next door. Mr. Plunk said he wants it to be spa because it is a lot quieter than renting to students.

Commissioner Rigby asked if Mr. Plunk could entertain a new spa or service use. Mr. Request said he thought it would have to operate as a similar use as to what is there now. He said that there is a limitation if it ceases to operate for 180 days, and at that point it would have to come into compliance. Mr. Request said that Mr. Plunk could propose a home occupation.

Grace Brooks, who lives in the neighborhood, said she went to the spa, but there have been some issues. She said the property north of Mr. Plunk's is zoned TNB and it looks appalling. Ms. Brooks said she does not want anything changed that could allow for a a trailer park/RV's. She said there used to be RVs there that would come and go and that she is worried about her property values. Mr. Request said that this was the first issue he has heard of regarding the RVs and that the City would look into it. Mr. Plunk said he does not mind his neighbors to the north and felt Ms. Brooks implied that he did, and that is not true.

Commissioner Gray asked Mr. Plunk that if he can continue to operate his business there now, why is there a need for re-zoning on the northern property. Mr. Plunk said it was to cover his bases and he did not want code enforcement to come one day on a Sunday and ask why are we washing buses.

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Neighbor Pam Parnell said her concern is what a re-zoning will do to her property. She said she did not want to have any more businesses that are unrestricted. Ms. Parnell said that there are ten houses down there that have been there for decades that should be protected. She added that her objection is to allow the parcel more business that is similar to what it is now. Ms. Parnell said that when you pull into there neighborhood it is commercial on both sides, and that it is not a good look.

Commissioner King made a motion to go with staff recommendation and rezone Mr. Plunk's northern property to Traditional Neighborhood Business (TNB) (PPIN #10329) and leave southern property Neighborhood Residential (NR). 2nd by Commissioner Riddell. Motion fails, 3-3 (Chairman Hyneman, Commissioner Freeman, and Commissioner Rigby opposed the motion)

Motion fails and the denial recommendation proceeds to Board of Aldermen.

3. Public Hearing for Case #2586 – Provence Park Condominium Association has filed a request for a Special Exception as provided in Section 3.11.3 Gated Entries for property located at 1102 Frontage Road. (PPIN #26599)

Planning Comments:

The Provence Park Condominium Association is requesting permission to have security gates at its entrances from Frontage Road (to the north) and Mimosa Drive (to the south). The standards for Gated Entrances (Sec. 3.11.3) allow gates by Special Exception for certain uses that include multi-family developments, if they are not across public roads (Sec. 3.11.3.3.b). Only private roads wind through this development, so they are acceptable for consideration.

New double swinging gates are proposed at the Mimosa Drive entrance, and an older existing sliding gate at the Frontage Road entrance is to be "reactivated". All streets within this condominium are privately maintained, as required. The application states:

> *When this development was built (2007-2010) it was marketed as a gated community by the developer. The developer never had gates installed at the south entry and now the owners association wishes to have that done. The property location is removed from primary roads and the installation of the gates would provide security for residents (and limit pass through traffic) but not be detrimental to surrounding development.*

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While the north gate does not meet current standards, it has been there for a number of years and just needs to be reactivated. As this is not a primary entrance, and is substantially removed from Frontage Road, it is appropriate to allow it to remain and be reactivated. The requested plan for the south gates meet the standards for a gated entrance that include:

1. The gates are proposed across private access roads in a multi-family community.

2. The proposed gates are decorative black iron mounted on brick columns designed to coordinate with the architecture of the residential structures.

3. Each gated entry will be over 10 feet wide to allow emergency vehicle assess if required.

4. The south gates will open outward on the right (exit) side, and inward on the left (entrance) side. This will better control traffic flow and limit stacking.

5. The condominium will provide means for 24 hour access by service providers, and emergency access for emergency and public vehicles (police, fire, utilities, etc.).

6. Ungated pedestrian access will be provided at the new Mimosa Drive gate.

7. The Association Covenants will be amended to ensure perpetual responsibility for maintenance of the gates as long as they are to be functional.

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

1. Approval is for the gate designs and mounting columns as submitted.

2. A recorded copy of the modified condominium covenants establishing responsibility for maintenance of the gates will be required before the gates are permitted to be operational.

3. Two instances of inaccessible gates reported to the Planning Office within a 12-month period by the city police, fire, or engineering personnel shall result in the revocation of the permit.

Move: Marvin King Second: Bill Freeman Status: Passed

4. Public Hearing for Case #2587 – Stuart Povall has filed a request for a Special Exception as provided in Section 2.6.7 Structure Height, Minimum for property located at 2200 S. Lamar Boulevard. (PPINs #8811 & #8596)

Planning Comments: This is a request to allow a one-story building that will function as a restaurant, and a two-story building with a partial second floor that will function as a banquet hall. The Traditional Neighborhood Business District standards establish a standard two-story building height, but allow a one-story building to be considered by special exception. While no standards for consideration are given, the concept behind this special exception is that there would be situations where a one-story building would be a reasonable option. Additionally, the Land Development Code does not state what constitutes a second story, rather, it has been interpreted by the Planning Director that a space equal to a minimum of 51% of the ground floor area should be functional space on the second story.

In this instance, the applicant is proposing a development on this site that is comprised of two parcels (formerly the site of medical offices, now removed). Two buildings are proposed for this proposed restaurant use, one on either side of the electrical line. Both proposed buildings need special exception approval. They

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include a one-story building, and a building with what appears to be approximately +/- 30% of the gross floor area of the ground floor on a second story. (The application does not include breakdown of the square footages on the floor plans, so this is an approximate measure.) Between the two buildings, will be an open courtyard used by patrons. The applicant is also proposing a six-foot fence to encompass that area (the subject of Variance Case #2594).

The letter provided by the applicant states that the building heights along South Lamar between Highway 6 and Belk Boulevard are a mix of varying heights, but the predominance of the buildings are one-story. The fact that other buildings in this area are one-story is not a fully acceptable reason for supporting this request. Most of them were built under different zoning requirements, and most of them were constructed many years ago. As this area continues to redevelop, the mix of varying heights will continue to evolve. The most recent construction in the immediate area is just to the south with a mix of one and two story buildings, and a multi-story hotel.

The applicant also notes that the site is challenged by an (east/west) electrical distribution line that bisects the two parcels. They believe that it would be cost prohibitive to relocate and bury the line based on initial estimates. Staff acknowledges the challenge that this electrical line presents to the development of the site, and that the two-building plan is a creative solution for developing the property while avoiding the expense of the relocation of the electrical line.

Building height variety is certainly desired in the Traditional Neighborhood Business district, and while the Code (reflecting the 2037 Master Plan) prefers two- and three-story buildings; but the Code recognizes that instances will exist when a one-story building is appropriate.

Northern Building Assessment - The partial two-story building appears to be two-story when viewed from South Lamar (see East Elevation), and approximately half of the building appears to be two-story when viewed from Mimosa Drive (see North Elevation). That building is to be a rentable banquet hall, not used on a regular basis. Because the one-story building is recessed from the property line (which will require a front build-to line variance that has yet to be submitted) the partial two-story building is the primary focal point of the site.

Southern Building Assessment - Although this is a one story building, it is designed so that the roof on the restaurant (southern building) is similar in height to the second-story of the banquet hall (northern building), and the addition of false attic dormers contributes to this appearance of a second story. While staff acknowledges the attempts of the applicant to design a building that has an

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appearance of a second story, we do not believe that the proposal complies with the spirit of the ordinance.

Summary Evaluation - A second story is required on both buildings. As the current interpretation from the Planning Department is that a minimum of 51% of the gross floor area of the ground floor should be utilized as functional space of the second floor; the northern building fails to meet this requirement. (This interpretation has been used for several other structures proposed in the past two years.) Despite the evidence presented of numerous older single story buildings in this area, South Lamar is evolving as older buildings give way to new uses and new structures reflecting current Code requirements. Most recently, the Planning Commission approved a site plan for a three-story building in Oxford Farms at the December Planning Commission meeting.

Recommendation: Staff does not support the requested Special Exception for the one-story building or the building with a partial second story; but should the Commission support the request, staff requests the following conditions:

1. The proposed building shall be substantially similar to the development concept as presented.
2. If no permits are issued after 18 months, the Special Exception will expire.

Summary of Discussion:
Commissioner Freeman asked if it would be the City's goal to move utilities/power line underground. Planning Director Ben Request said yes, and that he was not sure that there was any budget for that, but he would discuss with Rob Neely of Oxford Utilities.

Commissioner Riddell said she felt like the Commission and staff needs to revisit the ordinance regarding the reasoning for two story buildings in certain areas. Mr. Request said that in the Vision 2037 plan that for certain districts the goal was to have neighborhood buildings with a mix of uses. He added that the community gave their input and said they wanted buildings closer to the street and that they liked building similar to those on the Square, which are 2/3 stories. The interpretation came about with early requests, and people were asking how little could be built of the second story to be considered a two story building by staff. Mr. Request said there was a need for variation and he has looked at examples of other buildings around Oxford (ex. Lost pizza building with half of the second floor built in plus a patio as a good example). Mr. Request did say he agreed the section

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needs to be revisited. Commissioner Riddell said she did not understand what was not neighborhood friendly about a one story building. She said that Proud Larry's and down S. Lamar is one story. Senior Associate Judy Daniel that's why we have the Special Exception and realize it can be reviewed case by case.

Commissioner Gray asked if Lost Pizza was able to count the patio as part of their second story footprint percentage. Mr. Requet said yes, that Planning staff does consider that functional space and that it does not necessarily have to be enclosed to be considered part of that footprint.

Mr. Povall said it was not possible for high density due to an overhead utility corridor that would be expensive to relocated because it is a major line. Mr. Povall said they are trying to save the existing parking lot because it was advantageous from a stormwater standpoint. He said the plan was for a two-story banquet hall and one story restaurant. He said that he was told that Planning Staff felt the banquet hall was not considered a two story building and he does not agree. He said he was told it is the Planning Director's interpretation. Mr. Povall said that the 51% threshold should be written into the ordinance if that is the desire. He added that this is a scalable concept and that they are in line with the South Lamar court development's mix. Mr. Povall stated that the ownership is not real estate developers, they are restaurant owners. He added that it would be expensive to add more space and the owners do not need it for their concept. Mr. Povall said this land has sat empty for 4 years.

Commissioner Rigby said since the power line is not a high voltage line, but small line across the center of the property, he felt the design could be changed. He asked what design concept would be possible without the power line. Mr. Povall said they would probably still need a Special Exception, but for a larger one-story building. Mr. Povall reiterated that Section 9.5 of the Land Development Code states that the second story size can be interpreted from the Planning Director, but then there is a way to appeal that decision. Ms. Daniel said it is a process and easier to make an interpretation than draw a hard line with certain aspects of a newer code.

Commissioner Riddell said this was the second time the Commission is forcing someone to build more than they need to. She said there is a difference between restaurant owners and a big developer and she thinks this section of the code will hurt small business owners more.

Chairman Hyneman said this site condition with the power line seems different than just a topography argument, where someone knows the topography when they bought the property.

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Mr. Requet said that the request would be with the presented conditions and that condition #1 is referring to the building in terms of it being architecturally similar at site plan review, not necessarily the layout as presented.

With staff conditions. Commissioner Gray opposed.

Commissioner Rigby requested having a separate discussion about the Land Development Code. He added that he did not think this meant that the Commission doesn't support Staff's interpretation of the 51% to be the threshold for a second floor to be reviewed on case by case. Commissioner King and Chairman Hyneman agreed, and said the power line is the reasoning for their vote.

Move: Bill Freeman Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2594 – Stuart Povall has filed a request for a Variance from Section 5.5.2.6 Front Yard Fence Height for property located at 2200 S. Lamar Boulevard. (PPINs #8811 & #8596) **(WITHDRAWN)**

6. Public Hearing for Case #2588 – Brutus Properties, LLC has filed a request for a Variance from Section 3.9.3.3 Services Uses, Parking for property located at 1103 A Jackson Avenue West. (PPIN #6760)

Planning Comments: The subject property is a small lot of +/- .49 acre containing a small (1,800 square foot) existing commercial building. The structure shares access from Jackson Avenue (and a parking area) with another commercial structure, although they are on separate lots. The structure (most recently a gift store) is to be renovated to become a nail salon (to be operated as New York Nails), a use permitted in this district. The applicant is requesting a variance to allow additional parking for the proposed use.

As parking is calculated based on interior patron space, the Code requires only 7 spaces for this use, and the site already contains 14 spaces. This use, however, is to have 20 nail stations, and up to 10 employees on certain days. As such, the use could require 20 or more parking spaces on busy days; so they believe that additional parking spaces will be needed. A variance is requested to allow up to 21 spaces, with the added spaces to be placed along the eastern portion of this lot,

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currently not paved. The applicant believes that the need for additional parking is peculiar to this type of use, and not being able to provide it would constitute a hardship for the nail salon. The applicant further states that the parking area will be substantially improved (as required by the LDC) with better paving, tree islands, required buffers, and canopy trees; bringing it into compliance with current regulations.

Recommendation: Staff recommends approval of this parking variance given the parking requirements of this particular type of use, which provides a service requiring substantial parking for its clients. This request is partially because this site is in the peculiar situation of adjoining large parking areas that the general public is not allowed to use.

The existing configuration of this developed site allows additional parking spaces on the property, although staff suspects that this parking may be somewhat redundant. While only those with University parking passes may park in the large adjoining existing lots, it is likely that University students and staff will comprise a large portion of the customers for this Nail Salon. Although we would prefer to take the availability of that nearby parking into account, the limited access to it by the general public makes that less feasible.

Further, although not pertinent to this variance request, the applicant states that the property owner is currently in discussions with the University of Mississippi to obtain an access easement through the Jackson Avenue Center (JAC) to allow the nail salon (and the other retail structure which shares its entry drive) to connect to the existing interior drive. This will allow patrons of the nail salon to exit the site through the JAC parking lot and get to Jackson Avenue at the existing signalized intersection, providing a much more convenient and safe than the current access directly on Jackson Avenue.

Summary of Discussion:
Chairman Hyneman leaves. Commissioner Gray takes over as chair.

Move: Bill Freeman Second: Marvin King Status: Passed

7. Public Hearing for Case #2590 – The Summit at Oxford Commons, LLC has filed a request for a Variance from Section 2.6.9 Build-to Line, Maximum for property located at Ed Perry Boulevard. (PPIN #4707)

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Planning Comments: The subject property is proposed to be an approximately +/- 2.8 acre lot located on the south side of Hwy 30 very near the intersection with Hwy 30. Tractor Supply Company plans to purchase this property from the owners of "The Summit at Oxford Commons, LLC" and build a new retail store.

The planned location of the structure would be up to +/- 246 feet from Ed Perry Blvd. The allowed build-to line in the Suburban Center district is up to 50 feet by right, with up to 150 feet allowed by Special Exception. The requested build-to line would exceed the standard 50-foot build-to by 196 feet; and exceed the 150-foot maximum build-to line allowed by Special Exception by 96 feet. Staff would probably support the available Special Exception, but since an even deeper build-to line is required for the preferred site layout, the applicant has requested a variance to allow them this 196-foot build-to line. The applicant has provided several factors that they believe support this request.

1. *The intended lot is an irregular shape as it is to be created from the fairly narrow front portion of a larger (13.73 acre) parcel, and is hemmed in between an existing 5.63 acre property to the west (the site of a day care center) and an existing 3 acre property to the east (the site of a church). Further, the west side of the property is to become an entry road into the remainder of the current parcel, which will later be subdivided into other developable sites. Therefore there are few options for reconfiguring the lot, or the placement of the structure on the proposed lot, beyond placing parking areas in locations that would be inconvenient (or even unsafe) for customers.*

   The irregularly shaped lot tapers to a narrower width at the front making it very difficult to distribute the parking in a way that would allow the building to be located closer to Ed Perry Blvd.

   There is not room to place parking on the side of this structure, and placing parking in the rear of this use will not work for customer entry as the rear of the building and open display area is for delivery truck maneuvering and loading/unloading of merchandise and equipment. It would be dangerous to have patrons interacting with those activities and the rear of the building needs to be isolated and controlled.

2. *The site (see Exhibit B) will be significantly lower than the elevation of Ed Perry Blvd. The elevation difference ranges from 10-17 feet between Ed Perry Blvd elevation and the floor of the building. This is required because the Tractor Supply site is (as previously noted) the first phase of a larger shopping center to be constructed west and south of this site. Due to the*

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natural terrain of the overall shopping center, the Tractor Supply site must be cut down in order to level out the rest of the property. This will allow it to be at a grade similar to the future areas of the shopping center. With the site being so much lower than Ed Perry Blvd., it would be impractical to have the building too close to the street edge.

Further, that elevation change will make the parking area less than normally visible. At some points, none of the parking lot will be visible while driving by, and the most that would be visible would be 115 feet of the parking lot in front of the building. In addition, trees will be planted along the lot frontage at Ed Perry Blvd and multiple trees will be planted within the parking lot along with various landscaping around the perimeter of the parking lot, further softening the view of the parking area.

3. *Tractor Supply is proposing significantly less parking than is allowed by code. Code would allow up to 135 parking spaces on this site but only 70 spaces are to be proposed. This parking limit of almost 50% indicates an effort to comply with the spirit of the code to minimize site parking.*

The factors cited by the applicant are worthy of consideration. The bottom line for this request is, however, that the Code requirements for this site plan are being asked to conform to the design needs of the particular retail entity; rather than the retail entity finding a lot that better conforms to its design needs or altering its development template to conform to the code limits.

The intent of the Code adopted in 2018 is to limit the size of front parking fields, by reducing parking requirements and by having more parking located to the side or rear of properties. Changes to limit development patterns seen along Jackson Ave. West were a primary focus in the Vision 2037 Master Plan and subsequent code changes. The particular standard layout used by this retailer (display areas along the street, outdoor display areas in front of the store, large outside display areas beside the store) make it difficult for them to modify the standard template and maintain a safe site on a lot of this width.

This site layout, if located on a wider lot in the same zoning district, would not require such a substantial variance. The narrowness of the desired lot creates the hardship. That is not the fault of the applicant, but choosing this narrow lot (which

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is otherwise a very desirable location for them) means that they need the large variance for their standard template to work. [By way of visual comparison, this structure would be approximately the same distance from the street as the rear set of buildings at the Highland Square Development on West Jackson. It would be about 50 feet closer to the street than the "Old Town" Shopping Center on University (Sugar Magnolia).]

Staff supports locating a TSC store in Oxford; and a site along Hwy 30 is very rational and desirable for this type of use. And this retailer is proposing less parking than required, which is helpful. Staff acknowledges that the nature of this type of business requires parking in front, and the narrowness of the frontage of this property combined with the exterior display areas used by this retailer, do not allow a different orientation for the standard site layout for the store. The Commission will need to determine if the hardships described (related to the choice of lot) are sufficient justification for a 196-foot variance from the build-to line for this zoning district.

Recommendation: As a variance of this depth has never before been granted, and as it is substantially contrary to the intent of the Code, staff cannot recommend approval of the request. The hardship, to staff, is being created by the applicant in choosing a lot that is not wide enough for its standard template to meet the Code standards. Staff would likely support the allowed 150-foot build-to line special exception. This request is 96 feet beyond that.

The Commission may wish to look at this request from a different perspective. It is an unusual location, removed from Hwy 30, and back beyond the frontage road (Ed Perry Blvd.). The distance and elevation change would mean that the parking field would be less visible than if it were level to Hwy 30. Rear parking would not be safe. And the Commission may consider if the unavoidable width of the lot that is to be created is a hardship for this retailer.

This decision is philosophically important as, if approved, it will likely inspire other variances requests of this type in the future related to the impact of lot configuration to standard site layout templates. If approved, the reasons for the approval will need to be very specific to this particular site in order to avoid becoming referenced as precedents by future applicants.

Should the Commission choose to approve this variance, staff recommends the following condition:

1. The variance is for the plan as submitted.

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Summary of Discussion:
The applicant's engineer, Paul Koshenina, said that the site essentially has two fronts. Mr. Koshenina said that in his eyes, it would be considered a corner lot. He said with this lot configuration, the building is as close as they could get it to the front yard build-to line standards. Mr. Koshenina said that on the western side of the site they are meeting the build-to line, but not on the north side. Mr. Koshenina stated that the site's topography is built-up, helping to justify the variance request and screen the front view of the parking lot. He added that their intent has been to avoid the appearance of a sea of parking from Ed Perry Boulevard. He said people passing in their cars would see very little of the parking lot. Mr. Koshenina told the Commission that he provided a line of sight study for the case file packet.

Mr. Koshenina provided a 3D rendering of the building, site, and an elevation drawing to the meeting that included the proposed grade of the site. Mr. Koshenina said that Tractor Supply is proposing 50% of what could be allowed by the Land Development Code for parking. Mr. Koshenina stated that he has worked with these build-to line standards in Oxford Commons for smaller retailers and they work, but for a larger retailer, it does not work. He added that the building could be slightly tweaked for a different site, but that it is not so easy to just go and find a different site.

Commissioner Riddell said that seeing the render helped her understand the context. Senior Associate Director, Judy Daniel, said that the building looks very attractive, but philosophically it is difficult to distinguish the hardship. Ms. Daniel said she did not think Planning Staff should recommend approval of a 196 ft. variance from the Land Development Code standards. Ms. Daniel said she thought that the Planning Commission has more room to discuss this consideration.

Commissioner Rigby asked Mr. Koshenina if Tractor Supply were willing to stray from their standard package for sites. Mr. Koshenina said that Tractor Supply has a standard and they have several prototypes. He added that for this site, they are already breaking on the architecture standard. Mr. Koshenina said he was not sure he could answer that for the site layout. He also said that it is not very easy to change layouts and that Tractor Supply knows how their stores function for their customers.

Commissioner Gray asked how often would delivery trucks access the site. Casey Martin, a representative from Tractor Supply, said she did not think that there would be multiple times a day for deliveries. Commissioner Rigby asked in what ways has Tractor Supply tried to accommodate the Code on this issue and meet the City halfway. He added that looking at the site

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generally, it appeared that the front build-to line could shift up 40 ft. The applicant's engineer, Paul Koshenina, said he thought that the siting of the building is because by limiting the parking, it brought the building up to where it is proposed. Mr. Koshenina said that Tractor Supple needs an outdoor display that would preferably be in a front yard. He added that displays could be on the west side, but that they still need parking spaces, so it would just ending up swapping spaces. Mr. Koshenina said they had made the choice to minimize site parking as much as possible and that they have been focusing a lot of effort into making this site work. Commissioner Rigby stated that it is a rectangular lot with very little natural constraints.

Commissioner Gray asked if for a 3,200 sq. ft. of retail concept like the one proposed, are there other configurations. Ms. Martin from Tractor Supply said that there are not many other footprints, because of the outdoor displays. Ms. Martin said this proposal is the smallest building prototype. Planning Director Ben Requet said that the Code allows for up to 50% less parking than they technically need. Commissioner Riddell said it does not look like they have a lot of parking (135 allowed by code vs. 70 provided). Ms. Martin stated that typically there are only 7-8 cars parked at a store at a time. Commissioner Rigby added that additional developments in this area of Oxford Commons will be south of Tractor Supply and he wanted to know if there could be an agreement for parking in the rear. Mr. Koshenina said that future developments would actually be facing Highway 7 and to the west.

Property owner David Blackburn said that he was not sure how else to develop the site, and has played this game with several retailers for this site. Mr. Blackburn said Tractor Supply was appealing to him as a retailer for the site because they were allowing him to make a more attractive looking building and would work with the topography to screen the parking. He added that they were more flexible to make site adjustments than other clients they had spoken to. Mr. Blackburn said that Tractor Supply will act as a buffer for the rest of the parking for the larger user that could be behind this store in the future. Mr. Blackburn said he reached out and did not have any luck getting extra land from the adjacent Jehovah's Witness lot to make the lot bigger.

Commissioner Rigby stated that the proposal is a nice design, but that there is more of an issue with what to do with the Land Development Code. Commissioner Rigby stated that if a 196 ft. front build-to line variance is granted without topographic constraints, the Code needs to be looked at again and possibly revised for big box stores. Mr. Blackburn said he did not want to see 250 ft. of parking in the front of the store and that the natural topography makes it where a driver on Ed Perry Boulevard would only see 50 ft. not 250 ft. of parking spaces in front of the store.

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Commissioner Rigby asked what the vision of big box stores is for the Code. He asked if the 50 ft. build-to line is intended to be applicable for them. Senior Associate Director Judy Daniel said the ordinance is based on visual perception, but in this case, she said the building was not going to look as deep, because the applicant is also reducing parking. Ms. Daniel said Tractor Supply can't seem to turn the building, so they are choosing a lot that has to be adjusted to meet code. Ms. Daniel said Planning Staff did not envision people picking lots that were this out of sink. She added that the Planning Department would have supported an 150 ft. variance, but Staff could not consider the additional 196 ft. because it was such a large variance. Planning Director Ben Requet added that it was important to consider that Mr. Blackburn owns surrounding land and if he came in with a common interest development, the other buildings would not necessarily have to adhere to the front yard build-to line.

Commissioner Freeman made a motion to deny the request. 2nd by Commissioner Rigby. The motion passes 3-2. Commissioner King and Commissioner Riddell opposed the motion to deny.

Move: Bill Freeman Second: J.R. Rigby Status:

8. Motion to Adjourn

Mr. Requet said he is organizing a Planning Commissioner training session.

Move: Bill Freeman Second: Marvin King Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Wednesday, March 18, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom

THE CITY OF OXFORD

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

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

1. Call to Order
2. Approval of the Agenda

   Commissioner King not present.

   Chairman Hyneman is the only commission at City Hall. Remaining commissioners present via teleconference.

   Move: Brian Hyneman Second: J.R. Rigby Status: Passed

3. Approval of minutes from February 10, 2020 Meeting

   Move: Brian Hyneman Second: J.R. Rigby Status: Passed

4. Staff Report

   Planning Director Ben Requet introduced new Planning Commissioner, Joseph Murphy.

   a. Building Official's Report

5. Map of Cases this Month

A. **Administrative Approval**

1. Case #2600-A – Double Seven Development, LLC has filed a request for Site Plan Approval for 'Dairy Queen' for property located at 1700 Jackson Avenue West. (PPIN #25717)

B. **Consent Agenda**

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

1. Public Hearing for Case #2592 – Kroger Limited Partnership I have filed a request for Site Plan Approval (Amended) for 'Kroger University Avenue V473 Expansion' for property located at 2013 University Avenue. (PPIN #9267) **(Postponed from February)**

2. Public Hearing for Case #2601 – Kroger has filed a request for a Variance from Section 2.6.11 Front Yard Build-to Line, Maximum for property located at 2013 University Avenue. (PPIN #9267)

3.

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Public Hearing for Case #2602 – Cellular South Real Estate Inc. dba CSpire has filed a request for a Special Exception as provided in Section 3.11.8.2(b) to allow a small cell antenna to be attached to the gym building at Lafayette High School at 160 Commodore Drive. This requires a Special Exception because it is publicly-owned property that is adjacent to residentially zoned property. (PPIN #9490, #9489, #8947 & #9376)

4. Public Hearing for Case #2603 – Bradley Sowell has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 1004 Morris Drive. (PPIN #38006)

5. Public Hearing for Case #2604 – Wesley Walls has filed a request for Site Plan Approval for 'Heron and the Hare' for property located at 1003 Jefferson Avenue. (PPIN #5858)

6. Public Hearing for Case #2596 – YMCA – Oxford has filed a request for a Special Exception as provided in Section 2.6.7 Structure Height, Minimum for property located in Oxford Farms. (PPIN #35714)

7. Public Hearing for Case #2597 – YMCA – Oxford has filed a request for a Variance from Section 2.6.7 Front Yard Build-to Line, Maximum for property located in Oxford Farms. (PPIN #35714)

8. Public Hearing for Case #2598 – YMCA – Oxford has filed a request for a Special Exception as provided in Section 5.6.1.9 Materials for property located in Oxford Farms. (PPIN #35714)

9. Public Hearing for Case #2605 – David Blackburn has filed a request for Final Plat Approval for 'The Preserve at Oxford Commons, Ph. 8' for property located at Allen Cove. (PPIN #38712)

10. Public Hearing for Case #2606 – Rosemark Real Estate LLC (Stewart Rutledge) has filed a request for a Special Exception as provided in Section 3.3 Neighborhood Residential: 100% Attached Units for 'Owen's Place IX Workforce Housing' for property located at Burn's Avenue. (PPIN #9226)

11. Public Hearing for Case #2612 – Stuart Povall has filed a request for a Variance from Section 2.6.7 Front Yard Build-to Line, Maximum for property located at 2200 S. Lamar Boulevard. (PPIN #9182)

C. **Public Hearings**

1. Public Hearing for Case #2607 – Josh Samuels has filed a request for a Variance from Section 5.8.4.4

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Front Yard, Build-to Line Maximum for property located at 211 Price Street. (PPIN #5374) (WITHDRAWN)

2. Public Hearing for Case #2599 – YMCA – Oxford has filed a request for a Site Plan Approval for 'YMCA – Oxford' for property located in Oxford Farms. (PPIN #35714)

Planners Comments:
The subject property measures approximately +/- 6.5 acres located in Oxford Farms on YMCA Drive, which is south of Farmview Drive. It is located on Lot 2 of the Oxford Farms, Phase II Subdivision; Lots 1 & 3 (located to the north of the subject property) contain a residential development called Creekside Condominiums, which was approved by the Planning Commission in 2015. This property is the subject of several other cases requesting approval by the Planning Commission all related to the proposed YMCA building.

The request is for a structure that will encompass all of the YMCA facilities, and it will also include a separate but attached facility that will be leased to another user. The building has a footprint approximately 30,710 sf, which includes approximately 4,660 sf of leasable space, on the ground floor and a second floor that measures approximately 13,281 sf for a total of approximately 44,000 sf. The YMCA facility will consist of the lobby, administrative offices and meeting rooms, a multi-purpose area, a Natatorium with two pools, a gymnasium, locker rooms for men, women and families, storage areas, and mechanical rooms on the ground floor. The second floor will provide for a large wellness (fitness) area, two studios, storage and mechanical equipment rooms, and a terrace for the fitness area.

Use Requirements- The use is a Recreational Use, Commercial – Indoor and Outdoor. As such, it is allowed in the (TNB) district by Special Use under the standards of Section 3.8.6.

The parking standard for this use is one space for every 100 sf of gross floor area plus 10 spaces and if necessary, one space for each four seats based on maximum seating capacity; plus one space per four persons at capacity of outdoor facilities. Upon an initial review, staff did not believe that the parking standard provided was correct for this particular use. Staff advised the applicant to break each use down and apply the parking standard for that respective use. Based upon that directive, the parking required for this site is 207 spaces, however, the applicant has provided 166 in this proposal, approximately 20% less than what is required.

Other Review Elements

- **Building Façade**– The architectural design of the structure is attractive, with a reasonable design for the facade of the building facing South Lamar.

- **Building Materials**– The proposed primary use of fiber cement panel and block, Pre-Engineered Metal Building (P.E.M.B.) panels and corrugated metal panels, and areas with translucent panels.

- **Lighting**– Lighting plans will be finalized at building permit stage. Lighting that meets code standards will be a condition of approval.

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- **Signage–** The YMCA logo is shown on the building elevation drawings, but signage approval is not requested. Signs will be requested in the future. Signage that meets code standards will be a condition of approval.

- **Buffer–** A blue-lined stream is located to the south of this property, and therefore requires a 50-foot buffer that has been provided on the plans.

- **Landscaping–** Foundation plantings are indicated on the north and east portions of the building. Large canopy trees are planted in the parking lot to provide maximum coverage. The proposed landscaping plan meets required standards. The landscaping plan indicates a healthy mix of tree specimens to be planted in the buffer.

- **HVAC Location–** Based on conversations with the applicant's development team, HVAC will not be located on the roof of the building, however, in the event that it does, a parapet that satisfies the code standards will be required.

- **Tree Mitigation–** A total of 51 mitigation trees are required for this site. The applicant intends to plant all 51 trees on site.

Engineering Comments

Vehicular Access– This development will have public access to Farmview Drive via a private drive serving Creekside Condominiums. An ingress / egress easement will need to be provided for this access. Future secondary access points are shown to be made on the northeast and southeast sides of the property with future development of the property to the east (Oxford Senior Living). The requirement for an updated traffic impact analysis for this development was waived by the Board of Aldermen. The original traffic impact analysis for the Oxford Farms Development recommended a traffic signal be installed at the intersection of Farmview Drive and South Lamar Boulevard. This recommendation was rejected by the City of Oxford in lieu of proposed traffic signals at the intersections of Oxford Way and South Lamar and Azalea-Office Park and South Lamar.

Stormwater– The storm water requirements will be met by above ground detention ponds which will discharge into the adjacent tributary to Burney Branch. The final storm water report is under review by the Engineering Department and has not yet been approved. One of these ponds will be a regional pond that serves this site and the Oxford Senior Living site to the east. The other pond will only serve the YMCA.

Water and Sewer– Water for the site will be obtained by extending an existing 8" City of Oxford water main which currently terminates at the end of the private drive serving Creekside Condominiums. A 20' easement will be granted to the city for maintenance of the line.

Sewer from the site will be collected and flow by a private gravity sewer line into an existing City of Oxford sewer manhole in the west right-of-way of South Lamar Boulevard.

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Summary– Engineering staff has currently issued technical comments on the initial site plan submittal. The engineer of record has not had time to address these comments as of yet and resubmit for approval. Engineering staff recommends no building permits be issued for this site until these comments are addressed to satisfaction.Approval is recommended with the condition noted below.

Other Departments: All other departments have reviewed the proposed YMCA site plan, and recommend approval.

Recommendation: Staff recommends approval of this Site Plan with the following conditions.

1. Building permits will not be issue for the site until staff comments have been addressed to satisfaction.

Approved as amended to include a condition that a lighting/photometric plan be approved by Planning Staff before a Certificate of Occupancy.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2608 – St. Peter's Episcopal Church has filed a request for Site Plan Approval for 'St. Peter's Episcopal Church Expansion' for property located at 113 S. 9th Street. (PPIN #5954)

Planning Comments: This request pertains to arequest by St. Peter's Episcopal Church for a two-story, 8,700 sq. ft. brick addition. The entire existing parking lot, which extends from Jackson Avenue East to Van Buren Avenue, will be removed. A portion of the east side of the existing church will be removed as well. The northern portion of this parking area closest to Jackson Avenue East will become part of the addition's footprint and the southernmost portion of this area will become a new surface parking lot with twelve (12) spaces that will take vehicular access from two curb cuts onto Van Buren Avenue.

There has been discussion between the applicant and the Oxford Parking Commission about removing two metered City of Oxford parking spaces to accommodate the two proposed curb cuts. The Fire Department has been actively working with the church's engineer to make sure that the entrance and exit drives are accessible for a fire truck. The most updated site plan has been approved by the Fire Department and reflects entrance and exit drives being fifty-feet (15') wide to accommodate trucks. The two parking spaces where the entrance and exit drives will be located will be replaced with two parallel spaces along Jackson Avenue East parallel to the church's property.

The site plan meets all open space and landscaping standards. The two-story addition will be 26'8" at its highest point, well under the 40 ft. and three stories allowed per Code. As of March 10th, the City has not received a lighting plan, of particular interest is the lighting of the new surface lot along Van Buren Avenue.

On March 2, 2020, St. Peter's received a Certificate of Appropriateness (COA) from the Courthouse Square Historic Preservation Commission (Case #334) for the design of the proposed expansion.

Engineering Comments:
Traffic and Access:

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A traffic impact study was not required for this site as the number of vehicles accessing the site has been substantially decreased and the typical times of peak use are outside traditional peak hours for use around the Square. Access to the site will be from two 15' wide curb cuts on Van Burn. A wider drive was required in order to provide acceptable access for the Fire Department which does severely limit the space between parked cars and the driveway. Access on Van Buren will be one way in from the eastern drive closest to Bottletree Bakery and one way out from the western drive. This is important because of the proximity to the adjacent parking spaces and the required turning radius needed to enter and exit with parking lot without hitting the cars parked on the opposite side of Van Buren. An updated striping plan submitted on March 10th indicates this intent and a turning radius template will be provided to ensure that the turns are feasible for anticipated uses. Currently, a template is provided for a Dodge Ram 3500 4WD Dual Rear wheel. Another analysis will need to be considered for any delivery vehicles using the site. The existing access on East Jackson will be permanently closed. The site plan proposes to make changes to the parking layout on both Van Buren and East Jackson. These changes were considered by the Downtown Parking Advisory Commission on March 6, 2020. The Parking Commission expressed approval provided that there is not a net loss in the number of paid parking spaces as a result of the St. Peters site plan. The relocation of existing meters and spaces will have to be coordinated with the Parking Division. The Parking Commission was also notified that the City has plans to widen the sidewalk and change the parking layout on East Jackson between 10th Street (Funky's) and the old Oxford Eagle property adjacent to St. Peters property line. Those plans are still in the early stages of development and staff does not know yet what the changes to the parking will be.

Plans, Water and Sewer:

The review of plans dated February 13, 2020 is ongoing at the time of this report and there are small technical details to be addressed in a resubmittal prior to the beginning of construction. There is a small portion of the proposed retaining wall to be constructed on City right-of-way that will require a revocable license. There is a privately-ownedpipe that will connect the subsurface detention to the existing City infrastructure. A new junction box with an accessible lid will be required at this location but the details are not yet shown on the plans. There are also two slotted drains and curb inlets located on right-of-way that will be privately owned and maintained and will required a revocable license. The landscape plan indicates that trees will be planted near the property line but are not permitted on City right-of-way.

A new water tap will be required from Van Buren in order to provide for sprinkler protection of the addition. The water line will be privately owned and maintained by the church or it will be required to be upgraded to a ductile iron line. The use of CL 350 pipe denotes private ownership. An indemnity agreement will be required in order for the City to perform the required testing and use of the hydrant if the line is private. The water meter will be required to be installed at the street with a separate service line if the water main is to remain private as indicated as well. This new 6" tap will require the street to be cut and will be coordinated with the City for minimal disruption of traffic. The existing sanitary sewer connection will be used. All sewer from the right-of-way to the building will be privately owned and maintained. The sewer needs to be relocated interior to the property instead of being located under the sidewalk as shown. The City will not maintain a service line within the ROW and does not want the private line within ROW, even by permit or license.

Construction Staging:

A written (narrated) staging plan for construction plan will be required for each phase of construction in accordance with Section9.2.12 of the Land Development Code. Sheet C-412 provides for many elements but not all. This sheet indicates that the sidewalk will be closed ahead but no permission has been granted. Any construction impacting parking, normal flow of traffic, or use of the sidewalk requires approval by the Board of Alderman. This document will be required to be approved prior to the issuance of any permits, including demolition or land disturbance.

Stormwater:

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The stormwater requirements will be provided for using a subsurface detention system under the parking area. There are technical details to correct prior to an approval being granted but the stormwater is anticipated to be approved without problem or concern.

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

1. A photometric lighting plan must be provided before the issuance of a Certificate of Occupancy.

2. No permits will be issued until a written staging plan meeting the requirements of Section 9.2.12 is provided.

3. Construction plans provided to the contractor must boldly and clearly denote that water, sewer, and stormwater plans are under review by the City and have not been approved as of the date the plans are printed.

4. Building permits will not be issued until the Board of Alderman has granted revocable licenses required for the retaining wall and storm drain on City right-of-way or any other encroachments determined to exist.

5. Building permits will not be issued until the technical changes required by staff have been completed.

6. Building permits will not be issued until the stormwater plan has been approved by Staff.

7. Approval is contingent on zero net loss in paid parking when considering Van Buren and East Jackson together.

8. The relocation of parking meters and any work interfering or interrupting parking in any way must be coordinated with the Parking Division.

9. Certificate of Occupancy will not be granted until the required indemnity agreement and/or easements are required.

Summary of Discussion:
Commissioner Gray told the applicant's engineer, Paul Koshenina that on page 17 of the packet, the tree inventory shows oak tree #18 on the north side of parking lot that grows underneath the existing parking. He said that is is designated for removed by color but, is shown to remain on the inventory chart. Mr. Koshenina said that there has been a lot of back and forth on that tree. Mr. Koshenina said that it was likely to be damaged by construction.

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Approved subject to staff conditions as amended. Addition of condition #10 site plan approval with updated modifications.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

4.

Public Hearing for Case #2609 – Fred Graves has filed a request for Site Plan Approval for 'Rascal's Convenience Store' for property located at SW intersection of Belk Boulevard and MS Highway 7 S. (PPIN #24253)

Planning Comments: The subject property measures approximately +/- 1.37 acres and is zoned (UCO) Urban Corridor. It is located on the south side of Belk Boulevard and the intersection with Highway 7 South, where the site currently has an abandoned and boarded up service station and car wash. The applicant is requesting site plan approval to remove the existing abandoned buildings and create two new single-story commercial buildings – one as a retail space (5,500 sq. ft.) and the other as a convenience store (6,840 sq. ft.) and a covered fueling station. The site will be accessed by one point of ingress/egress along the south side of Belk Boulevard.

Use Requirements– Commercial retail uses are a by right use in the Urban Corridor zoning district and services stations are allowed as a special use. There are fourteen (14) parking spaces allocated for the convenience store/fueling station and nineteen (19) spaces provided for the commercial building. While 33 spaces are proposed, an increase of up to 25% more spaces may be authorized by the Director.

Other Review Elements

- **Building Façade–** Architecturally, the convenience store has front-façade design on all four sides and is brick with stone veneer accents. The gas pump canopy columns are fully wrapped with brick. The commercial building has front façade design on the north and east sides with matching brick and stone finishes to the convenience store. The south and west elevations will not be visible from any public street or entry into the building, and therefore, do not have a front façade design.

- **Building Materials–** Both buildings will be constructed primarily of brick, but it will have stone veneer accents.

- **Lighting–** Lighting plans will be finalized at building permit stage. Lighting that meets code standards will be a condition of approval.

- **Signage–** The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

- **Open Space / Imperviousness–** The proposal meets open space and impervious coverage standards.

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- **Landscaping**– The proposed landscape design meets all standards related to parking lot trees and landscaping requirements. Additional foundation plantings have been provided along the north and south sides of the commercial space and the north and south sides of the convenience store, which will be visible from Belk Boulevard and Highway 7 South.

- **HVAC** –The HVAC units proposed at both buildings will be ground mounted. The units for the commercial building will be located on the north side of the building, not visible from the entry of the building or any street. The HVAC units for the convenience store are located on the south side of the building facing Highway 7 South. Additional evergreen shrubs will be required so that the units are not visible from Highway 7 South.

Engineering Comments:

Access

Access is via Belk Boulevard. MDOT has required that the developer construct an additional lane along Belk from the proposed drive location to the channelized intersection with Highway 7. A permit application for this construction on MDOT ROW is currently under review. A traffic impact study was not required by MDOT for this development.

Water and Sewer & Utility

Water for the site will be obtained by connecting to an existing 12" water main running north and south along the east side of the property. An easement will need to granted to the city for maintenance of the proposed 6" line and associated fire hydrant assembly into the site.
Sewer from the site will be collected and flow by a private gravity sewer line into an existing City of Oxford sewer manhole in the south right-of-way of Belk Boulevard.

Storm water

The storm water requirements will be met by an underground detention facility. The final storm water report is under review by the Engineering Department and has not yet been approved.

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

1. Approval is for the site plan as submitted. (Planning)

2. A copy of the approved MDOT permit for construction within their ROW must be submitted to the City Engineer's office prior to issuance of permits. A performance bond will be required for the widening of Belk Boulevard. (Engineering)

3. An executed easement for maintenance of the proposed 6" water main must be granted to the city and a copy provided to the City Engineer's office. (Engineering)

4. Final approval of the storm water report and an approved Operation and Maintenance Plan. (Engineering)

5. Signage will be a separate approval. (Planning)

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6. Additional evergreen landscaping is required to screen the visibility of HVAC units from Highway 7 South. (Planning)

Summary of Discussion:
Commissioner Riddell requested that there be a condition that if the HVAC units are moved in the plan and the units end up on top of the buildings, that they have to be screened with parapet walls.

Approved as amended with a #7th condition about lighting/photometric plan is required to be approved by Planning Staff prior to issuance of a Certificate of Occupancy and condition #8 that states that if HVAC units move to the on top of buildings, the units would be required to be screened with parapet walls per Land Development Code requirement.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

5.

Public Hearing for Case #2610 – Rosemark Real Estate LLC (Stewart Rutledge) has filed a request for Site Plan Approval for 'Owen's Place IX Workforce Housing' for property located at Burn's Avenue. (PPIN #9226)

Planners Comments: In July 2018, a site plan for Belle Rivers was approved to create an affordable housing development for 48 duplex homes in the Neighborhood Residential district. The proposed "Owens Place IX" will adjoin the Belle Rivers development (to the east) and is a similar affordable housing project. The site is located along what will be an extension of Burns Road (which runs through Belle Rivers), near University Avenue. This is a +/- 8.67 acre wooded site, but only 5.4 acres are to be cleared for the development.

The proposed "Owens Place" is to offer 46 dwelling units, 2 in a duplex and 44 in 11 quadplexes, inclusive of 2 ADA accessible units. All will be three bedroom, 2.5 bath dwellings, with a concrete parking pads and a 2-car garage.

The community will share use of the community clubhouse proposed for the Belle Rivers development. It is to be expanded somewhat to meet required HUD standards for a community of 94 dwellings under this affordable housing program.

Also, a community playground was approved for Belle Rivers; but no playground was proposed for Owen's Place. The developer has indicated plans to instead provide a larger single playground for both communities. As yet, however, no such plans have been submitted. If a single playground is to be proposed, it will need to be in a location that will be more convenient for residents of at the far end of Owens Place. And if the playground in Belle Rivers is to be moved, that will require a modification of its site plan.

When Belle Rivers was approved it was granted a Special Exception to allow all the housing units to be duplexes, an attached dwelling unit type. A similar Special Exception is requested, with a staff recommendation for approval, for Owen's Place at this meeting. The Owen's Place IX development proposes a total of 46 dwelling units (in 11 quadplex structures and one duplex) under the same program used for both Belle Rivers and Eastover.

Planning requirements for this Site Plan have been met. The landscaping meets all standards, and no Tree Mitigation is required (as many trees will be left intact on this site). The proposed building materials meet LDC standards.

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Engineering Comments:

Traffic and Access:
A traffic impact study was not required for the proposed development. The proposed site plan includes the extension of Burns Avenue, which was recently completed as part of the Belle River development. Burns Avenue is proposed to temporarily end in a cul-de-sac until development occurs on the adjacent property and a permanent connection is made. The location is logical for an extension of Burns Avenue and therefore Staff has determined that Section 4.5.9 of the Land Development Code has been satisfied regarding the maximum length of a permanent dead-end street.

The street type has been approved by Planning and Public Works as Neighborhood Street (city local) with a proposed right-of-way measuring 44' wide, with sidewalks, and ten foot (10') wide lanes exclusive of the curb and gutter for a total street width of twenty-four feet (24') from back-of-curb (BOC) to back-of-curb (BOC). There is an error in the typical section dimension of the verge, which should be 5'-5" from the back of curb to the face of sidewalk. This will be corrected in a resubmittal. On-street parking will not be permitted.
Prior to the issuance of a certificate of occupancy, the roads must be deeded to the City.

Water and Sewer:
Sewer service will be provided to the development via a new 8" (city) sewer main, which will be maintained by the City, that will connect to an existing lift station on Slack Road. Although the City has completed some smaller upgrades to the existing lift station in the last month, more extensive upgrades will be required to provide service to this development. The Board of Alderman has approved and directed Staff to complete substantial upgrades to the lift station as part of the affordable housing incentives granted to Belle River. A new lift station will also be built at the developer's expense and owned and maintained by the developer at the temporary end of Burns Avenue. Water service will be provided through the installation of a new water main through the development, which will be maintained by the City. A water main extension must also be completed along University Avenue prior to the City being able to provide service to this development. That work is anticipated to begin this summer but is not certain until a contract is awarded and executed. Staff has clearly stated to the applicant that the City cannot provide water service to this development until a water main is extended along University Avenue to a point beyond this development. The applicant understands this fact.

Stormwater:
The developer has expressed intent to seek Board consideration of a request for affordable housing incentives in regards to stormwater. At the time of this report, it is unclear what form the incentive request will take. Specifically, the developer is requesting consideration regarding runoff from an uncaptured area that drains from the eastern third of the development (part or all of Buildings 4-8 as shown in included exhibit) but it is not clear how that runoff will be addressed. Stormwater from the remaining two-thirds of the site will be directed into a surface detention (dry) pond on the south side of the site.

At the time of this report, staff believes there are two possibilities for the uncaptured area (Buildings 4-8 noted above) that would require an incentive approval from the Board. The first possibility is that the adjacent property owner grants approval for this development to discharge and retain stormwater in an existing pond on his property. If the adjacent property owner grants that permission, this pond will operate as an unofficial regional detention pond and the Board will be asked to waive the requirements of Section 98-119 A 1, 4, 5, 6, 7 and 8. These requirements are primarily related to ownership and binding legal agreements regarding maintenance and use. The intent of these agreements is to protect all interested parties and ensure that the area designated for stormwater management remains for that use, is properly maintained and not abandoned to be sold for taxes. The applicant's engineer has stated that the existing pond is located in a place that makes it ideal for detention of any future development on the adjacent property. Further, the adjacent property is currently undeveloped making it impossible to legally separate the pond from ownership and likely that the pond will be used for

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stormwater management in the future. The applicants engineer's preliminary analysis (not yet provided to the City) indicates that the pond is large enough to meet the needs of both Owen's Place and a future development during all storm events.

The second possibility regarding the uncaptured area (Buildings 4-8) is that the water is not directed to the pond but is allowed to discharge freely at the end of Burns Avenue or some other location onto adjacent property. This will result in an increase in the rate and volume of runoff making its way into the existing drainage.

The increase in the peak discharge rate (cubic feet per second of water flow) from the uncaptured area portion of the site would be more than double that of the estimated pre-developed peak or undetained discharge for the same area. When the captured and detained portion of the site is included, the overall peak discharge rate for the site is increased in varying amounts depending on the storm type. A table indicating these volume flow rates is included with this report. All of the runoff from the site ultimately ends up in the same drainage channel that travels through two large tracts of property, under F.D. "Buddy" East Parkway and adjacent to Brittany Woods. Staff has discussed with the applicant and engineer that approval from the adjacent property owner should still be provided, even if the owner is only granting permission for an increased runoff onto his property.

Summary of Stormwater Volume Flow Rates for Multiple Storms without use of a Regional Pond

STORM EVENT	Pre-Developed Area Runoff (CFS)	Post-Developed Runoff Captured Area Thru the Pond (CFS)	Post-Developed Runoff Uncaptured Area (CFS)	Total Post-Developed Runoff (CFS)	Post-Developed Runoff Increase above Pre-Developed Runoff (CFS)	Percentage Post-Developed Runoff Increase
	5.4 Acres	3.16 Acres	2.24 Acres	B+C	D-A	[(E-A)/A]x100
	A	B	C	D	E	
2 Year	3.88	2.12	8.13	10.25	6.37	164.18%
10 Year	7.18	4.01	11.26	15.27	8.09	112.67%
25 Year	14.64	8.16	17.33	25.49	10.85	74.11%
100 Year	22.79	12.05	23.28	35.33	12.54	55.02%

If this possibility is pursued, the request to the Board of Alderman would be to waive all requirements of Article V Chapter 98 regarding stormwater management for the uncaptured area (Buildings 4-8 as shown in the exhibit).

Should the Board of Alderman deny the request, the drainage and possibly the grading will have to be amended to provide for stormwater management of all areas within the site or the formalized regional pond agreement will have to be provided. For this reason, the final plans submitted (dated February 28, 2020) have not been updated to reflect any of staff's previous comments regarding stormdrains within the proposed right-of-way. These and any other changes will be made once the Board has made a decision regarding the detention.

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Regardless of any incentives granted or not, should the ownership mechanism for this development ever change from single owner to multiple owners, all owners shall be required to share ownership and maintenance responsibilities for the stormwater pond(s) according to City requirements and standards.

At the time of this report, the request for an incentive regarding stormwater has not been heard by the Board of Alderman and Staff therefore cannot recommend approval of a site plan that does not comply with the stormwater ordinances in the manner proposed. The Board is anticipated to hear this request on Tuesday, March 17th.

Recommendation: Staff recommends approval of this Site Plan, as the proposal (46 units that will be affordable for at least 15 years for those who meet the AMGI standard) will provide another 44 greatly needed affordable housing options in Oxford. Further, the location of the property, adjoining Belle Rivers and close to Kroger's and the shopping options on the east side of town, will be convenient for these residents. Approval is recommended with the following conditions:

1. Approval is contingent on the Board of Alderman granting approval of the request for stormwater incentive allowing a portion of the site to be exempt from some or all of the stormwater management requirements for Buildings 4-8 as noted by the Board.

2. Water and sewer taps shall not be issued until the construction plans, including stormwater management, are updated and corrected to the satisfaction of staff.

3. Approval is contingent on the Mississippi Department of Health approving plans for the City to provide service to this development and building permits shall not be issued until that approval is received.

4. Approval is contingent on the extension of a water line along University Avenue in order for the City to be able to provide water to this development and building permits will not be issued until construction on that extension has begun.

5. Should the ownership mechanism for this development ever change from single owner to multiple owners, all owners shall be required to share ownership and maintenance responsibilities for the stormwater ponds according to City requirements and standards.

6. Prior to a certificate of occupancy being issued, the right-of-way will be deeded to the City and easements granted for all infrastructure to be maintained by the City.

Attached is a memo from Engineering for a 7th condition.

Summary of Discussion:
The Engineering Department provided a memo requesting that a Condition #7 should be added that "Building permits will not be issued until the required punchiest items on Burns Avenue and the extension of Kennedy Street have been completed to Staff's satisfaction and the Board of Aldermen has accepted ownership and maintenance of these streets by deed".

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Commissioner Rigby and Riddell asked if Engineering Dept. was satisfied that the condition related to handling the stormwater was sufficient to support approval. City Engineer Reanna Mayoral said that when the Mayor and Board of Aldermen met yesterday there were still two options for handling the stormwater and nothing was finalized. Ms. Mayoral said that they did not have all of the other information that was now present at the meeting. Ms. Mayoral said that right before this meeting, a picture from Planning Director Ben Requet's phone was sent to her about the applicant going with Option #1 for stormwater, in which the Board of Aldermen would approve the use of a regional pond on adjacent land owned by a different landowner. Ms. Mayoral added that the adjacent property owner is fine with that scenario and that Engineering Staff expects that this option would meet the stormwater requirements, but that Engineering does not have legal steps in place to have a regional pond at this time. Ms. Mayoral said the legal requirements have not been buttoned up as normal. Ms. Mayoral said the document sent over right before the meeting appears to be the legal document showing that there will be perpetual ownership for the pond, but she said she still needed to take time to review it. Ms. Mayoral said that without already having a stormwater plan and permission from the Board of Aldermen, she could not say that she would 100% approve it. Ms. Mayoral said this agreement seemed to be something that the Board of Aldermen would be willing to approve based on the stormwater incentives. She added that if the applicant's engineer, Paul Koshenina, says what the pond will do, it should catch the stormwater. Ms. Mayoral said she could not technically say yes, but it sure looked like every intent will be met.

Commissioner Riddell referenced the document provided by Mr. Rutledge where it stated that Board of Aldermen would waive all requirements of Ch. 5 stormwater capture. She asked if that was saying that the City so badly needs affordable housing that the City would be willing to overlook good stormwater management. Ms. Mayoral said that if the Board of Aldermen got Option #2 as proposed, not all of the stormwater would be managed in the case that they were unable to use the pond. She added that Option #2 would waive Article 5 completely because the adjacent property owner didn't agree to allow the easement to use his pond for the storage. Ms. Mayoral said that based on looking through the document provided by Mr. Rutledge, it appeared that the adjacent property owner would be allowing Mr. Rutledge's development to use his existing pond to meet the stormwater volume. Ms. Mayoral added that she has not seen all the calculations, but they've done enough that they know what they've got to meet. Commissioner Riddell said that this assumption is based on one piece of paper that was received today and she said that made her nervous. She added that she felt this was not normal, and asked if this would legally binding enough to make a decision.

City Attorney Paul Watkins said that was a difficult question as a blanket matter. Mr. Watkins added that there can be all kinds of conditions, but he said that as a matter of precedent, the day of a public hearing has usually caused the Planning Commission to take pause. Mr. Watkins said that he was not saying this commission hadn't approved situations like this previously. Mr. Watkins said he had the agreement, but has not read all the way through it. He added that it could do exactly as they say, but he was still reviewing it.

Senior Associate Judy Daniel asked if it would be helpful to make a specific condition related to this agreement. Ms. Mayoral said that it should be up to the Commission based on Engineering's report and the Board of Aldermen request. Ms. Mayoral said that if the Board of Aldermen does not approve Mr. Rutledge's request, he would have to come back to Planning Commission and the site plan would not be valid. Ms. Mayoral added that Condition #1 is based on the Board of Aldermen granting the stormwater incentive. makes it difficult for this commission. She said the Board of Aldermen met yesterday, but City staff did not have Mr. Rutledge's document he provided at the meeting and the Board was not certain what all was needed, which she thought made the decision making for the Commission difficult.

Mr. Watkins said that the agreement was given to the Commission the day of this meeting and asked Ms. Mayoral if whether the agreement is sufficient or if it would be a question of the Board of Aldermen. Mr. Watkins thought it would be a question of the Aldermen and Ms. Mayoral said yes, it would be. Ms. Mayoral said that the agreement City staff have is for the stormwater pond. Ms. Mayoral said Mr. Rutledge is proposing at this point to have a pond that meets the stormwater requirements and they will prob go to the Board and have the stormwater calculations in hand with this agreement. Ms. Mayoral was confident that Mr. Rutledge and his team would

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have it wrapped up to go for the Board of Aldermen. Mr. Watkins said not withstanding the agreement or projections, what the Commission would approve tonight with Condition #1 would be to approve the site plan without consideration of the stormwater issue because it would be considered an issue for the Board of Aldermen. If Board of Aldermen then said no, the applicant would not have a valid site plan approval.

Applicant Stewart Rutledge said this project would probably be the last of this type of affordable housing funded here in Oxford. Mr. Rutledge said that funding is delicate and he has a need for timely approvals. Mr. Rutledge stated that unlike Belle Rivers and Eastover Workforce Housing, this Owen's Place proposal has the fewest conditions that they've had. Mr. Rutledge wanted to clairfy what he was asking for and he said #1 that he is not asking for a complete waiver of stormwater requirements, which he said was basically Option #2. Mr. Rutledge said that with Option #1, the issues were related to volume of stormwater and the capacity of a facility to receive it. Mr. Rutledge said that the Board of Aldermen asked about the future owners of the pond and he said he had obtained a signed easement by the adjacent property owner, Ken Ash. Mr. Rutledge added that the legal document does give that pond on Mr. Ash's property to received stormwater in perpetuity. Mr. Rutledge said he asked for site plan approval and to make it a condition for the stormwater issue to be resolved. Mr. Rutledge stated that he is 100% that it will be resolved and that it is just a matter of paper work.

Commissioner Riddell said she would only be comfortable voting in favor if there is a condition that the pond option works out. Commissioner Riddell formalized her statement saying that she would be in favor of an amended approval to have site plan approved contingent on Option #1 of the stormwater plan be the option in place.

Commissioner Rigby said when he read the case he explicitly asked why this matter doesn't go to the Board of Aldermen before Planning Commission and he said the answer was this is the process. Commissioner Rigby said he thought it was premature for the Commission to approve this case. Mr. Rutledge said he was obliged to follow that process and that he had a conference call today with Bart Robinson and Jason Bailey to go over everything that is needed. Mr. Rutledge added that they did resolve the issues and that he has the signed easement in hand. Commissioner Rigby said he appreciated that, but that every developer comes to us, affordable housing or not, always saying why it is critical to be approve now. Mr. Watkins said he did not think there was anything in the housing ordinance for the process to go one way or the other. He said he was not aware of anything in place that required the Board of Aldermen to make the final decision before Planning Commission signed off with conditions.

Commissioner Gray asked if the document that Mr. Ash signed today had any language about the ownership of the pond. Mr. Watkins said it appears to be in there as Mr. Watkins began to recite some of the language regarding ownership. Mr. Watkins said it does appear to bind everybody as long as they hold the land or their successors hold the land. He added that this was him just reading through it at it at the current moment.

Commissioner Gray had questions about the playground and said that the first playground from the connecting phase of Belle Rivers had not been built. Mr. Rutledge said the first one would include four station and now they are deciding to do a playground that will have 8 play stations or greater and be a higher quality and will be one larger footprint.

Commissioner Murphy said it was his first meeting and he was not familiar with the timelines and incentives. Mr. Rutledge said that incentives are granted by the Board of Aldermen for workforce housing and that he applied for a waiver of fees, and for some portions of ordinance requirements. Mr. Rutledge said his workforce housing developments are under Section 42 of the IRS code and the clock starts for them to start work or the federal government will take away their funding. He added that there is no risk to the City about this stormwater pond because the condition is binding.

Commissioner Murphy was looking through the legal document provided by Mr. Rutledge and said that a paragraph in Section F looked like the agreement could be amended and asked if Mr. Ash could amend this agreement and said that it did not really appear binding per say. Mr. Rutledge said the amendment would have to be signed by himself, and he wouldn't sign an amendment that would violate the site plan.

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Commissioner Murphy asked why this had all unfold just within the past few days. Mr. Rutledge said that he had contacted Mr. Ash three months ago, and that after talking to Chief Operations Officer Bart Robinson this morning about the stormwater pond agreement in perpetuity, he said that would satisfy the stormwater ordinance, so Mr. Rutledge said he turned up the heat. Mr. Rutledge said he and Mr. Ash have had many many conversations, and that this was not last minute with Mr. Ash.

Commissioner Rigby asked Mr. Rutledge to clarify if he was asking for approval contingent on stormwater meeting code or reduced stormwater requirements of the incentives. Mr. Rutledge said that was a fair question, and he thought approval would be based on him achieving either full satisfaction of stormwater requirements or Board of Aldermen approval if what Mr. Robinson told him the day of the meeting needs anything else to be resolved.

Commissioner Rigby said he was comfortable with a condition that the development meets the stormwater code, not either or. Mr. Watkins said he thought it might be helpful to have the condition state that the development meets the stormwater code only and then that the Board of Aldermen would later provide/waive incentives. Mr. Watkins added that he had no legal reason for this but would include both in the interest of clarity.

Commissioner Rigby made a motion to approve the request subject to staff conditions with the condition that stormwater either meets current stormwater code standards or the code standards are amended/waived and approved by Board of Aldermen.

Mr. Watkins replied by saying that the allowed use of that pond satisfies code and that if it doesn't or the developer can't use the pond, the Board of Aldermen could say that the incentives can be used. Mr. Rutledge interjected that he would like to take off the part about the handling of the stormwater pond out of the motion. Mr. Rutledge said he would be fine taking Option #2 off the table as a solution.

Commissioner Rigby made another motion subject to staff conditions and an additional condition that the stormwater meets code and that this approval was only for Option #1, in which the Board of Aldermen would approve the use of a regional pond on adjacent land owned by a different landowner (Mr. Ash). 2nd by Commissioner Riddell. Motion carries unanimously.

Move: J.R. Rigby Second: Judy Riddell Status: Passed

6.

Public Hearing for Case #2611 – Rosemark Real Estate LLC (Stewart Rutledge) has filed a request for Site Plan Approval (Amended) for 'Belle Rivers Workforce Housing' for property located at Burn's Avenue. (PPIN #9182)

Planning Comments: This is a request for a modification of the Site Plan approved in July of 2018 for Belle Rivers 2017, LC. That Site Plan was for an affordable housing development of 48 dwelling units in the Neighborhood Residential zoning district.

The applicant is requesting a modification of two elements of the approved Site Plan:to revise the drive into the clubhouse to be a future city street and to construct an addition onto the clubhouse. The modifications relate to the pending Site Plan for a new adjoining development that will be a "Phase 2" of Belle Rivers (also an affordable housing development), that is to be called "Owen's Place".

1. The drive revisions are required to accommodate the extension of Belle Rivers into the future Owens Place development. The Engineering Department will comment on this request.

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2. Similarly, the Belle Rivers Clubhouse is to be expanded by 498.96 square feet to meet HUD requirements, as the clubhouse is to serve both communities. It must therefore be expanded to meet HUD requirements for a residential community of this expanded size (94 dwellings) under the affordability program for this development.

There are no concerns regarding the small expansion to what will be a shared clubhouse for Belle Rivers and Owens Place, serving a combined 94 households.

Other Comments:
All requirements of other Departments have been addressed.

Engineering Comments:
Future Northern Roadway Connection– The applicant has stated an intent and interest in dedicating right-of-way to the City for a future northern connection point where the drive to the clubhouse is located on the shared property line. The dedication is not a requirement for Engineering and is only noted for future reference. Staff does support a future connection from this property to the north as it aligns with our goal of interconnectivity. It is staff's understanding that the intent of Case 2611 is to modify the Belle River site plan in a way that would make that dedication possible (i.e. no conflicts with the needs of the clubhouse and meet the requirements for a public roadway), to provide for shared use of the drive and clubhouse between Belle River and Owen's Place (Case 2610) and shared parking between Building 12 of Owen's Place and Building 9 of Belle River.

Storm Sewer Inlet– The construction plans note a proposed change from an existing SS-2 inlet to an open grate inlet. Staff does not support an open grate inlet in a driveway or future public street as a large number of the flooding complaints we receive are related to open grate inlets. This inlet will need to be adjusted with either an accessible lid junction box in the street or a relocated crossdrain and a conventional SS-2 inlet (either way).

Sidewalk/ADA/Curb Cut– The plans also note the removal and replacement of a portion of existing sidewalk. This replacement is necessary to address an ADA issue within the sidewalk as originally constructed. The intersection of the sidewalks in the NW corner of the intersecting street/drive will also have to be reworked to meet ADA requirements. Specifically, the detectable warning pad should not be located in the path of the intersecting sidewalk. This should be easily addressed during construction.

The complete streets plan (Sheet C-410) denotes the sidewalk on the private drive/future possible public street at proposed public sidewalk. However, this sidewalk will not be owned or maintained by the City until the City accepts ownership and maintenance of the (possible) future right-of-way. The sidewalk will remain private until that time. It should be constructed according to all ADA requirements in order to be considered for future acceptance. The same applies towards the drive, which is noted in orange as a "proposed future public roadway" on Sheet C-410 and is noted to be reconstructed of heavy-duty flexible asphalt pavement on Sheet C-401. The construction detail for heavy duty asphalt shown on C-502 is more substantial that what is required for City streets and is acceptable. The construction plans note a proposed curb cut for Owen's Bend IX Building #1 (Owen's Place). This proposed curb cut is still under review by staff. Any future acceptance of this proposed right-of-way and infrastructure is at the sole discretion of the Board of Alderman and is not guaranteed or implied by staff support of this site plan amendment.

Recommendation: Staff recommends approval of this Site Plan Modification for Belle Rivers with the following conditions:

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1. Site plan approval includes the ability for the applicant to request to dedicate the drive noted on Sheet C-410 and required infrastructure to the City by deed should the Board be willing to accept the street, sidewalk and required right-of-way at some point in the future.

2. Approval is contingent on the required changes to the plans regarding the inlet and the sidewalk regardless of the ownership of the drive.

3. Staff has the authority to approve any future curb cuts or access to the private drive/proposed future public street.

with stated conditions.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

7. Motion to Adjourn

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, April 13, 2020, 5:00 pm - 8:00 pm

THE CITY OF OXFORD

Notice that certain Commissioners will be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. Instructions on watching or listening to the April 13th, 2020 Planning Commission Meeting

1. Call to Order
2. Approval of the Agenda

   everyone online. haven't heard from Bill Freeman. no Riddell?

   Move: Brian Hyneman Second: J.R. Rigby Status: Passed

3. Approval of minutes from March 18, 2020 Meeting

   Move: Brian Hyneman Second: J.R. Rigby Status: Passed

4. Staff Report

   McAlister's Deli at Galleria II was advertised as a public hearing even though it should have been considered an administrative approval, so it will be heard as one.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2613-A – Ken Williams has filed a request for Site Plan Approval for 'Waffle House at Oxford Commons' for property located at Ed Perry Boulevard. (PPIN #4705)

C. **Public Hearings**

1. Public Hearing for Case #2614 – Joshua and Kristina Kyle have filed a request for a Variance from Section 5.8.4.4 Front Yard, Build-to Line Maximum for property located at 302 Sisk Avenue. (PPIN #38721)

Commissioner Riddell joined.

Commissioner King asked the applicant's architect, Corey Alger, what he meant when he described this lot as shallow.

Mr. Alger asked the Commission if they received the supplemental email he sent Planning Director Ben Requet that afternoon. Mr. Alger said that Exhibit A was a tax map overlayed onto the City's zoning map to show how shallow the lot is. Mr. Alger said that three doors down the house is 6" of where they have proposed to be. Mr. Alger said it was a pretty clear case that he has a smaller depth than lots in the neighborhood and he said he is getting no closer to the street

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than what is a few doors down. He asked if this discussion would be about massing or a setback and said that he is not requesting a two-story addition, but a single story master and porch.

Commissioner King asked the impervious coverage total. Planning Director Ben Requet said that Mr. Alger sent an email and the calculations show this proposal is just over 51% coverage. Mr. Requet said that as proposed, it does not comply with lot coverage standards. Mr. Alger said that number was correct and that the paving was the issue. Mr. Requet added that massing has never been a consideration for the overlay district and said it could be a conversation across the board. Mr. Requet said that this topic was something historic districts struggle with and that it is difficult on smaller lots in older areas of town to meet today's home size needs. Mr. Requet said there is a more modern infill two-story home built a few blocks away. For this site, Mr. Requet said this lot had an existing house on that property that they tore down and that the existing house was where Mr. Alger is situating the new house.

Mr. Alger said the front porch is in line with the house to the left, but it does it appear to be further back. Mr. Alger said the design reflects the sensitivity and not visually massive to the street or neighbors.

Commissioner Rigby said that given Staff's policy in the overlay, the request is only for 18 inches. He asked if there is a reason to ask for the variance as opposed to moving the house back and ask for a rear setback variance. Mr. Alger said the front yard setback for the underlying zoning is 20 ft. and that's where the house was designed to sit. He said the issue is that the setbacks are relative in nature to the curb. Within the overlay, he said they are 18 in. further in front than houses 4-5 down. Mr. Alger stated that the house next door is a corner lot and all they want is a single-story for a master bedroom and porch.

Commissioner Rigby asked Mr. Alger to clarify if he could move the structure back 18 inches. Mr. Alger said that they could move it back, but his question was why is the 18 inches a problem, but said that they could move the building back and possible ask for a rear yard setback if needed.

Commissioner Murphy made a motion to deny the variance request. 2nd by Commissioner King. Chairman Hyneman voted no. DENIED.

Move: Joseph Murphy Second: Marvin King Status:

2. Public Hearing for Case #2615 – Hudson Magee has filed a request for a Special Exception as provided in Section 7.3.1.2 (c) Specific District Sign Requirements, Business Signage for property located at 309 N. Lamar Boulevard. (PPIN #5800)

Applicant Hudson Magee was present virtually.

Commissioner Gray and Commissioner Riddell return after technical difficulties.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2616 – Capital Growth Buchalter has filed a request for Site Plan Approval for 'McAlister's – Galleria II' for property located at W. Jackson Avenue. (PPIN #7868)

Applicant engineer Joey Moore was present virtually.

Subject to staff conditions.

Move: Brian Hyneman Second: J.R. Rigby Status: Passed

4.

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Public Hearing for Case #2617 – David Blackburn has filed a request for Preliminary and Final Plat Approval for 'The Summit, Ph. 1, Lots 2-6' for property located at Ed Perry Boulevard. (PPINs #4705, #4706, & #4707) **(Postponed)**

5. Public Hearing for Case #2618 – Andrew Callicutt has filed a request for Preliminary and Final Plat Approval for 'Oxford Farms, Phase 8' for property located at Oxford Way. (PPIN #8903) **(Withdrawn)**

6. Motion to Adjourn

Move: J.R. Rigby Second: Marvin King Status: Passed

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, May 11, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom

THE CITY OF OXFORD

Notice that certain Commissioners will be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. May Planning Commission Memorandum

1. Call to Order

   Chairman Brian Hyneman calls the meeting to order.

2. Approval of the Agenda

   Move: Marvin King Second: J.R. Rigby Status: Passed

3. Approval of minutes from the April 13, 2020 Meeting

   Move: Marvin King Second: Bill Freeman Status: Passed

4. Staff Report
   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

Case #2691-A was administratively approved prior to this meeting.

1. Case #2619-A – J.W. McCurdy has filed a request for Site Plan Approval for '1402 S. 16th Street Condominiums' for property located at 1402 S. 16th Street. (PPIN #8704)

C. **Public Hearings**

1. Public Hearing for Case #2620 – Dr. Ernest and Mrs. Pat Lowe have filed a request for a variance from Section 5.5.2.6 Fence Height Maximum for property located at 1222 Buchanan Avenue. (PPIN #8321)

   Applicant's agent Walt Davis is present on behalf of the applicant.

   Ben Requet presents the staff report. That the existing wood picket fence on the west side of the property is to be replaced by iron fencing to match existing on the property. The Lowes received a variance for the higher height of the existing fencing in 2015. If the new fence is to match the existing fencing in height the applicant needs a 1 ft variance. Adjacent property owners have concerns about how the fence would adversely effect the use of their property, though the fence may be located on the property line by right.

   Staff supports the request for the variance with the condition that the new fence location is staked prior to installation.

   There is no discussion by the Commission or the Applicant. There are no members of the public who wish to speak on the case.

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Motion to approve the variance, Commissioner Rigby clarifies that the approval is subject to the staff condition.

The motion passes unanimously.

Move: Marvin King Second: Duncan Gray Status: Passed

2. Public Hearing for Case #2621 – Joshua and Kristina Kyle have filed a request for a one-foot, six-inch (1'6") rear yard (south) setback variance for property located at 302 Sisk Avenue. (PPIN #38721)

The applicant requests a 1'6" rear yard setback variance.

Ben Requet presents the staff report. The applicant requested an 18" front yard variance at last month's meeting which was denied, but the Commission indicated that they would support a rear yard variance as proposed in this application. The property is in the conservation overlay, and previous concerns about lot coverage have been satisfied. Staff recommends approval of the 18" rear yard requested variance.

There is no discussion by the Commission or members of the public.

The motion passes unanimously.

Move: Marvin King Second: Judy Riddell Status: Passed

3. Public Hearing for Case #2622 – Keith and Rebecca Lawrence have filed a request for a) a four-foot (4') side yard (east) setback variance, and b) a seven-foot (7') side yard (south) setback variance for property located at 416 N. 11th Street. (PPIN #5832)

The applicant requests a 4' side yard setback variance to the east and a 7' setback variance to the south.

Staff Report, Ben Requet: this property is located in the N Lamar Historic Preservation District. The applicant would like to construct a 2 story garage. It also includes an accessory dwelling on the second level with 2 bedrooms and a bathroom and a living area. This ADU will require a special use or possibly a special exception depending on the owner's intentions. The application states that there is a large tree that the applicants are trying to protect which is why the garage is located in both side setbacks because it is on a corner, it has two fronts and two sides(south and east). Therefore the applicant is requesting two side yard variances. The application includes a letter of support from the Church of Christ(east adjacent property owner). Attempts were made to contact the property owners from the other side to no avail. The request has been broken down into two parts:

The first request is for a 4' side yard setback variance request. It appears that the applicant's garage is designed so it is outside of the drip line and canopy of the existing mature tree. Based on the provided site plan the north/south portion of the garage will have more of an impact on the existing tree.

The other variance request is a 7' side yard setback variance to the south. As previously mentioned the north/south portion of the garage design appears to be more impacted by the tree. An external staircase to the second story ADU is proposed on the south side of the gargage which locates the platform of the staircase within approximately 3' of the property line. The floor plan illustrates that more than 5 ft of the garage intrusion into the setback is to be used to facilitate an elevator to the second story. However, if the garage were single story, it could be designed to comply with the east side setback requirement and would not to require a variance. Also without a second story, then the other variance request could be reduced to 4' because the staircase would not be needed. Staff believes that the variance could be supportable. Staff also notes that the proposed paving would likely impact the tree if the design were built as-is. The existing design will require grading that will be within the dripline of the existing tree which could cause irreparable harm to the tree. This is something that the Commission has herd before for variances to not construct sidewalks so that they can minimize impact to the existing mature trees.

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The Historic Preservation Commission approved the design with a 5-3 vote with one abstention. There was concern by several Commissioners about the mass of the proposal. There was a concern that the ADU on the second story was contributing more mass to a home that was already overscaled for the neighborhood.

Staff does appreciate the stated intent of the applicant to preserve and protect the existing tree however believes that the requested variances appear to be more a result of the design choices and therefore does not support the requested variance. Staff did submit a letter to the Commission from the applicant. Staff sent an addendum to the Commission just before the meeting in response to a letter by the applicants. Staff does believe that measures should be taken to preserve the tree, however staff believes that the staircase to the second story could be located in a different place and the variance to the south would be at a minimum 4'. Staff does not have an object to the intended use on the second story and there is a process for granting a special use for an accessory dwelling unit that would allow it to be used as desired by the applicant. The Planning department does review the function of proposed spaces, unlike the Historic Preservation Commission which considers design. In this instance staff does not support the requested variances because of lack of a hardship on the east side. If the proposal is able to comply with the requirements of the Land Development Code then staff has no objection. Staff made a suggestion to make the design compliant with the Land Development Code, not to dictate design.

Commissioner King—just to be clear the "overscaled" comment comes from the Historic Preservation Commission, not Staff. Requet confirms that it was a statement by Commissioner Best on the Historic Preservation Commission.

Commissioner Riddell asks to clarify if staircases do or do not need to comply with the setback and staff states that they must comply. She was under the impression that overhangs, etc. do not factor in. Requet states that the code allows for appurtenances which are not affixed to the ground. You can have an accessory structure located within the setback as long as it is 5' from the property line. Commissioner Riddell thought that staircases fell under the appurtenances and that it was the actual wall of the building that needed to meet the setback. Requet states that if it is not attached to the ground she is correct--like overhangs, juliet balconies, bay windows, etc they can protrude up to 3' within the setback, but they cannot be affixed to the ground according to code.

Commissioner Gray asks where the staircase could be moved to comply. Requet states that it would come down to the architect designing the staircase so that it is compliant with the setback. For example, it could be moved to the west side of the house. Requet circles a location on the screen. Commissioner Riddel states that it is more objectionable for the staircase to come down toward the neighboring house/North 11th rather than as designed into the setback.

Commissioner Murphy asks, is this house built on top of an existing outline or is it new construction? Architect Alger states that there was a rental property in place of the new garage. Dr. Lawrence would have to answer. Murphy asks because of the discussion about the drip line of the tree. The existing home looks to be built within the drip line of the tree. Alger states that he doesn't know about that but that the existing property owners have maintained the tree and would like to keep the tree. Riddell states that it is a new build. Murphy states that he asked because it is unclear why the new garage is bumped south to account for the drip line but the existing home looks to be in about half of the drip line already. He's unclear on why the new garage must be bumped back to account for this drip line because it appears that about half of the existing drip line is already taken up by the existing home.

Alger states that the goal is to provide as much opportunity as possible to leave the tree system as it is. He would like to clarify the concerns he has about the state of the case thus far, he thinks there is some confusion. Commissioner Gray asks Alger to address the idea of movins the staircase so as not to need the variance. Alger states that the concern about the stair is because it is an emergency egress stair rather than to be used as a way to get in and out of the unit. It does not look like stairs that are built for regular use. It is an egress stair, not an access point. It is a requirement because without the stair one would have to crawl out the window in the effect of a power failure. Commissioner Gray asks if that is a requirement because of the elevator. Alger

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states that it is an egress requirement. Commissioner Riddell points out that if the homeowner sells the property, there is no way to ensure that the use will stay the same and it should be treated as an ADU even if the current owner does not intend it to be used as such. We can't guess what will happen down the road. Alger states that predicting the future is not part of the regulatory process. Riddell states that building it now makes it look like an ADU. Which is not a problem, but the proper processes should be followed now and it should be treated as such.

Comments by the Architect(Alger): this will continue to be a single family home. As noted to the Commission, this will be a part of the upper floor of the existing home. It simply has elevator access for handicap. He states that it is not an ADU and he does not understand why that should apply to a single family residence, but if that is the way the Commission and the Planning Department want to review it, fine. It means nothing in the overall scheme of things for the requested variances. When requesting a side-yard setback, the first criteria for a variance is a hardship. What conditions are special or peculiar about this property. First, there is the existing tree. The Lawrences want to keep the existing tree. Secondly, this is one of two that he could find that is zoned traditional neighborhood residential that is next to historic urban center. The east side neighbors are not subject to any setbacks whatsoever. If we're looking at what is worthy of a variance and what is not this particular property is peculiar and special in that both its south and east neighbors have zero setback requirements. The second issue is that the literal interpretation of the setbacks would likely kill the tree. That's just generally by moving the garage forward by 7' that would likely happen. The third criteria is that the tree and the zoning irregularity did not arise as a result of the applicant. Those things are inherent. The fourth criteria is that the granting of the variance would not grant special privileges not enjoyed by others. Staff noted that the granting of variances to support mature trees has been approved by the Commission in the past, and the historic urban center neighbors who are directly affected have zero setbacks. Setbacks are used for like-minded properties in similar zones. Obviously this is not the case here. The Lawrence's setback requirements are much greater than those of their adjacent neighbors, not to mention lot coverage, FAR, use, all of those things. It is a single family residence surrounded by historic urban center property, which is unique. The Preservation Commission may have had comments but they approved the Certificate of Appropriateness. It wasn't unanimous and there were concerns about scale, but a 3 story building across the road has been approved. In the overall scheme of things, the Commission is supposed to determine if a variance is worthwhile or meets the standards. The applicants feel that the standards have been met. At this point, since the Land Development Code equates the garage wall with the exact same value as an exit stair, therein lies the request. As stated in Dr. Lawrence's letter, the request is not to build the building 3' from the property line, it is to build it 6' from the property line, which is actually in excess of what accessory structures are required to do. So we think we have a pretty clear reason why the property is unique and why we think the Commission should grant the request. As he mentioned earlier the exit stair is just that. An exit stair.

Chairman Hyneman asks if the staircase is a requirement under the code or just to avoid having to climb out a window. Alger states that if the elevator is under a battery backup the stair is not required. Riddell asks if the area around the elevator opens up to the house or if there is extra space. Alger states that it comes off of the kitchen and breakfast area. The door to the elevator is in the breakfast area. Riddell clarifies that she is asking about the upstairs. Alger states that the levels for the upstairs elevator and upstairs floors do not line up. The elevator is in lieu of an interior stair—it does not open directly into the house. Riddell asks if except for the elevator you would not walk from the floor of the existing house into the new garage living areas, and asks if there would be a stair there otherwise, and Alger says yes. He then says that he doesn't know how much of a family's interior design the Commission should be trying to control. He doesn't see why it is relevant. Riddell states that she is trying to understand the need for the exterior emergency staircase. He states again that the exterior stair is in case of a power failure. He states that they have not created an area besides the elevator to enter the main house from the elevator. From the current design the elevator is the only means of getting to those areas and it is tied to the main floor of the main house.

Commissioner Gray asks, so the need for the emergency staircase is based on the use of the elevator rather than installing a stair? Alger states that it is to eliminate the need for stairs, so the applicants can age in place. It is the owner's desire.

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Commissioner Riddell states that perhaps the size of the garage could be reduced and the stair could be included inside. You don't need over 30' and over 24' to park two cars. Maybe the staircase could be included inside the garage. Alger understands that there are ways to redesign the request. Alger states that the aesthetics of the request have been approved by the Preservation Commission. Alger states that he is giving the Commission reasons to say yes to the variance. He states again that it is because of the tree and that the zoning is unique when compared to the property's neighbors. The size, setbacks, etc. are in the Commission's court. He thinks he presented a clear reason why the situation is unique and not caused by the applicants. The neighbors have zero setback requirements. The elevator is unusual for a single family home.

No further discussion from the public or Commissioners.

Hyneman: with no further discussion I will entertain any motions.

Chairman Hyneman asks Commissioner Gray if he has a motion and he does not. He asks Commissioner Riddell if she has a motion and she does not.

He asks Commissioner Murphy and Murphy makes a motion to deny the variance request.

Commissioner King seconds the motion.

Commissioner Freeman votes no on the motion, the other Commissioners yes on the motion to deny. The motion is denied.

Requet asks Chairman Hyneman for his vote. He votes yes to the motion to deny the request.

Alger asks for clarification on the denial. He asks how he is to tell someone who has met the criteria that they were denied. What was the reason?Commissioner Murphy clarifies that he made the motion to deny because too many options does not mean a hardship. He also doesn't think that Alger gets to piggyback on the preservation of the tree when he has admitted that he is not a tree expert and a tree expert has not been consulted. There is no real data to support whether or not the tree will be impacted, especially when the house is built inside the drip line. That is a lessor reason. The main reason is that too many options does not merit a hardship.

Chairman Hyneman says that it was repeatedly stated that it was the Lawrence's choice to propose this plan. They self-created their hardship. The elevator, access stair, etc. was their choice to propose or not to propose. That is a reason to deny the variance.

Alger says that then it is not the setback that is causing Chairman Hyneman to vote to deny, it is the design. He says that the applicant made a design decision and the design was approved. The setback is what we're here to discuss but he thinks that Chairman Hyneman is saying that the setback isn't relevant in his denial. He states that every design that comes before the Commission is self-created. Chairman Hyneman says that in other words, there are other options.

Commissioner Riddell states that it is the setback. She is not opposed to some variance on a setback in this situation like staff recommended. She is not talking about the scale of the house or other things that are under the purview of the Preservation Commission, but that this Commission does deal with footprints and setbacks and the footprint would not have to be this large to park two cars and some living space above. You might not be able to get everything you want in that top floor. She would consider some setback but this is too much.

Move: Joseph Murphy Second: Marvin King Status: Failed

4. Public Hearing for Case #2623 – Andrew Callicutt has filed a request for preliminary and final plat approval for 'Oxford Farms, Phase 7' for property located at Oxford Way. (PPINs #8844, #8903, & #18836)

The applicant requests approval for preliminary and final plat approval for Oxford Farms Phase 7. Commissioners all should have received an addendum that was an objection.

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Ben Requet presents the staff report. Property is located on the north side of Oxford Way at the Farmview Road intersection. It measures about 17 1/2 acres. It is zoned mostly neighborhood residential but with some suburban center towards S Lamar. This request would create a single lot, lot 1 in the Oxford Farms Phase 7 subdivision. A site plan to grade the property was administratively approved in December. Engineering did provide comments. A site plan was submitted and staff provided comments and is currently waiting to hear back from the applicant about those comments. Although the cottages site plan hasn't been finalized engineering staff is basing their comments on the proposed site plan and how it relates to the plat. The potential for changes within the site plan would not change staff's recommendation to approve this plat. Two stormwater management facilities are proposed, to be located within Phase 7 of the subdivision. The pond could be changed to provide regional detention in the future, which would require a plat amendment. The plat indicates that ownership of the stormwater would be equally divided by owners within the subdivision. That won't change based on final layout or changes to the site plan. The site has been graded according to the approved plans but the temporary detention ponds have not been built. Staff did not approve this omission. Traffic impact will be evaluated during site plan review.

Staff recommends approval with the condition that the plat be approved by the Mayor and Board of Aldermen.

Commissioner Murphy asks where the wastewater detention ponds will be located.

Joey Moore from Williams states that the underground detention will be on the NW and NE sides of the property. They don't normally show them on the subdivision plat, they will be shown on the Site Plan. Moore points out the proposed locations.

There are additional comments from the Commissioners or members of the public.

Commissioner Rigby makes a motion to approve, Commissioner Murphy seconds the motion.

Motion to approve is passed unanimously subject to staff conditions.

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

5. Public Hearing for Case #2617 – David Blackburn has filed a request for preliminary and final plat approval for 'The Summit, Ph. 1, Lots 2-6' for property located on Ed Perry Boulevard. (PPINs #4705, #4706 & #4707) **(Postponed from April)**

Request for preliminary and final plat approval to create a 5 lot subdivision in Oxford Commons.

Staff Report by Ben Requet: Current lots are the existing ABC academy and the forthcoming Tractor Supply. There are no development proposals under consideration by Staff at this time for the other three lots. 14% of the land area of the subdivision will have conservation easements in accordance with the 2015 tree mitigation variance agreement for the Oxford Commons PUD. Staff will add a condition of approval that this case will not be heard by the Mayor & Board of Aldermen without a copy of the 2015 tree mitigation agreement. Engineering did provide comments on traffic access. While no traffic study was necessary future traffic concerns were kept in mind. The Property Owner's Association will own and maintain a portion of the roadway once it is formed. Staff requests additional language similar to that of stormwater retention ownership to ensure that it will not be abandoned. Stormwater management will not be a part of the lots. Ownership and maintenance of the temporary ponds has been resolved. Construction of the larger permanent regional pond cannot progress until subsequent grading and approvals are done. Staff and legal council have been working with the applicant to work out the details of the permanent ponds, and should be complete by the time site plan approval is needed. Staff recommends approval of the proposal with the conditions outlined in the staff report.

Commissioner Rigby asks if this case and the next are linked as the next is the site plan for tractor supply. Where did the 14% conservation easement number come from? There is no conservation within the proposed Tractor Supply. How will this work?

Requet states that the City has been having that conversation with Bill Turner, council for the applicant. The developer has recorded more than 14% already within the Oxford Commons

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PUD, though this has not been confirmed. This will not be taken to the Mayor and Board of Aldermen without confirmation.

Commissioner Freeman asks if more information will be provided. Rihanna Mayoral, City Engineer, states that she does not have a formal update but the city is working with the applicant's council to get that worked out, though she has not seen the covenants. The Engineering Department was more concerned with the plat as that is the first place to look when the City is contacted. She feels that the language on the plat does reflect the language of the ordinance.

Paul Watkins(City council) states that the regional detention pond does come to pass the ownership language should be acceptable. They can see what approvals are necessary at that time.

No further comment from the Commission or the public.

Commissioner Freeman makes a motion to approve the request with staff conditions. Commissioner Murphy seconds the motion. The motion passes unanimously.

Move: Bill Freeman Second: Joseph Murphy Status: Passed

6. Public Hearing for Case #2624 – The Summit at Oxford Commons, LLC has filed a request for Site Plan Approval for 'Tractor Supply Company at Oxford Commons' for property located at Ed Perry Boulevard. (PPIN #4707)

   Site plan approval for Tractor Supply Company at Oxford Commons.

   Staff Report by Ben Requet: this is the second development proposal for the Summit subdivision. Staff does not have an objection to the small amount of parking proposed, which is much lower than City requirements and the national standard. Signage will be discussed at a later date. Proposed landscaping meets the standards. HVAC will be screened by a parapet wall. This property is also governed by the tree mitigation variance. No traffic study was necessary though the traffic on Ed Perry was considered in the design of the private drive. Streetlights will be installed along the private drive though they are not shown in the site plan. Temporary stormwater could be replaced by a regional pond in the future and the details of that have been worked out with staff. Staff has requested additional clarification in the easements but that will be worked out. All other departments have reviewed the site plan and are recommending approval. Staff recommends approval with the conditions noted in the staff report.

   Commissioner Gray asks Paul Koshenina (Precision Engineering) about the tree mitigation. Is the 14% easement contiguous? Koshenina states that it is not. The areas that have been recorded already are in the residential areas of the PUD. He states that preserving the areas near residential portions of the PUD has been the focus, as that is more important than in the commercial areas. He doesn't know the exact size.

   Commissioner Murphy asks if the windows shown on the north and west elevation real windows. Koshenina states that some on the front will be functional & usable but the majority will be faux windows, not usable.

   No further comments by the Commission or from the public.

   Commissioner Freeman makes a motion to approve with staff conditions. Commissioner Gray seconds the motion.

   The motion passes unanimously.

   Move: Bill Freeman Second: Duncan Gray Status: Passed

7. Motion to Adjourn

   Motion to adjourn.

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Move: Duncan Gray Second: Judy Riddell Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, June 8, 2020, 5:00 pm - 8:00 pm
City Hall Courtoom

THE CITY OF OXFORD

Notice that certain Commissioners will be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. June Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Bill Freeman Second: Duncan Gray Status: Passed

3. Approval of minutes from the May 11, 2020 Meeting

   Move: Bill Freeman Second: Duncan Gray Status: Passed

4. Map of Cases this Month

B. **Administrative Approval**

1. Case #2625-A-Andy Callicutt has filed a request for Site Plan Approval for 'Oxford Farms Phase 10 Grading Plan' for property located at Oxford Way and Farmview Drive (PPIN #8903)

C. **Consent Agenda**

Motion to approve the consent agenda in full.

Move: Bill Freeman Second: Duncan Gray Status: Passed

1. Public Hearing for Case #2626-Nickle Smith has filed a request for a Site Plan Approval for '2200 South Lamar Resturant' for property located at 2200 South Lamar Boulevard (PPINs #8596 & 8811)
2. Public Hearing for Case #2628-Lachlan Miscamble has filed a request for Preliminary and Final Plat Approval for 'Crossroads Animal Hospital Subdivision' for property located at 466 Hwy 6 West (PPIN #7502 & #7500)
3. Public Hearing for Case #2629-Lachlan Miscamble has filed a request for Site Plan Approval for 'Crossroads Animal Hospital--Building Expansion' for property located at 466 Hwy 6 West (PPIN #7502 & #7500)

D. **Public Hearings**

1. Public Hearing for Case #2627-Oxford Farms, LLC has filed a request for Final Plat approval for 'Oxford Farms Phase 5' (Amended) for property located at 2610 South Lamar Boulevard (PPINs #36074 #36371 & 36355)

   The staff report is presented by Ben Requet. Subject properties were approved for a preliminary & final plat in October 2016 called "Oxford Farms Phase 5". Though it was not recorded with the tax assessor, the approval by the Mayor & BOA stands. The applicant proposes an amendment to the subdivision, specifically to Lot 3. It will be .5 acre larger than was approved previously, 2 acres total. Lots 1 and 2 will remain unchanged. Engineering did provide comments which are available in the staff report.

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Staff recommends approval of the plat with the following provisions:

1.approval of the final plat by the Mayor & BOA
2.revision of the stormwater management facility notes(see staff report for exact language)

Joey Moore from Williams Engineering is available to answer questions, but the Commission does not pose questions to Moore. No members of the public are present to speak on the application.

Commissioner Freeman motions to approve the request with the staff conditions. The Commission unanimously approves the request.

Move: Bill Freeman Second: Duncan Gray Status: Passed

2. Public Hearing for Case #2630-MFM Development, LLC has filed a request for Preliminary and Final Plat approval for 'Colonnade Crossing Subdivision' for property located north of MS Hwy 30, east of White Oak Lane, and west of MS Hwy 7. (PPINs #4559, #4560, #4562, #4566, #4567, #17707, #4515, #15140, #4643, #4642, #4653, & #4510)

The staff report is presented by Ben Requet. The zoning is split: the front 1/3 is TNB and the remaining 2/3 is Suburban Corridor. The applicant requests preliminary plat approval for all phases(22 lots) and a final plat for Phase 1(3 of the 22 lots, 2 common areas, a portion of Barrington Drive). Subsequent phases will request final plat approval in the future. The proposed plan meets the standards of TNB. Staff has not received proposals for site plans on any of the lots in the subdivision, including Phase 1. The applicant provided a tree survey using a sample inventory. Significant grading work to include the removal of several trees is planned, though lots in future phases will mitigate these tree removals in the future according to the tree mitigation calculations. Engineering did provide comments on water & sewer, streets, and stormwater management as well as some changes to the construction plans. While staff has not received written response to those comments, staff has met with the applicant's engineer and feels comfortable that the changes will be made. Staff recommends approval of the proposal of the preliminary plat for the entire subdivision and the final plat for Phase 1 with the following conditions:

1. Approval of the preliminary and final plat(Phase 1) by the Mayor & BOA
2. Staff has the authority to authorize and approve changes to the construction plans regarding infrastructure, including roadway alignment
3. Approval is contingent on approval by city staff, MS Department of Health, and the MS Department of Environmental Quality for all infrastructure
4. Prior to the case being heard by the Mayor and BOA, a bond will be provided for all public infrastructure in any phase seeking a final plat
5. Prior to the case being heard by the Mayor and BOA, a stormwater management plan must be approved by staff and appropriate language must be provided on the plat
6. Prior to the installation of any water and sewer infrastructure, plans must be approved by the city, the MS Department of Health, and the MS Department of Environmental Quality

Commissioners were sent a letter by Linda Scott regarding the project which is now a part of the public record.

John Granberry is present on behalf of the applicant.

Commissioner Freeman asks if there will be a fire hydrant east of Ferndale on the north side of Cleremont Avenue. Granberry states that the commercial development will take place before that lot is developed. The commercial development will have an internal fire suppression system.

Granberry states that most of the staff comments have been addressed in a later version of the plans.

Commissioner Grey asks Reanna Mayoral, City Engineer, about City right-of-ways. Mayoral says that if the grading is such that it wouldn't make sense for the City to accept the right of way we wouldn't—if it would be a burden to maintain with no positive outcome if it is not used. If it is not

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feasible for a road to be built there the City would not accept it. Engineering will be looking at that more as the project moves forward. Commissioner Grey asks about possible traffic from the elementary school. Mayoral says that will affect what the road will look like to some degree. If the elementary school is there, we will possibly allow them to have three lanes of traffic because of the traffic moving in there during peak hours. Engineering will be studying this--it depends on what kind of development goes there. MDOT will help the City evaluate it because it is a little new to the City.

Commissioner Grey then asks about sidewalks on page 46. There is no sidewalk in front of Lot 1 even though the other lots do have sidewalk. Granberry says that it is not highlighted not on that sheet because the sidewalk is on the City right of way. It is present, just not shown because it is not on the applicant's property.

No community members are present to speak on the request.

Chairman Hyneman notes the objection by Linda Scott which is now a part of the public record.

Commissioner Freeman recommends approval of the case with the staff recommendations. The motion passes unanimously.

Move: Bill Freeman Second: Duncan Gray Status: Passed

3. Public Hearing for Case #2631-Old Taylor Development, LLC has filed a request for Preliminary and Final Plat approval for 'Cedar Bend Subdivision' for property located at 910 Old Taylor Road (PPINs #8424 & #8571)

The staff report is presented by Ben Requet. He notes the history of the property before this Commission beginning in April of 2017. The applicant now requests preliminary and final plat approval for Cedar Bend Phase 2. He walks the Commission through the proposal as described in the Staff Report. 5 lots are proposed for the site. The 5 proposed lots exceed the size requirement for lots in the TND district, and the lots comply with lot width and street frontage requirements for the district. Engineering did provide comments related to access, sidewalks, water and sewer, utilities, and stormwater management. Staff recommends approval of the preliminary and final plat with the following conditions:

1. Prior to the case being heard by the Mayor and BOA a copy of the covenant shall be provided to the Planning Department
2. Approval of the preliminary and final plat by the Mayor and BOA
3. Approval of construction plans for water, sewer, sidewalk and stormwater conveyance
4. Prior to the issuance of permits for any lot it shall be demonstrated that runoff from any lot in all storm event can be conveyed to the stormwater management facility and any drainage easements for conveyance onto adjacent lots have been executed

Paul Koshenina is present to represent the applicant. Commissioner Grey asks about the staging of the lots. Koshenina states that they will be typical single family lots with their own drive and access. The intent is that each will have its own drive. Gray asks about construction. Koshenina notes that each lot will be accessed individually during construction.

Commissioner Murphy asks about number 4 on the staff recommendations--"all storm events" is a very high bar for the applicant to meet. City Engineer Reanna Mayoral states that the applicant will have to comply with the stormwater ordinance and the Commissioners can clarify that language as needed. Koshenina notes that he understood the intent but for clarity if there is a motion to approve he would appreciate if that specific language was added that the applicant must meet the requirements of the stormwater ordinance and the Land Development Code.

Commissioner King asks about the lack of sidewalks on a couple of streets based on the engineering department notes. Koshenina states that there are concerns about the amount of grading that would need to be done to create sidewalks there. After discussion with city staff and Janice Antonow who is the alderwoman for that area, the applicant's intent is not to add them. Koshenina thinks that the city's desire is to not see sidewalks there. Mayoral notes that engineering has not signed off on that plan. Engineering is noting it and stepping to the side in light of the neighborhood and Dr. Antonow's concerns. The neighborhood may have some

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concerns. Commissioner Riddell asks about this—she thought that sidewalks are required unless there is a physical barrier on the property. She wonders if this should be worked out before approval. Commissioner King agrees. Mayoral notes that she has not seen an updated set of construction plans, but she was informed that conversations were going on about the sidewalks. Requet states that the Planning Commission is a recommending body—should it be the Commission's desire to emphasize that sidewalks be added they could make that a part of their motion for consideration by the Mayor and Board of Aldermen. Commissioner Riddell asks if a variance is required to not have a sidewalk. Mayoral states that she believed that not having a sidewalk requires a variance. But this is a plat so she will defer to Requet. Koshenina states that this could have been worked out in the intervening weeks prior to this meeting. He states that this seemed to be the desire of the city otherwise the applicant would have applied for a variance if they thought they needed one.

Commissioner Hyneman asks Requet and Mayoral if the Commission makes a motion to approve the plat without a sidewalk and things come down to the pipe and there is discussion between the city leaders and the applicant and they will install sidewalks, is that something that would need to come before the City? Could they add or eliminate it if they wish? Koshenina states that the applicant is fine with installing sidewalks. The conversation will continue.

There are no members of the public present who wish to speak about this application.

Commissioner Freeman motions to approve the application with the staff conditions, with item 4 it stating "as required by the Land Development Code". He also recommends that sidewalks be added pending approval by the City Engineering staff.

The motion passes unanimously.

Move: Bill Freeman Second: Duncan Gray Status: Passed

4. Public Hearing for Case #2632-Heritage Developments, LLC has filed a request for Final Plat approval for 'Evergreens Subdivision Phase II' (Amended) for property located at Dylan Avenue (CR 142). (PPIN #24879)

Ben Requet presents the staff report. Burns Methodist Church site plan has been approved for lot 3 and nothing has been approved for lot 4. When staff was performing the final inspection for the church, it became clear that the stormwater detention and access drive were changed from the approved plans. The applicant is requesting an amendment to the subdivision to include common space that will have the detention pond and to indicate the access drive that was constructed. Engineering did provide comment which Requet reads into the record: the proposed plat amendment changes the location and ownership of the area originally dedicated for an access drive and a detention pond to serve the Burns United Methodist Church. These changes are necessary based on changes to the approved construction plans made in the field without staff approval. Specifically, the pond and driveway locations were changed and the pond is now shown to be a common open space with some ownership and maintenance responsibilities by lot 3, and lot 4. Staff has expressed concerns regarding the language and ownership mechanisms necessary to ensure that the church retains the volume for current and future stormwater needs and it is clear that lot 4 will only receive a small benefit of use from the pond due to its size. Staff also has concerns that the pond area could be abandoned and allowed to be sold for taxes in the future without clear language on the plat and deeds. The language shown is an attempt to address these concerns and is under review. Cross access easements are required to ensure that lot 3 has use of the drive that will serve lot 4. This drive will be a private driveway and owned and maintained by lot 4. This lot configuration does not provide a second access to the public street as currently shown. There are no concerns on the engineer's part providing any impact on future development of lot 4. Lots 3 and 4 take access from and extension of Dylan Avenue. The City has not yet inspected or accepted ownership of the extension of Dylan Avenue and bonds must remain in place until the gateway is accepted by the Board of Aldermen. The bond for the extension of the roadway was previously provided with the approval of Evergreen's Phase 1.

Staff recommends approval with the following conditions:

1. Approval of the final plat by the Mayor and BOA

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2. Prior to the case being heard by the Mayor and BOA, satisfactory language must be provided regarding ownership and maintenance responsibilities for the common open space area being used as a stormwater management facility
3. Bonds are required for all public infrastructure until the City accepts the extension of Dylan Avenue

Commissioner Murphy asks who will approve the new stormwater language. Paul Watkins, City Attornbey, states that he and City Engineer Reanna Mayoral will approve the language.

Paul Koshenina is present on behalf of the applicant, but takes no questions from the Commission.

There are no members of the public present to discuss the case.

Commissioner Freeman moves to approve subject to the three staff conditions. The motion passes unanimously.

Move: Bill Freeman Second: Duncan Gray Status: Passed

5. Motion to Adjourn

Move: Bill Freeman Second: Duncan Gray Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, July 13, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom and www.youtube.com

Notice that certain Commissioners will be included in the meeting via teleconference, subject to the City of Oxford Code of Ordinances, Section 2-82.

A. July Planning Commission Memorandum

1. Call to Order

2. Approval of the Agenda

All commissioners are present. Planning Director Ben Requet asked the Commission to hear Case #2639 prior to #2638.

As amended with the case order change.

Move: Bill Freeman Second: Duncan Gray Status: Passed

3. Approval of minutes from the June 08, 2020 Meeting

Move: Judy Riddell Second: Marvin King Status: Passed

4. Staff Report

Planning Director Ben Requet said that as of July 1st, Judy Daniel had officially retired and that everyone was grateful for her service.

a. Building Official's Report

5. Map of Cases this Month

B. **Public Hearings**

1. Public Hearing for Case #2633 – Jason Plunk has filed a request for a variance from Section 3.11.1 Accessory Uses or Structures for property located at 22 CR 324. (PPIN #37008)

Planning Comments: The subject property is located at the corner of S. Lamar Boulevard and County Road 324 and measures approximately an acre. The

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applicant's radio station and private vehicular storage business for bus transportation is located on the property. Directly north of the applicant's property is Oxford Cheer, a Traditional Neighborhood Business (TNB) zoned parcel.

The applicant, Jason Plunk, would like to construct a 20' x 40' covered, open-air pole barn for parking vehicles. Section 3.11.1 Accessory Uses or Structures states that accessory structures must be located 5 ft. from any other structure or property line and must be located within a rear yard. The structure will be located more than 5 ft. from any property line or other structure.

Mr. Plunk's hardship is that his lot has two front yards, at the corner of S. Lamar Boulevard and CR 324. Along both roads, the lot is visibly buffered with existing mature trees that would not be disturbed for the construction of the structure. The applicant states in his application that the construction of the carport will not be detrimental to the neighborhood. Mr. Plunk has also tried to situate the accessory structure as far back as possible.

Recommendation: Staff agrees with the hardship present in the ability to locate the structure in a strategic spot for the function of Mr. Plunk's business within the corner lot. The structure will be screened by existing vegetation for the majority of the year. Staff recommends approval for the variance with the following condition:

1. The variance is for a structure to be constructed of the confirmed size and of similar materials presented.

Move: Marvin King Second: Bill Freeman Status: Passed

2. Public Hearing for Case #2634 – Patton Construction, LLC. (John Yoste) has filed a request for a variance from Section 3.2.18 Retaining Walls for property located at 713 Ridgewood Manor Drive. (PPIN #4648)

Planners Comments: The subject property is located on the corner of Ridgewood Manor and Park Drive. The property measures approximately +/- .40 acres and it contains an existing house. The front of the existing house faces towards Ridgewood Manor, and the side and rear of the house face Park Drive. The rear portion of the house also contains a large porch/deck that is approximately 15' above the ground, and there is a considerable slope that falls towards Park Drive.

The property owner is concerned about the long-term safety of the porch due to erosion beneath the porch, and of the slope towards Park Drive. In order to address the erosion issue, the applicant has been evaluating options for installing a retaining wall, however, because this property is located on a corner lot, the Park

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Drive portion of the lot is also considered a front yard. Retaining walls located in a front yard are limited to 4' in height. Further complicating this situation are several large mature trees that the property owner would like to retain. Lastly, retaining walls located in a residential district are limited to 6' height.

The property owner and contractor consulted with the Planning Department regarding the options for this situation. Staff informed them that they could have a series of retaining walls that are 4' in height but they must be 10' apart, but the contractor expressed concerns that the distance that would be required may compromise the mature trees.

In this instance, Staff believes that a 4' retaining wall variance, to allow an 8' retaining wall, is warranted because of the need to address the erosion issues. The retaining wall will be a considerable distance from Park Drive, and the proposal will save several existing mature trees that help screen the retaining wall from view. Additionally, the applicant is proposing landscaping areas that will include evergreen shrubs that will measure 4' in height at planting.

Recommendation: Staff recommends approval of the requested 4' retaining wall height variance with the following conditions:

1. Evergreen shrubs will be installed in front of the retaining wall that measure at least 4' in height for the portions of the wall that exceed 6' in height, as per the Land Development Code.
2. The variance is for the plan as submitted.

Summary of Discussion:
Commissioner Murphy asked if there would be any liability issues with the wall. Planning Director Ben Requet said that he understood that engineer, Byron Houston, came up with the design and stamped it with his engineering certification. Mr. Requet added that the plan was included in the case file. Mr. Requet stated that the wall would not be 8 ft. at all points and that as it comes towards Park Drive it would be closer to 3 ft. tall.

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

3. Public Hearing for Case #2635 – Sarah and Michael McLellan have filed a request for A) a 8.39 foot side yard (east) setback variance; B) a 8.55 foot side yard (east) setback variance; and C) a 1.1 foot side yard (east) setback variance for property located at 232 Sivley Street. (PPIN #5482)

Planning Comments: The subject property measures approximately .28 of an acre. It is currently zoned (TSR) Traditional Suburban Residential and is located in the Neighborhood Conservation Overlay District. The McLellan's are proposing several

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additions to their home that was built in 1949. The house was constructed prior to the establishment of zoning in the City. A new master bedroom is planned for the west side of the house, a front porch and fireplace to the east side, and a storage room off the northeast side of the house.

Each of the setback variances are located for the east side yard. The requests include an existing non-conformity of the house (8.39 ft. setback variance), the proposed fireplace (1.1 ft. side yard variance) and a request for the proposed storage room (8.55 ft. side yard variance). The additions along the east side will maintain the building line of the existing structure.

The applicant states that the proposed storage room location makes the most sense for interior connectivity and the fireplace will be centered with the front gable of the living room. Attached with this report are two letters of approval from adjacent neighbors supporting the locations of the McLellan's additions.

Recommendation: Staff recommends approval of the A) an 8.39-foot side yard (east) setback variance; B) an 8.55-foot side yard (east) setback variance; and C) a 1.1-foot side yard (east) setback variance with the following condition:

1. The variance is for the site plan as submitted.

Move: Marvin King Second: Judy Riddell Status: Passed

4. Public Hearing for Case #2636 – Scott Paul and Angela Manley have filed a request for A) a 13' front yard setback variance (Garner Street); B) a 7'2" front yard setback variance (Beacon Point); and C) a 3' side yard (south) setback variance for property located at 215 Beacon Point. (PPIN #5611)

Planning Comments: The subject property measures approximately .42 of an acre and the lot is located at the corner of Beacon Point and Garner Street. The lot is not located within a historic district or overlay. The existing one-story house was constructed in 1965, before the establishment of zoning in the City. The house exceeds the setback limit on the north, east, and south sides. The Manley's are proposing a large addition to the west side of their home.

The Manley's are requesting three setback variances, two non-conformities and one for a large home addition. The existing home footprint is located over the front yard (east) setback (7'2") and the side yard (south) setback (3').

The existing carport is 27 ft. off of the front (north) property line along Garner Street. Portions of the addition will be visible to the south, along Garner Street,

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where an attached carport exists. The carport will be removed and the addition will not extend any further into the front yard (north) setback. This addition requires the request of a 13 ft. front yard (north) setback variance.

The applicant argues that the scale and front yard build-to lines are consistent with the established homes in the neighborhood and that the design of the addition facing Garner Street will appear as another front façade of the house while also maintaining the building line of the existing structure.

Recommendation: Staff understands the corner lot hardship and appreciates the front façade design along both streets that contributes to the neighborhood character. Staff recommends approval of the A) a 13' front yard (north) setback variance (Garner Street); B) a 7'2" front yard (east) setback variance (Beacon Point); and C) a 3' side yard (south) setback variance with the following condition:

1. The variance is for the site plan as submitted.

Move: Marvin King Second: Bill Freeman Status: Passed

5. Public Hearing for Case #2637 – Beth McKey has filed a request for a variance from Section 3.11.1 Accessory Uses or Structures for property located at 130 Glen Alden Circle. (PPIN #37399)

Planning Comments: The subject property measures approximately +/- 5,404 sq. ft. It is located within the Glen Alden Subdivision and is on the east side of Glen Alden Circle. This spring, the City's Building Inspector reported a decorative arbor had been constructed between the applicant's residence and an adjacent house without permit. The Land Development Code defines arbors as an "accessory structure", and under Section 3.11.1, requires that any accessory structure maintain 5 ft. of separation between other structures and property lines. The applicant is seeking this variance to remedy the non-conformity.

The applicant has provided a letter from the Glen Alden Neighborhood Association that states that the arbor has been approved. The letter states that Miss McKey received permission from the adjoining neighbor and that the arbor was constructed within her exclusive use portion of the common area of the subdivision. This letter is attached with this report. The applicant states that the arbor is to add shade and a place to sit.

Recommendation: Staff acknowledges that Miss McKey received all necessary approvals to construct the arbor from her adjacent neighbor and neighborhood

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association. Staff recommends approval of the Variance from Section 3.11.1 Accessory Uses or Structures with the following conditions:

1. Since this arbor was constructed without obtaining a building permit, the Building Official requires that a retroactive building permit be obtained within 30 days of the approval of the variance.
2. The Building Official also requires that the applicant demonstrate that the arbor is constructed of fire-retardant wood per the IRC standards.
3. Approval is for the request as submitted.

Commissioner Freeman asked if the arbor that was put up without permit was installed to be fire retardant. Ben Requet said that he had spoken with the contractor, Brian Atwood, and Mr. Atwood is having those conversations with the Building Official. Mr. Requet said that the arbor would have to meet IFC Standards. There was some confusion about the location of the arbor and whether it was within the zero-lot line subdivision common area or on the applicant, Beth McKey's property. Ms. McKey said that the area where the arbor had been installed was on property and not in a common area. Mr. Requet said that even though this is a zero-lot line subdivision, this area where the arbor is could be considered similar to a small side yard. He added that there is approximately ten feet of separation between the side of structures in Glen Alden.

Commissioner Rigby clarified that the Commission would be approving the replacement of the arbor with a structure of a similar material if the applicant is required by the Building Official to rebuilt it. He added that he thought if it were approved that it should be conditioned on being in the same location it was put up originally.

Move: Judy Riddell Second: Duncan Gray Status: Passed

6. Public Hearing for Case #2639 – University Shopping Center, LLC. (David Blackburn) has filed a request for a Preliminary and Final Plat for 'University Shopping Center, Lot 1' for property located at 1715 University Avenue. (PPINs #7997, #7996 & #7995)

Planners Comments: The subject property is the University Shopping Center located in the northwest corner of the University Avenue and Bramlett Boulevard intersection. University Shopping Center, LLC. recently acquired the entire shopping center, which includes the building containing Alice and Company, Don and Dale's, The Social liquor store, the buildings containing the Armed Forces Career Center, Little Cesar's Pizza, the UPS Store, and Burger King. Additionally, the entity also acquired the Super Tan building. The total property measures approximately +/- 5.14 acres, and it is all zoned (TNB) Traditional Neighborhood Business.

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The applicant is requesting a Preliminary and Final Plat approval to create a one lot subdivision. The University Shopping Center, Lot 1 will measure approximately +/- .392 acres (+/- 17,000 sq/ft), and it complies with all subdivision requirements of the code. The applicant has submitted a site plan for this property for 'Origin Bank', which is currently being reviewed by the Site Plan Review Committee. This property is also the subject of Case #2638, a front yard build-to line variance request.

Recommendation: Staff recommends approval of the proposed Preliminary and Final Plat with the following conditions:

1. Approval of the Preliminary and Final Plat for 'University Shopping Center, Lot 1' subdivision by the Mayor and Board of Alderman.

Move: Marvin King Second: J.R. Rigby Status: Passed

7. Public Hearing for Case #2638 – University Shopping Center, LLC. (David Blackburn) has filed a request for a variance from Section 2.6.7 Front Yard Build-to Line Max for property located at 1715 University Avenue. (PPINs #7997, #7996 & #7995)

Planners Comments: The subject property is the University Shopping Center located in the northwest corner of the University Avenue and Bramlett Boulevard intersection. University Shopping Center, LLC. recently acquired the entire shopping center, which includes the building containing Alice and Company, Don and Dale's, The Social liquor store, the buildings containing the Armed Forces Career Center, Little Caesar's Pizza, the UPS Store, and Burger King. Additionally, the entity also acquired the Super Tan building. The total property measures approximately +/- 5.14 acres, and it is all zoned (TNB) Traditional Neighborhood Business.

The applicant has submitted a site plan for this property for 'Origin Bank', which is currently being reviewed by the Site Plan Review Committee. In order for the applicant to maintain the width of the existing drive aisle, in addition to providing a single row of parking in front of the building, green space adjacent to the sidewalk, and foundation plantings in front of the building, the applicant is requesting a 2.5' front yard build-to line variance. Incremental change of existing shopping centers can present their own challenges, especially when dealing newer standards that differ from those of the past. In this instance, the 2.5' variance will allow the applicant to install all required elements of the current Land Development Code, but it will allow the existing driveway to be maintained at the current width.

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Recommendation: Staff recommends approval of the requested 2.5' front yard build-to line variance request.

Summary of Discussion:
Commissioner Freeman said that he thought the intent of the Land Development Code was to avoid drive thru lanes being designed by the main road. Planning Director Ben Requet said as designed for this site, it seems to be appropriate with most of the drive-thru lanes not visible from University Avenue. Mr. Requet added that it would continue to be considered as this proposal went through site plan review. Commissioner Freeman said he agreed that it was good that the drive-thru lane was not in front of the building, but he was disappointed with a portion of the drive-thru lane being visible from University Avenue.

Move: Bill Freeman Second: Judy Riddell Status: Passed

8. Public Hearing for Case #2640 – Updraft Investments, LLC has filed a request for adjustments to 'The Lamar' Traditional Neighborhood Development for the purpose of modifying Phase 2 by changing the multi-family mansion flats into single-family homes for property located east of Jennie Avenue and north of Cincinnatus Boulevard. (PPIN #39051)

Planners Comments: In 2017, the Lamar TND was approved by the Planning Commission and the Mayor and Board of Alderman as Oxford's first Traditional Neighborhood Development. Since that time, the developer has continued the construction process of the residential component that is located in Phase 2. Phase 2 consisted of single family detached, single family attached, and multi-family housing. The multi-family portion of Phase 2 is the subject of this request.

The applicant, Mr. Monteith, is requesting to modify the regulating plan specifically to change the area previously indicated as multi-family to single family attached and detached residential. The Mansion Flats are a creative concept to facilitate multi-family units into a structure that presents itself as a large estate style single family home. A site plan for the Mansion Flats was previously approved by the Planning Commission and it indicated a total of 7 structures, with a total of 35 units (each structure contains 5 units).

Mr. Monteith has indicated that he would like to make this change to the TND because of the increased market saturation in multi-family housing in Oxford since the TND was approved, and because of interest in larger estate homes that are not currently offered in the Lamar. Mr. Monteith has expressed that the intent is to construct homes that are of the same size and scale as the proposed Mansion Flats, but they will be sold as a single-family unit instead of five units per structure.

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The Lamar TND, as originally approved, contained a total of 318 multi-family, single family attached and detached, and single-family detached units. Through this modification process, Mr. Monteith would like to maintain the same number of units but reallocate them to other areas. Therefore, the percentages of land area allocated for each use, and the densities associated with them, have been modified to reflect these changes, but they all are in compliance with the TND standards.

As originally approved, 7.48 acres (15%) were allocated to multi-family in this TND. This request will reduce the total acreage by approximately 1.3 acres for a total of 6.18 acres, which results in 12.8% of land area dedicated to multi-family. As originally approved, the density for multi-family in the TND was at the maximum toleration of 22 units per acre or 162 total units. This modification will reduce the total number of multi-family units to 136, but the previously approved density percentage (22%) is maintained.

The single-family attached/detached previously approved acreage was 9.73 acres. The 1.3 acres removed from multi-family will be placed into this category to allow single family attached or detached homes to be constructed on this site; the new land area dedicated totals 11.03 acres with a total of 131 units. The overall density for single-family attached/detached is 11.87 units per acre.

Lastly, the land area for single family detached remains the unchanged, however, three additional units are distributed to be constructed in these designated areas. The overall density for single family detached is 6 units per acre.

Listed below is a table that indicates the Lamar TND area and density breakdown for what was originally approved, and for what is being requested by the Commission.

The Lamar Area and Density Breakdown (Approved)

Multi-Family per Acre	7.48 Acres	162 Units	22.0 Units
Single Family (A&D) per Acre	9.73 Acres	108 Units	11.0 Units
Single Family (Detached) per Acre	8.54 Acres	48 Units	5.6 Units
		318 Units	

The Lamar Area and Density Breakdown (Proposed)

Multi-Family per Acre	6.19 Acres	136 Units	22.0 Units
Single Family (A&D) per Acre	11.02 Acres	131 Units	11.9 Units

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Single Family (Detached) 8.54 Acres 51 Units 6.0 Units per Acre

318 Units

Recommendation: After review of the requested proposal, Staff believes this modification to be relatively minor, and therefore, staff recommends approval of the requested modifications to The Lamar TND regulating plan with the following conditions:

1. Approval of the modification to The Lamar TND regulating plan by the Mayor and Board of Alderman.

Summary of Discussion:
Commissioner Gray asked what the estate homes would look like. Developer Mac Monteith said they would be designed like homes in the Battery of Charleston, SC. He said there would not be an aesthetic change to the buildings and they would be between 3,000-4,000 sq. ft.

Move: J.R. Rigby Second: Bill Freeman Status: Passed

9. Public Hearing for Case #2641 – The City of Oxford has filed a request for a variance from Section 3.2.18 Retaining Walls for the Jackson Avenue East sidewalk project. **(POSTPONED)**

10. Public Hearing for Case #2642 – The City of Oxford has filed a request for Amendments to the Land Development Code to correct mistakes and make modifications.

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

- Modifying the front yard build-to line max standards in the TNB, SCO, and SCN districts,
- Adding a definition of a second story,
- Modifying the Medical Facilities to expand the allowed building size, particularly in the AG, RCN and TNB districts.

Article 2
A change to the front yard build-to line maximum is being proposed to allow additional flexibility for design professionals to adequately meet all of the standards

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of the various City departments including Engineering, Fire, and Planning. Especially in the Traditional Neighborhood Business district, the intent of the Code is to encourage buildings to be constructed closer to the street, but to allow a single row of parking in front of the building. Staff has observed the challenges that the design professionals have had over the past two-three years in meeting these requirements, and we believe that the additional 8 feet better accommodates all the facilities needed by City departments, and it is not detrimental to the original intentions of the district.

2.6.7 TNB Traditional Neighborhood Business – Front Yard Build-To Line, min/max (without on-street parking, w. front yard parking or on-street parking) 0 feet/~~50~~ 58 feet

Footnote 3 Building of 1 story by special exception (A second story shall consist of a minimum of 51% of the building footprint as function space). Up to 4 stories by special exception (50 feet), unless adjoining existing development in an ER or SR, limited by allowed FAR. Average height not to exceed 40 feet.

2.6.8 SCO Suburban Corridor – Front Yard Build-To Line, min/max 15 feet/~~50~~ 58 feet[4]

2.6.9 SCN Suburban Center - Front Yard Build-To Line, min/max 15 feet/~~50~~ 58 feet[4]

Article 3

A change is proposed to the Medical Facilities standards to allow for larger medical uses in the AG, RCN and TNB districts. Previously, a medical facility was limited to 7,000 square feet in the TNB district, however, a grocery store was allowed by right to be 25,000 square feet in the same district. A medical facility and a grocery store are comparable in intensity, and a medical facility might be considered less intense than a grocery store. Therefore, modifications are proposed to allow larger facilities as permitted uses in this district. It is also important to note that there is an added condition for the TNB district that limits the building footprint in the TNB district to 20,000 square feet. Since two story buildings are required (a one-story building may be requested by special exception), this will help encourage buildings proposed to have a more vertical presence.

3.9.1.2 Medical Facilities Districts Allowed:

a. ~~Medical Facilities excluding facilities for large animals are special uses in the AG, RCN, TNB, SCN, SCO, UCN, UCO, and HUC districts.~~ Medical Facilities 25,000 gross square feet or less in size are permitted uses in the AG and RCN districts. Facilities for large animals (animals weighing more than 200 pounds), are allowed in these districts.

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b. ~~Medical Facilities excluding facilities for large animals are special exceptions in the SMF district.~~ Medical Facilities 25,000 gross square feet or less in size are permitted uses in the TNB, SCN, SCO, UCO and UCN districts. Facilities for large animals (animals weighing more than 200 pounds), are not allowed in these districts.

c. ~~Medical facilities for large animals (animals weighing more than 200 pounds) are only permitted in the A district.~~ Medical Facilities greater than 25,000 gross square feet in size are special exceptions in the in the TNB, SCN, SCO, UCO and UCN districts. Facilities for large animals (animals weighing more than 200 pounds), are not allowed in these districts.

d. Medical Facilities of any size are special exceptions in the SMF and HUCN districts. Facilities for large animals (animals weighing more than 200 pounds), are not allowed in these districts.

3.9.1.5 a. ~~Medical facilities shall not exceed 7,000 square feet in the RCN or TNB District.~~ Medical facilities located in the TNB District shall have a building footprint of not more than 20,000 square feet.

A change is proposed to the Accessory Uses and Structures standards to allow an Accessory Structure to be proposed in a side yard. The development pattern in many of Oxford's older neighborhoods contain carports in the side yard, and we believe that it is logical to allow this in instances where the structure is proposed behind the front building line, preferably near the rear portion of the primary structure.

3.11.1.5 Accessory Uses or Structures (Excluding Dwellings) c. Accessory structures may only be erected behind the front building line of the principal structure, and not in a ~~side or~~ front yard; unless otherwise authorized in this Code. An Accessory Structure located in the side yard may be requested by Special Exception. When located in a side yard, it should be located behind the front building line, and shall comply with all other provisions of this Code. No accessory building may be built within five feet of a property line.

Article 10

A change is proposed to include a definition of a second story.

10.2.277 Story: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it. A second story shall consist of a minimum of 51% of the building footprint as function space.

Recommendation: Staff recommends approval of the proposed modifications.

Summary of Discussion:
Commissioner Riddell voiced her concerns with the increased costs associated with requiring second floor developments for people trying to develop as small business owners.

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Move: Duncan Gray Second: J.R. Rigby Status: Passed

11. Motion to Adjourn

Move: Marvin King Second: J.R. Rigby Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, August 10, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

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

A. August Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   All Commissioners are present.

   Move: Bill Freeman Second: Duncan Gray Status: Passed

3. Approval of minutes from the August 10, 2020 Meeting

   Move: Duncan Gray Second: Bill Freeman Status: Passed

4. Staff Report

   Planning Director Ben Requet said that as of July 27th, Robert Baxter had started working for the City of the Oxford.

   a. Building Official's Report

5. Map of Cases this Month

B. Consent Agenda

The consent agenda passes unanimously.

Move: Duncan Gray Second: Marvin King Status: Passed

1. Public Hearing for Case #2643 – SOG Realty on behalf of Specialty Orthopedic has filed a request for a Special Exception as provided in Section 2.6.9 *Suburban Center: Front Yard Build-to Line, Maximum* for property located at Oxford Way. (PPIN #8903)

2. Public Hearing for Case #2646 – University Shopping Center, LLC. on behalf of Origin Bank has filed a request for a Special Exception as provided in Section 3.8.1.2 *Traditional Neighborhood Business: Banks and Credit Unions* of the Land Development Code for property located at 1715 University Avenue. (PPINs #7997, #7996 & #7995)

3. Public Hearing for Case #2648 – Blackburn Holdings, LLC has filed a request for a Special Exception as provided in Section 2.6.9 *Suburban Center: Front Yard Build-to Line, Maximum* for property located approximately 350 ft. east of Sisk Avenue and Commonwealth Boulevard intersection. (PPINs #26631 & #34467)

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C. **Public Hearings**

1. Public Hearing for Case #2641 – The City of Oxford has filed a request for a Variance from Section 3.2.18 *Retaining* Walls for the Jackson Avenue East sidewalk project. **(Postponed from July)** (POSTPONED)

2. Public Hearing for Case #2644 – SOG Realty on behalf of Specialty Orthopedic has filed a request for a Variance from Section *3.9.1.3 Medical Facilities: Parking* for property located at Oxford Way. (PPIN #8903)

Planning Comments: The subject property is located on the south side of Oxford Way and it is currently undeveloped. The site measures approximately +/- 3.5 acres, and it is zoned Suburban Corridor. The applicant is proposing to construct a medical office building in two phases for Specialty Orthopedic Group. Phase 1 will consist of 27,000 sq/ft two story building, and Phase 2 will consist of a 16,500 sq.ft addition to the west side of Phase 1; the building will consist of 43,500 sq/ft once both phases are completed. This proposal is also the subject of Case #2643, a Special Exception to exceed the Build-To Line up to 150 feet. It should also be noted that a site plan for this development proposal has not been submitted to the City.

In this instance, the applicant is requesting a variance from the parking standards. Phase 1, which consists of 27,000 sq/ft of building, will require a total of 108 parking stalls, but a development may exceed the minimum requirement by 25%, or 27 parking stalls in this instance. The requested variance is to allow a total of 170 parking stalls in Phase 1, which is approximately 57% more than the minimum required parking.

The application indicates that Specialty Orthopedic Group will have a total of 103 employees that work at this location. Based on their other locations, of similar size to this proposed facility, they also anticipate approximately 172 patients per day in this facility. While these patients will not be visiting the site all at the same time, the applicant suggests believes that there will be substantial overlap and a need for excess parking. When Phase 2 is taken into consideration (43,500 sq/ft), the total parking provided is 231 stalls, which is approximately 35% more than the minimum required parking. This suggests that the much of the additional parking is to be provided during Phase 1.

The applicant is proposing a healthy landscaping screen along Oxford Way that will help soften the view of multiple rows of parking. As a condition of approval in Case #2643, Staff required additional landscaping on the south side of the fence along Oxford Way, and the landscaping should also wrap around both entrance drives to the site. When considering the intensity of the proposed use, with both phases, Staff believes that the intensive demand for parking can be considered a hardship.

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

1. The variance is for the plan as submitted.

Move: Duncan Gray Second: Marvin King Status: Passed

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3. Public Hearing for Case #2645 – Galleria II, LLC has filed a request for a Variance from Section 5.7.6.2 *Buffers* for property located at 2619 Jackson Avenue West. (PPIN #7868)

Planning Comments: The subject property is an irregularly shaped lot located on the north side of West Jackson Avenue and measures approximately +/- 20.1 acres. The site is the location of Oxford Galleria II Shopping Center. Toby Tubby Creek is the northeast boundary of the subject property. Consequently, a portion of the site is in the flood plain.

In November 2014, the Planning Commission approved a request for Site Plan Approval for Galleria II consisting of 15 buildings and a total of 208,770 sq. ft. of building space. A condition of approval was contingent on the approval and acceptance of the FIRM (Flood Insurance Rate Map) Letter of Map Revision (LOMR) issued by FEMA in a letter to the City dated October 15,2014. There are four points of ingress and egress proposed to the site two from Jackson Avenue, a third from Home Depot Drive and the fourth located on West Oxford Loop. In November 2017, an amended site plan was approved to modify square footages for Buildings J and I.

The applicant is requesting a modification to two buildings in the northeast portion of the site, Building K, which has not been constructed, and Building L, which currently has Oxford Nutrition and Kay Jewelers as tenants. The applicant states in their memo that the COVID-19 pandemic has changed the commercial building demands and they would like to add pick-up lanes to Buildings K and L. Building K footprint will be reduced in size and a rear pick-up lane will be added around the west and north sides of Building K. Current there are 16 parking spaces intended for Buildings K and L. With the revisions, there will be a loss of 4 parking spaces.

Prior to receiving a site plan amendment for these revisions, a variance is being requested because this portion of the shopping center with these proposals borders Toby Tubby Creek and is within a required 50-foot buffer and is designated a Blue Line Stream. The proposed modifications to Buildings K and L and the proposed drive-thru pick-up lane will not encroach any further into the buffer than previously approved.

Recommendation: Understanding the current limitations to accessing commercial buildings and acknowledging that the drive-thru lane will not encroach any further into the blue line stream buffer than what was previously approved, Staff recommends approval of the Variance from Section 5.7.6.2 Buffers with the following conditions:

1. The variance is for the site plan as submitted.

Summary of discussion:

Commissioner Gray questioned if section of code relating to FEMA and Corp of Engineer permits is applicable. Paul Watkins stated that no permit is needed.

Commissioner Murphy questioned if the sidewalk shown in proposal meets requirements? Ben Requet stated that that question will be dealt with later in site plan review.

Move: Bill Freeman Second: Duncan Gray Status: Passed

4. Public Hearing for Case #2647 – University Shopping Center, LLC on behalf of Origin Bank has filed a request for a Site Plan Approval for 'Origin Bank' for property located at 1715 University Avenue. (PPINs #7997, #7996 & #7995)

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Planning Comments: The subject property is 0.392 of an acre and is located on the north side of University Avenue, east of AutoZone and west of UPS Store. It is referred to as Lot 1 in the University Shopping Center. Currently, Guest Reality Land Company and Oxford Super Tan share a building on the property that will be demolished to make way for a 5,461 sq. ft. Origin Bank branch. The applicant is proposing a two-story building that will have two- drive thru lanes that will span the north and west sides of the lot. A special exception for two drive-thru lanes will also be considered at the August meeting (Case #2646). Origin Bank received a front yard build-to line, maximum variance at the July 2020 meeting (Case #2638).

The drive-thru lanes will be accessed within University Shopping Center on the north side of the property, not at a point of ingress/egress with University Avenue. The drive-thru lanes will largely be screened by the proposed building.

Use Requirements – Banks are a special use in the Traditional Neighborhood Business zoning district. There are thirteen (13) parking spaces allocated for the bank and eighteen (18) are required by Code, but a shared parking agreement will be in place between Origin Bank and the existing University Shopping Center, which will create a total of 18 parking spaces available.

Other Review Elements

Building Façade and Materials– Architecturally, the bank will have front-façade design along the south and east sides facing University Avenue and the drive into University Shopping Center and the building materials will be a mix of brick and architectural wall panels.

Signage – The applicant has confirmed that the existing pole sign on the lot will be removed. The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Open Space / Imperviousness – The proposal meets open space and impervious coverage standards.

Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot trees and landscaping requirements. Foundation plantings have been provided along the south and east sides of the bank which will be visible from University Avenue and the entry drive into University Shopping Center east of the proposed bank.

The original site plan indicated the sidewalks to be located at the back of the City right- of-way as required by staff for a number of years. However, this and the reconstruction of the access points, would have resulted in the removal of three (3) trees located on City right-of-way. These trees were planted after University Avenue was widened in this area approximately 12 years ago. The Tree Board expressed concern about the loss of three (3) street trees at their June meeting. After hearing those concerns, the design engineer has changed the sidewalk layout to leave the sidewalk in place at the location of the trees and provide for a meandering sidewalk along the frontage of the commercial center. The design as provided does still require the removal of one (1) tree from right-of-way due to the relocation of the site access point.

The Tree Board considered the revised design at their regularly scheduled meeting on Thursday, August 6th and voted to approve the design with the preservation of two of the City street trees and the removal of the existing white oak. The landscaping plan provides information regarding new trees to be installed on the site that will meet the parking lot and

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frontage tree requirements of the Land Development Code.

HVAC – Rooftop mounted equipment will not exceed the height of the proposed parapet walls. Sheet A 6.1 from the architect shows an elevation view of the proposed parapets.

Engineering Comments:

Traffic Impact and Access

Given the proximity to the intersection of University and Bramlett/South 18th and the location within a larger commercial center, staff had extensive conversations with the owner and design engineer regarding access. Staff required that the access points on University Avenue be minimized and that the access closest to the signalized intersection be closed completely. The proposed site plan complies with those requirements and provides for two access points for the entire frontage of the Origin Bank and the commercial center combined. These access points are further from the intersection and will improve traffic flow and safety in the area. Shared access easements were shown in the plat that created this lot (Case 2639, July 2020).

Staff did not require a traffic impact study in error due to a misunderstanding on the size of the bank that was only realized as Staff began preparing the report. The threshold for a Traffic Impact Study for a bank with a drive-in is 4,400 SF for 100 Daily Trips (LDC A.3.1.18). In early discussions regarding the bank, Staff somehow understood the bank to be around 2,500-3,000 SF. However, it is now apparent that Staff did not understand that the bank was two stories in the initial conversations and the zoom meeting conducted to discuss the site prior the plan submittal. ATrafficImpactStudyisrequiredtoevaluatetheimpactofsitetrafficontheadjacent streets and traffic flow and to determine if additional measures are required to mitigate these impacts. Due to the size of the bank and the orientation of left turns relative to the intersection and the distance from the intersection, Staff does not feel that a Traffic Impact Study for the bank would indicate any negative impact on traffic or any mitigation requirements other than possibly the need to restrict access, which has already been addressed. Staff regrets the error but does not feel that the requirement of a traffic impact study for the bank at this late point in the process has any benefit to the general public or traffic in the area.

Water and Sewer

Water and sewer will be provided to the site via existing water and sewer mains that are owned and maintained by the City within the commercial shopping center. Easements are shown on the construction plans.

Sidewalks and Public Right-of-Way Trees

The original site plan indicated the sidewalks to be located at the back of right-of-way as required by Staff for a number of years. However, this and the reconstruction of the access points, would have resulted in the removal of three (3) trees located on City right-of-way. These trees were planted after University Avenue was widened in this area approximately 12 years ago. The Tree Board expressed concern about the loss of three (3) street trees at their June meeting. After hearing those concerns, the design engineer has changed the sidewalk layout to leave the sidewalk in place at the location of the trees and provide for a meandering sidewalk along the frontage of the commercial center. The design as provided does still require the removal of one (1) tree from right-of-way due to the relocation of the site access point. The Tree Board will consider the revised design at their regularly scheduled meeting on Thursday, August 6th. The landscaping plan provides information regarding new trees to be installed on the site.

Stormwater

This site was originally part of one commercial (shopping center) development before it was

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subdivided (Case 2639, July 2020). The site receives runoff from developments to the north and adjacent areas of the original commercial development. The runoff is conveyed via overland flow and drainage pipes. The site plan proposes additional drainage pipes and with some of these drainage pipes extend beyond the platted lot. Easements are to be provided for drainage pipes that extend beyond the lot lines.

The original commercial development has no stormwater management facility and predates the City's stormwater ordinance. This project will provide stormwater management for the area of disturbance this would include impervious area created by then new building, parking, and drives. The stormwater management facility will consist of an underground detention system that will discharge to the City's existing drainage pipes within University Avenue right-of-way.

Recommendation: Staff recommends approval of the site plan for 'Origin Bank' with the following conditions:

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

A full set of updated civil drawings be submitted to the Planning Department before permitting. (Planning)

Easements must be provided for stormwater, water and sewer prior to the sale of water and sewer taps or building permits. (Engineering)

The changes to the access points for both Origin Bank and the existing commercial center must be reconstructed and completed as required by Engineering staff prior to the issuance of a Certificate of Occupancy. (Engineering)

Detail #6 on sheet C504 in the plan set and stormwater report needs to be updated with the following: There are two pipes that enter the control structure from the stormtech chambers. A 6-inch underdrain will enter at 412.44 (bottom of stone base) and the 12- inch HDPE will enter at 413.04 (6-inch stone base + 1.2-inch bottom connection [see table column C on sheet 5 of 6 of ADS specs] = 7.2 inches or 0.6 feet). (Engineering)

Show a trash rack for the 9-inch diameter orifice. (Engineering)

Summary of discussion:

Commissioner Freeman asked if there is a staff recommendation for traffic impact study. City Planner, Gray Parker, responded that there is not.

Commissioner Rigby asked if there is a reason not to require traffic impact study. City Engineer, Reanna Mayoral, stated in evaluating the site that there is benefit in controlling access to the site and that has been achieved with the current plan. A traffic study will not produce new information. Applicant representative, Paul Koshenina, added that a traffic impact study is conducted at the discretion of the City Engineer and that applicants have coordinated closely with the City Engineer throughout the planning process.

Move: Marvin King Second: Duncan Gray Status: Passed

5. Public Hearing for Case #2649 –Brian Development has filed a request for a Variance from Section *2.6.6 Suburban Multi-Family: Structure Height* for 'The Barringer' for property located at 600 Molly Barr Road. (PPIN #5638)

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Planning Comments: This property was the subject of Case #2341, rezoned from Institutional to Suburban Multi-Family in 2018. A Site Plan was approved in February (Case #2459) for an age restricted (senior) housing development, The Barringer, on this property. The approved Site Plan is for a multi-story (3 residential floors and a ground level parking floor), condominium (CID) development of 39 dwelling units (2 and 3 bedrooms) with 90 bedrooms on a site of 1.75 acres. The structure will have a total size of 98,000 square feet, with a height of 45 feet and 83 parking spaces. The approved site plan required a special exceptions (approved) for additional height (Case #2456) for a (senior) age restricted structure and to address the front step back (Case #2457); and a parking variance (Case # 2458). Additionally, a modification to the originally approved site plan was presented to and approved by the Planning Commission on September 9, 2019.

The applicant is now requesting a building height variance. The request would allow the applicant to utilize already enclosed attic space on the top floor to create conditioned (with HVAC) storage units (39) for each of the dwelling units in the development. The requested change would not alter the design of the building, the elevations, or the architectural renderings previously approved in September 2019. The change also proposes men/women restrooms at both ends of the building to support the rooftop terraces that were previously considered.

Storage units are common in multi-level multi-unit developments and would provide residents with a place that they can store bulky items like decorations (holiday, home décor, etc.), or other excess items, in a convenient space outside of the unit. Staff agrees that this is something that would make good sense in this type of development. Placing them in conditioned space, however, is problematic as noted below.

There is no impediment to the proposed rooftop terrace (defined in the Land Development Code as an unenclosed rooftop). However, the proposal for the restrooms is problematic. The applicant would like to install two sets of restrooms so that residents will not have to travel to their room or another public facility located in the lobby. In defense of the variance request, the application also states that "*providing bathroom facilities in the attic, adjacent to the proposed storage cubicles and adjacent to the previously approved rooftop terraces could almost be considered a necessity, but will certainly provide an added convenience.*"

Initially, this could seem like a relatively minor request considering the building elevations will not be altered in any way. Unfortunately for the applicant, however, the implication of granting of this variance is that it would create functioning 5th floor; as close to 50% of the area would be enclosed. That means it would be two floors higher than the typical SMF zoning standards which limits building height to 3 stories. Since this development was granted a Special Exception for a 4th story (by being limited to age restricted residents), it will technically exceed the standards by one floor. While the attic space in a single-family residence is not considered a floor, that is because it is not "conditioned" space. And it is considered in the overall height of the building.

While providing a bathroom on the terrace level would be a nice convenience, they would not in any way be necessary since there is immediate elevator access to all floors. No more than one, or one on each end unisex toilet would be entirely sufficient. But the bathrooms are incidental to the primary concern with this request of turning an approved "attic" with two outdoor terraces into enclosed and conditioned storage units with multiple bathrooms serving two terraces with multiple amenities. As stated previously, this change means that approximately 50% of this level will be enclosed – creating a 5th floor that or.

A variance requires evidence of hardship that is not self-created. It is for situations beyond the control of the applicant. Staff sees no legitimate evidence of any type of hardship, merely evidence of a desire to provided added amenities for the residents of this development. Perhaps the developer could identify design alternatives that would allow for storage facilities to be located in other areas of the building, that would allow it to be code compliant.

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Recommendation: The variance would not affect the overall design of the building, but the result of the approval would change the approved design and function of the building. Staff does not believe that there is a hardship to support the requested variance. Such a variance would be likely to encourage other developers to consider such options as a means to increase interior space. In this instance, however, even that could be problematic since the development has already been granted a special exception allowing an additional story. Therefore, Staff recommends denial of the building height variance creating a 5th floor with interior storage spaces and restrooms.

Should the Commission consider approving the requested variance, Staff requests the following condition of approval:

1. The variance is subject to the uses of this request. Any change of use will require a new variance by the Planning Commission.

Summary of Discussion:

Ben Requet notes that Paul Koshenina is in attendance by phone.

Commissioner Hyneman opens the floor for questions.

Applicant representative, Paul Koshenina, stated that he would be happy to answer any questions. He commented in response to Ben that in his opinion the designation of a height variance was a misnomer as the building height in footage was unchanged from what was previously approved. He questioned if the proposed use really is creating a fifth floor and stated his belief that this was the crux of the issue. He stated his client's full intention to build the project, an approximately $20 million project, and stated his belief that it would be a quality addition to Oxford and that it is a needed use. He conveyed that the applicants feel the added storage is critical to the success of the project. He stated his belief that in the current development climate, every detail of a project like this can affect feasibility. He referenced a drawing that was sent to the Planning Director earlier in the day and stated that there might be confusion as to how much of the currently unused attic space would be used for climate-controlled storage. He stated his understanding that the current space could be used for storage but that climate control would require a variance and that the climate control aspect was the reason that a variance is needed as well as the bathrooms. He referenced the drawing to state that only a third of the enclosed attic space is proposed for climate controlled storage and bathroom use. He noted that Ben mentioned the number of bathrooms proposed and stated that it was his belief that they would be a significant convenience and the lack of them would be somewhat of a hardship to the people that live in the units that would be utilizing the rooftop terrace. He stated that if there was a need to reduce the number of bathrooms the client would be happy to consider two unisex bathrooms; possibly only one unisex bathroom would be sufficient. He again referenced the drawing and stated that it would help to explain what the different proposed uses are which include the rooftop terraces and the unused attic space.

Commissioner Gray questioned if the space could be used for storage currently without air conditioning. Paul Koshenina responded that was his understanding. Ben asked Commissioner Gray if he meant storage in the same context as an attic in a home. Commissioner Gray responded that he did and added if there was a way to have more air circulation if there was a way to have a more open-air area like at a beach condo storage area and stated that that may be a design issue. Paul Koshenina stated that he was not in charge of the design but the open areas that are available are intended to be used for a combination of open roof deck areas for the tenants and their guest and that some areas were to be used for mechanical equipment that would be isolated from the roof deck. He stated this request was an attempt to maximize the use of the building and that the client could consider putting storage units in a different location but that that would mean losing residential units which would affect the economic viability of the project. He stated that there was a mostly below ground floor that is currently utilized for parking and that allowed the site to have essentially no visible parking. He stated that almost all the parking was located in the lower level that there was no more room for storage there. He stated that the proposed attic use seemed like the logical spot to put the storage and that it wasn't an attempt to

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create a fifth floor or to create an occupiable living space rather that it was simply partitioned-off storage units to be used by residents. He stated that he supposed they could be used as un-climate-controlled space but the preference was for climate control to allow for the storage of items susceptible to climate changes. He stated the the bathrooms are an amenity and the the lack of them would be somewhat of a hardship, but that the client was open to reducing the number of bathrooms.

Commissioner Riddell asked if in the currently approved plans the area directly outside of the elevator was sheltered. Paul Koshenina responded that is was all under roofing. He said the original plan would have contemplated conditioning the area where the elevators are to protect them from the weather as well as a corridor. Commissioner Riddell asked if some of that was going to have to be conditioned [audio transcript is unclear] Paul Koshenina replied that the intent was for the pedestrian area in the corridor and the elevators to be air conditioned but originally it was not contemplated to condition the rest of the attic space in the specific area for the storage.

Commissioner Hyneman asked if the height of the structure is not increasing why a height variance is being requested. Ben Requet recalled multiple developments constructed prior to the current Land Development Code that used average grade plane to measure height which resulted in five story buildings. Ben stated that one of the ways the new LDC protects against that is to measure height in two ways: in feet and in floors. Ben stated that in this case the applicant is not requesting a change in height as measured in feet but in terms of floors because with the previous Special Exception that the applicant received the number of floors was limited to four. Paul Koshenina then stated that this begged the question as to whether this was in actuality creating a fifth floor. In the applicant's view if there was a proposal for a commercial use, like a restaurant, that such a use would clearly create an occupiable space that would change the discussion; if there was a proposal for dwelling units with bedrooms and kitchens, that would change the discussion. He stated that the proposed use was only to be utilized by tenants of the development only for storage and only bathroom units to be used while those tenants utilized the rooftop terraces. He again asked the question as to whether this was in actuality creating a habitable fifth floor, when it is only enclosing some space and adding some duct work for the A/C units. He left the question to the Planning Commission.

Commissioner Gray asked if the roof decks were there for the tenants to socially gather and if the restrooms were there for their convenience. Paul Koshenina responded that that was correct. Commissioner Gray stated that the intention of driving people to a certain area and then outfitting it with plumbing for their convenience and leisure constituted a "floor" in his thinking.

Commissioner King agreed with Commissioner Gray and stated that it seemed like a dual use. It seemed to him that the framework is being laid to, over time, expand the use, and he stated that it had all the hallmarks of an occupiable floor. He stated that it was a place for people to go to to enjoy their drinks and with the restrooms and the storage it sounded like an occupiable floor. Paul Koshenina stated that the rooftop terrace was already an approved use and would be utilized whether there were restrooms there or if they had to go down the elevators to use the restrooms in the dwelling units.

Commissioner Hyneman asked if the rooftop terrace was already approved. Ben Requet replied that it was.

Commissioner Hyneman noted that Commissioner Rigby's connection was lost.

Commissioner Gray moved that the variance request to add a fifth story be denied.
Commissioner King Seconded.
The resolution passed with a 4-2 vote.

Move: Duncan Gray Second: Marvin King Status: Passed

6. Public Hearing for Case #2650 –Judy and Chris Riddell have filed a request for a Variance from Section *3.2.8 Fences, Walls, and Hedges* for property located at 1408 S. Lamar

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Boulevard. (PPIN #8372)

Commissioner Riddell recused from discussion.
Commissioner Rigby was no longer in attendance.

Planning Comments: The subject property is a residential through corner lot of approximately +/- .42 acres located at the northwest intersection of South Lamar Boulevard and Old Taylor Road with additional frontage on South 11th Street. This lot has frontage on all three streets, but the house faces S. Lamar Blvd. The applicant is requesting a fence height variance from Section 3.2.8 for two feet (2') to construct a six-foot (6') high wooden fence replacing an existing four-foot (4') +/- 150 foot-long segment of existing wire fencing along front yards that parallel Old Taylor Rd (south) and S 11th St (west).

A Certificate of Appropriateness was granted for both a pool and the requested fencing in June.

As stated in the Land Development Code's General District Regulations, Section 3.2.8 - Fences, Walls, and Hedges: "Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the side or edge of any yard that fronts on a public street shall be over four feet in height."

Due to the nature of through corner lots – which, by definition, consist of three fronts yards and one side yard – the three front yard setbacks limit the possibility of owners to legitimately enclose a reasonable portion of their property. Concerned for privacy, the applicant wishes to

construct a wooden fence higher than that currently permitted in a front yard by the Code. As the fence will be angled at the intersection of Old Taylor and S 11 , the construction of the proposed fence should not impact driving visibility along the street.

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

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

1. The portion of fence facing Old Taylor Rd and S 11th St will be constructed in a manner that the smooth side of the fence will face the public's view.

Move: Duncan Gray Second: Bill Freeman Status: Passed

7. Motion to Adjourn

Move: Marvin King Second: Bill Freeman Status: Passed

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, September 14, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom and youtube.com

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

A. September Planning Commission Memorandum

1. Call to Order

   Chairman Hyneman Called the Commission to order. Commissioners Hyneman, Rigby, Riddell, Murphy, King in attendance

2. Approval of the Agenda

   Move: Judy Riddell Second: Marvin King Status: Passed

3. Approval of minutes from the August 10, 2020 Meeting

   Move: Joseph Murphy Second: J.R. Rigby Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Administrative Approval**

1. Case #2651-A – First Baptist Church has filed a request for Site Plan Approval for 'First Baptist Church Prayer Garden' for property located at 800 Van Buren Avenue. (PPIN #5995)
2. Case #2652-A – AS Fornea Construction has filed a request for Site Plan Approval for 'Adelia - Site Plan Modification' for property located at Farmview Drive. (A portion of PPIN #8904)
3. Case #2653-A – Blackburn Communities, LLC (David Blackburn) has filed a request for Site Plan Approval for 'The Preserve at Oxford Commons, Ph. 5 - Borrow Pit' for property located at Lakewood Hill Drive. (PPIN #4502)

C. Consent Agenda

Move: J.R. Rigby Second: Judy Riddell Status: Passed

1. Public Hearing for Case #2654 – Lee Norris has filed a request for a Variance from Section 3.11.1 Accessory Uses or Structures for property located at 3634 Lyles Drive. (PPIN #18001)
2. Public Hearing for Case #2655 – Blackburn Holdings, LLC has filed a request for a Special Exception as provided in Section 2.6.9 Suburban Center: Front Yard Build-to Line, Maximum for property located approximately 350 ft. of Sisk Avenue and Commonwealth Boulevard intersection. (PPINs #26631 & #34467)

D. **Public Hearings**

1. Public Hearing for Case #2641 – The City of Oxford has filed a request for a Variance from Section 3.2.18 Retaining Walls for the Jackson Avenue East sidewalk project. **(Postponed from July and**

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August)

Planning Comments: The subject property is located on the south side of Jackson Avenue East and is within the City's right-of-way. The City has contracted a private engineering company to construct a reinforced concrete retaining wall in four portions along Jackson Avenue East. The existing slope along this portion of the road is very hilly and approximately 8 ft. high at a 1.5:1 slope. A large existing tree sits on the edge of this slope. Due to the changing topography along this section of the street, the retaining wall will vary in height from 3 ft. to 6 ft.

The City of Oxford Engineering Department is seeking a 2 ft. variance from Section 3.2.18 of the Land Development Code in order to accommodate the higher portions of the wall. The Engineering Department states that a retaining wall constructed less than 4 ft. tall would result in a slope that would be unmaintainable for the adjacent property owner and will place an existing large tree in danger.

The City received a Certificate of Appropriateness (COA) from the Oxford Historic Preservation Commission for all portions of the retaining wall project along Jackson Avenue East at their March 2019 meeting.

Engineering Comments: The City of Oxford currently is engaged in a project constructing new and improving existing sidewalks along East Jackson Avenue from North 14th Street to Bramlett Boulevard. This project is partly funded by a Transportation Alternative Program (TAP) grant from MDOT through the Federal Highway Administration (FHWA). The project is necessary to provide for complete sidewalks on each side of East Jackson Avenue between Bramlett Boulevard and the Square. This corridor is heavily travelled by both pedestrians and motorist and the previously existing gaps in sidewalk combined with the steep slopes provided for dangerous conflict points as pedestrians crossed from one side to the other. Specific timeline and design criteria were implemented as one of several conditions of funding. Construction began on the project in May 2020 and is set to be completed in the spring of 2021.

Due to the steep and rolling topography of this area, and the need to construct all improvements within existing right-of-way limits, retaining walls are required in several areas along the route. The aesthetic appearance of these retaining walls was submitted to and approved by the City of Oxford Historic Preservation Commission and will include a brick fascia over a reinforced concrete structure.

Over the course of construction, a retaining wall was constructed in front of the residence at 1418 East Jackson Avenue. The pre-construction topography of the right-of-way at this address was extremely steep and high with a large diameter tree perched on the top of slope. The designed height of the retaining wall is 3 feet.

Once constructed, it became apparent that the remaining slope between the top of the retaining wall and the existing top of slope was precariously steep at less than a 1:1 grade. This would have made it extremely difficult for the City or the owner of the adjacent property to maintain the slope and posed an unsafe situation for the tenants. The owner of the property reached out to the City and requested additional consideration of the design in this area, in particular, a higher wall.

Also of concern was the large tree at the top of the slope. The city acquired the services of Fulgham Tree Service of Tupelo, MS to ascertain the health of the tree and make recommendations in regards to the slope. While the results of the assessment showed that the tree is generally healthy, Mr. Fulgham made the recommendation that the slope to the retaining wall be flattened if possible. This would be better for the long-term health of the tree and protect it better from effects of wind and erosion. After discussions with Elliott and Britt Engineering, the city's engineering consultant on the project, it was determined that the retaining wall could be raised approximately 3 feet and flatten the slope to approximately a 2:1 grade. Since this would place the final height of the wall at 6 feet, a variance would be needed for the additional 2 feet of height over the specified 4 foot maximum.

Staff is considering the potential for a railing of some type on the top of the retaining wall and requests that any approvals granted allow for the addition of such railing as necessary. The

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Historic Preservation Commission will be consulted regarding the installation of any railings as well.

Due to the timelines associated with the project, it was not possible to seek additional right-of-way or construction easements from property owners which would have allowed for additional grading beyond the right-of-way and a shorter wall. As previously stated, the design of the sidewalk project was bound by ADA, FHWA, MDOT and City regulations and requirements. In an effort to accommodate all of these and the existing topography of the adjacent properties, the buffer area and sidewalks have been elevated above the top of curb in places to the maximum amount possible while maintaining ADA standards for longitudinal slope. The curb was also relocated closer to the center line of the roadway, which allowed for additional width to try to accommodate all standards. Even with these allowances, it is not possible in this particular area to meet the 4' maximum wall height standard and provide a maintainable slope for the adjacent property owner. The City wishes to meet the property owners request for additional wall height and ensure that the adjacent property is not negatively impacted as a result of this necessary public infrastructure and safety improvement.

Should the Planning Commission grant approval of this request for variance, staff requests that such approval includes the ability to add a railing on the top of the wall as necessary.

Recommendation: Due the highly erodible soils and severe topography found on this stretch of Jackson Avenue East, Staff recommends approval of the Variance from Section 3.2.18 Retaining Walls with the following conditions:
1. The variance requested is a minimum and granting of the variance would not confer privileges denied others in the same district or be contrary to the public interest.
2. Should the Planning Commission grant approval of this request for variance, staff requests that such approval includes the ability to add a railing on the top of the wall as necessary.

Summary of Discussion:
Chairman Hyneman questioned if the railing would be subject to historic preservation?
Gray Parker answered that it would.

Commissioner Freeman has joined the meeting.

Motion to approve subject to staff conditions

Commissioner Freeman abstains.

Move: Judy Riddell Second: J.R. Rigby Status: Passed

2. Public Hearing for Case #2656 – Bryan Cardine has filed a request for Final Plat Approval (Amended) for 'Ammadelle Subdivision, Lot 37' for property located at 103 Sivley Street. (PPIN #5841)

Planners Comments: The applicant is requesting to amend the eastern lot line of Lot 37 of the Ammadelle Subdivision in order to add approximately +/- .069 acres to their lot. Mr. and Mrs. Caradine were in the process of working with a local architect on modifications to their existing home when it was discovered that a fenced in area on their lot, was actually property from the adjacent Lot 38. Once this was brought to their attention, the applicant contacted the adjacent property owner Mr. Marchbanks. Mr. Marchbanks agreed to convey this property to Mr. and Mrs. Caradine, which is why the applicant is requesting the proposed amendment. As originally platted, Lot 37 measured approximately +/- .368 acres and with the additional property from the adjacent property, Lot 37 will now measure approximately +/- .437 acres.

Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant. The application includes letters of support from the owners of Lots 36 & 38, the persons that they believe to be directly interested in the subdivision amendment, and they do not find themselves to be adversely affected by this modification.

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Engineering Comments: There are two encroachments shown on the plat that need additional information:

Sheet 1.0 of the plat needs to reflect the following:

1. The survey shows a wooden privacy fence encroaching onto adjoining Lot 38 in the southeastern portion of the property. This needs to be noted and the distance of encroachment shown.

2. There is a block/stone retaining wall with wooden privacy fence shown on the survey encroaching into the ROW of Washington Avenue. This needs to be noted and the distance of encroachment shown.

The presence of these encroachments and their notation on the plat does not indicate a transfer of ownership or the granting of approval for them to be located beyond the property lines. In particular, the approval of this plat does not in any way indicate that the City approves, supports, or condones of the ROW encroachment. Staff has not researched the history of the retaining wall and fence and does not know if prior permits or Board approval were/or were not granted. Staff is not aware of any complaints or issues regarding the wall either.

Recommendation: If no person objects or are found by the Planning Commission to be sufficiently adversely affected, staff recommends approval of this amendment to the Final Plat with the conditions stated below.

1. The encroachments noted in the staff report will be added to Sheet 1.0 of the plat prior to the Board of Alderman granting approval.

2. An appropriate note will be added to the plat regarding the encroachments and their unknown legal status prior to the Board of Alderman granting approval.

3. Approval of 'Final Plat (Amended) for Ammadelle Subdivision, Lot 37' by the Mayor and Board of Alderman.

4. Approval is for the plat as submitted.

Motion to approve subject to staff conditions.

Move: Marvin King Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2657 – Updraft Investments, LLC (Mac Monteith) has filed a request for Final Plat Approval (Amended) for 'The Lamar, Ph. 2 Lot 1' for property located west of N. Lamar Boulevard, south of Molly Barr Road, and east of Chickasaw Road. (PPIN #5067)

Planning Comments: The subdivision property is within a single-family residential phase of The Lamar, a multi-phased Traditional Neighborhood Development that is located west of N. Lamar Boulevard, east of Chickasaw Road, and south of Molly Barr Road.

The Lamar, Ph. 2 received preliminary plat approval in October 2017 (Case #2234) and final plat approval in April 2018 (Case #2292). In June 2018, a site plan was approved for The Lamar, Ph. 2 referred to as "Mansion Flats" (Case #2317). In July 2020, the Mayor and Board of Aldermen approved a modification to the regulating plan for The Lamar TND to allow a change to the area designated for multi-family homes to be constructed with single-family detached homes (Case #2640).

Lot 1 was initially platted with the intent of having "five-unit rental residential structures". The applicant is now proposing a plat amendment to create 11 single-family lots referred to as "Lot 1A through Lot 1K". These lots range in size from 3,366.9 sq. ft. to 6,070.4 sq. ft.

This site has already been mass graded and this phase did not require tree mitigation. The Land Development Code has been amended since Phase 2 was initially platted and future phases of

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TND developments now require tree mitigation as needed. The landscape plan remains the same from previous iterations of Phase 2 for frontage trees. The plat notes that the location of the trees will be subject to change with the construction of each house. These frontage trees will be required to be on private property and not within the City right-of-way.

The previous plat designated all lots to have rear loading for parking. The current proposal has front loading lots for Lots 1A-1G and rear loading for Lots 1H-1K via a private alley. Lot 1A will be the only lot with two fronts. It is at the corner of Cincinnatus Boulevard and Jennie Avenue. The rear setbacks for Lots 1A-1G will be established as 20 ft. and the rear setback for Lots 1H-1K will be 25 ft. to accommodate the rear loading along the private alley.

The applicant has indicated that they will be constructing garages for each of these units that will provide two parking spaces in the garage with the potential for two parking spaces in front of the garage. On-street parking will be available for residents and guests to use along Jennie Avenue. It should be noted that a previous approval for The Lamar Townhomes (Case #2318) indicated that 5 on-street parking spaces would be used for guest parking for the townhomes.

Engineering Comments:
Construction Plans
A complete set of construction plans have not been provided for this plat amendment at the time of this report but will be required. Staff has been provided a letter dated September 4, 2020 from the design engineer that provides a narrative regarding some questions asked at a September 3 meeting to discuss the project and orient Staff. Plan Sheets C107, Utilities, C201, Utility Placement detail, and L100, Landscape Plan were provided with this letter. There has also been some email correspondence in these days to provide information.

Access and Streets
The Lamar TND is the one of the first developments to receive approval for narrower street types and smaller lot sizes in accordance with the adopted Vision 2037 and accompanying revisions to the Land Development Code. Jennie Avenue, which Lot 1 fronts, is 27' wide as discussed in Case 2236 for a right of way variance, Case 2292 for Final Plat for Phase 2, and Case 2317 for Site Plan approval of the Mansion Flats. The proposed amendment changes Lot 1 from a single lot with one access off of Jennie and one access off of Cincinnatus to individual lot access for most of the lots. This may result in a reduction of available on-street parking available on the east (Lot 1) side of the street. On street parking was originally shown as a continuous line of parking spaces on the east side (Lot 1 side) of Jennie Avenue and Sumner Court totaling 16 spaces as shown in the striping plan (Sheet C104) in the initial submittal for the Mansion Flats (plans dated March 15, 2018). Staff commented in the review of the plans that the stripe was to be removed as a continuous line of parking was not the intent of on-street parking for this street type. Further, the location of these parking spaces did not account for proximity to the intersection or the location of fire hydrants adjacent to the street. The stripe was removed as evidenced by Sheet C118 of Case 2292 for the Mansion Flat site plan. The on-street parking layout will have to be planned with careful consideration for driveways, fire hydrants, crosswalks, and intersections in order to determine how many spaces are available for on-street parking and that number may be less than the 16 spaces Planning originally considered. Consideration will be also necessary to ensure that the USPS mail carrier has room to park while delivering mail to the kiosk(s) without blocking the street or drives. Yellow curb will need to be installed prior to the City accepting the streets. Based on previous experience with on-street parking in residential neighborhoods, it is highly encouraged that the curbs be painted prior to the sale of homes.

Staff has expressed concern if there is adequate parking available for this street given the 6' set backs and the possible reduction in on-street parking as noted above. Although the conceptual house plan provided by email indicates some additional distance between the set back and the face of the garage, there is no dimension provided and no requirement that prevents the garage or porch being constructed to the set back. Staff was told that two cars can park in the driveway, but there does not appear to be ample space to park without obstructing the sidewalk. Using the vehicle shown in the layout as a rough scale, it appears that cars parked in the garage will extend over the sidewalk, which is immediately adjacent to the property line. Ultimately, the decision on whether adequate parking is provided within the TND lies with the Planning Department. Planning Director Requet has informed Staff that it sounds like this subdivision plat provides 44 spaces and

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are required to provide 26 spaces. (2 parking spaces on site and 1 guest per every 3 lots are required per Director Requet). Director Requet has also stated that the previously approved townhome site plan depended on the on-street parking for guest parking. Should the on-street parking be eliminated, this may be problematic for the townhome site plan. Engineering states these concerns so strongly as a reflection of the number of calls and complaints received by Engineering and Oxford Police Department regarding blocked streets and yellow curb on existing streets.

Four (4) of the lots will access Jennie Avenue from a shared, private drive, though it is not clear how the maintenance responsibility of the drive will be shared. Access easements must be provided as the drive is a part of each of the individual lots. Staff has requested that the seven (7) driveways taking access directly from Jennie Avenue be narrowed from a stated 18'-20' to approximately 12' to reduce the width of openings and maintain a more continuous street front. The developer plans to provide two-car garages with the lots and has stated that the larger driveway opening is therefore necessary. Staff recognizes the point but is not resolved that the large openings are the best use of right-of-way. The narrow lot size and wide driveways effectively reduces the amount of right-of-way that is useable for installation and maintenance of utilities and necessary infrastructure to short sections between wide driveways. This discussion is further complicated by the installation of the water main under the sidewalk as a result of the narrow street type. In the event of a break in the water main, the likelihood of the City having to remove and potentially being asked to replace a driveway increases. There was extensive discussion at the September 3rd meeting but no resolution. The developer has stated that this can be settled at the time of building permits, though Engineering does not review building permits and is not comfortable with that proposal. By the time building plans are submitted, someone has expended time and expense to create house plans and there is much less chance of any compromise being considered. Once the final plat is approved, there is no guarantee of who the builder will be, further complicating the issue. Staff feels that the smaller driveways are more appropriate given the smaller lot size and street width and more closely match the original driveways found in the downtown neighborhoods that much of the new code was modeled after. Construction plans were not included with the plat but a concept was provided to staff to give a sense of what may be built and is included with this report. The concept indicated that driveways were approximately 5' from the property line, which does not meet the requirements of the code (Section 4.5.5.5). A letter from the design engineer provided on September 4 states that the driveways will comply with the required separation distance (comment 4).

The required frontage trees cannot be planted in the right-of-way due to the limited space available. The planting of trees in the front setback/utility easement will need to take into consideration the existing and future utilities designated for the location. Frontage trees are managed by the Planning Department and are not part of any right-of-way requirement, even though they are often mistakenly referred to as "right-of-way" trees.

Water and Sewer
The approval for the Lamar Phase 2 Mansion Flats was contingent on the provision of a utility easement/corridor with designated locations for each utility type as shown on Sheet C201 of the construction plans included in case 2292 for the original Final Plat. This easement/corridor was established with the Lamar Phase 2 preliminary and final plat and is still necessary and required. Sheet C201 noting this corridor was also included with the September 4 letter. The front setback of each lot is designated as a utility easement and was established as the designated corridor for the gas main per sheet C201. This will impact how the property owner can use the 6' between their home and the sidewalk. Staff feels that it is important to provide clear language on the plat to notify property owners of the location of this line, the need to contact MS 811 before performing any digging, including simple irrigation or landscaping, and the restrictions from placing any obstructions in this area. The need for additional language regarding the use of these easements and the removal of landscaping, steps, etc. installed within this area is also going to be discussed further.

Water and sewer service will be provided through typical connections at the street. The September 4 letter notes that there are existing connections for all but one unit, which will require excavation in the street. The City has not accepted this street and does not object to the installation of additional connections. Staff does not yet approve of the proposed relocation of meters and extension of

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service lines as shown to serve most of the lots as shown on Sheet C107. Staff wants to ensure that the relocation as proposed does not provide future conflicts or problems when locating utilities in the area, specifically that the atypical placement of the service lines will not result in these lines being located incorrectly and subsequently damaged. There is an existing fire hydrant and water main in the rear of the original Lot 1 that was required for the Mansion flats. This line will now have to be removed and needs to be reflected in construction plans.

Grading and Stormwater
The letter dated September 4 states that most of the grading for the lots has been completed. A retaining wall exists along the eastern boundary of Lot 1 that was constructed as part of the Mansion Flats site plan. It is presumed that this retaining wall will be jointly owned and maintained by the individual lot owners but that is not stated. The plat needs to show this retaining wall and clearly address the ownership and maintenance. It is also recommended that additional cross-easements be considered to allow property owners access and the ability to cross the property line if they need to make a repair to the portion of the wall within their property boundary (based on assumption individual lot owners will own individual portions). The lots drain to the north. Staff recommends consideration be given regarding the impact of fences in the rear years on drainage, particularly given the water that may drain from the east over the retaining wall in a large storm event. A swale exists along the top of the retaining wall but it may be overwhelmed in a high intensity rain event. The grading of these lots is noted as a result of the calls/complaints that Staff fields regarding drainage between lots of subdivisions. Although it is a civil matter, residents expect the City Staff or Alderman can provide a resolution and are disappointed when told otherwise. The Code of Ordinances does include restrictions regarding discharging near property lines, such as from gutters, and these requirements do need to be considered during construction.

The design engineer has provided additional documentation and information to confirm that the proposed amendment does not require changes to the previously approved stormwater management plan. The plat contains language reflecting ownership and maintenance responsibilities regarding the stormwater management system.

Recommendation: Staff recommends approval of the amended final plat for 'The Lamar, Ph. 2 Lot 1' with the following conditions:

1. General Conditions:
   a. Approval by the Mayor and Board of Aldermen.
   b. Approval is for the plat as submitted, with any required modifications.
2. Frontage trees are required to be installed within private property and not within the City right-of-way.
3. Construction plans must be provided and approved by staff prior to the request for Final Plat being heard by the Board.
4. Additional language regarding the nature of the utility easement must be provided on the plat, which may include the detail shown on Sheet C201.
5. The owner/developer agrees that the area within the front setback will be used for designated utilities as shown in Sheet C201.
6. The covenants for Phase 2 will reflect the location of the utilities within the setback and any restrictions on the property owner that may result.
7. Street lights will be installed as required for all subdivisions.
8. Additional language stating that Lots 1H, 1I, 1J and 1K will not have direct access to the street and will be access via a privately owned and maintained shared drive.
9. The right-of-way width and width of the street must be shown on the plat prior to the request being heard by the Board.
10. Yellow curb will be installed prior to the acceptance of the streets.
11. Access easements for shared use of the private drive will be provided on the plat prior to the request being heard by the Board of Aldermen.
12. Retaining walls and the ownership and maintenance responsibility will be shown on the plat prior to the request being heard by the Board of Aldermen.

Summary of discussion:

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Commissioner Riddell questioned if the driveway was a single car width entrance that angled to double car width parking.
Shane Cardwell stated that the reasoning for that was to minimize the size of the curb cuts.

Commissioner King questioned if the concern was that there are more curb cuts than originally planned so that the amount of street parking is reduced.
Reanna Mayoral responded that that street parking was part of the issue. Because the lots are narrow, almost half of curb could taken up with large driveway openings. This reduces the area available for utility work, signage, etc. This is the first street in this development with narrow lots so there are still questions as to how make everything work. About 40% of the street is curb-cuts in this area.

Commissioner King stated that there are many conditions, and questioned if staff needs more time to properly review the submissions.
Ben Request stated that many of the planning conditions are typical for plat approval.
Reanna Mayoral stated that her understanding was that due to COVID-19 the process would be to provide conditions that address all of Engineering's concerns and then work out the specifics for each of those conditions before building permits are issued.

Commissioner Rigby asked which conditions address the parking and curb-cut concerns.
Reanna Mayoral stated that condition 3 addressed those concerns.

Hollis Green stated that he has been pushing to get these items put on the agenda given the circumstances, and as a result there will be an increased number of conditions on some of these cases. The developers wish to be heard and they have the right to be placed on the agenda.

Paul Koshenina stated that as the project engineer he was happy to continue working until all City concerns had been addressed.

Chairman Hyneman asked the City Engineer if she was confident that solutions to all the conditions of approval could be found prior to approval from the Board of Aldermen.
Reanna Mayoral stated that she was.

Commissioner Rigby stated his concern about the vagueness of some conditions and what the process would be if an amicable resolution can't be reached between the developer and City Engineering after the Planning Commission has given its approval.

Commissioner King again stated that his concern is if engineering in fact has had sufficient time to review everything and if the process of development review had sufficient time allotted for a proper review.

Chairman Hyneman stated that if a resolution between parties could not be reached before presentation to the Board of Aldermen, the staff report would be changed to reflect denial for those stated reason and that the Board of Aldermen would make a final determination.

Commissioner Murphy question what the procedure was if the Board denies approval based on a disagreement; he asked if it would then return to the Planning Commisssion.
Ben Request stated that the applicant would need to modify the request and resubmit.

Commissioner Freeman is no longer in attendance

Approval subject to staff conditions

Move: Marvin King Second: Judy Riddell Status: Passed

4. Public Hearing for Case #2658 – Oxford Farms, LLC has filed a request for Site Plan Approval for 'The Cottages at Oxford Farms' for property located on Oxford Way. (PPINs #8844, #8903 & #18836)

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Planning Comments: This property is located north of Oxford Way at the Farmview Road intersection. The property measures approximately +/- 17.51 acres and is mostly zoned (NR) Neighborhood Residential, but a fraction of (SCN) Suburban Center exists near South Lamar Boulevard. This site was the subject of two previous cases including an administrative approval for a grading permit that provided the developer the ability to perform a substantial amount of the grading work to date.

The applicant is requesting site plan approval for 'The Cottages at Oxford Farms'. This development will consist of a total of 108 units that will be owned through a Common Interest Development mechanism. The development proposes a mix of unit types including duplexes that line Oxford Way, attached townhomes (consisting of four to six units) in the northeast portion of the development, and detached units in the northwest portion of the development. The NR zoning requires that at least 25% of units in a development be detached; this proposal exceeds that requirement by providing nearly 27%. Additionally, all of the units will consist of threebedroom units, except for six that will be one-bedroom units.

A clubhouse and pool are proposed amenities for the development. A mail kiosk is also proposed near the clubhouse. A total of ten parking spaces are proposed for residents and guests to access the clubhouse and pool.

There are 29 detached units and 79 attached units proposed. Each of the duplex units has a detached garage. The Land Development Code requires 124 on-street parking spaces and 149 parking spaces are provided. A total of 55 of the proposed units will provide garages and guest parking in front of the garages. The remaining 53 units will utilize surface parking areas and onstreet parking to satisfy their parking requirements.

Other Review Elements
• Building Façade and Materials – Architecturally, the units along Oxford Way will all have front-façade design and all of the unit types will be a mix of brick with hardie board siding accents.

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

• Lighting – The applicant is currently developing a photometric lighting plan for the development. Staff is requiring a condition that the lighting plan be submitted for review prior to the issuance of any building permits.

• Open Space / Imperviousness – The proposed impervious coverage is 48.1% and the zoning district allows up to 60% coverage.

• Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot, perimeter edge, foundation planting and frontage tree requirements. The proposed detention ponds will be completely screened with a mix of hollies, junipers, and loropetalums. There will be 117 trees mitigated on site and integrated into the landscape design, thus, tree mitigation is not required.
A blue line stream runs along northern portions of the site. The applicant is required to maintain a 50 ft. wide unbroken vegetation screen within this buffer. A mix of magnolias, pines, and evergreen cedars are proposed along the length of the property behind the northernmost units and the stream buffer that will provide at least 80% visual screening at maturity.

• Common Interest Development – The proposal is considered a Residential Common Interest Development and meets the additional standards per Land Development Code. Covenants for this proposed CID are required. Staff received a copy of the covenants on September 9, 2020 referring to the development as 'Stillwater'.

Engineering Comments:
Comments regarding Staff's review of the plans were provided to the design engineer late afternoon on September 4. These comments included technical changes to the water and sewer layout, questions regarding ownership of sewer, grading, drainage, and stormwater issues, etc. The design engineer was notified that three variances and a special exception would be required

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for the stormwater management plan as designed. The design engineer responded that comments would be addressed and a resubmittal would be provided on Tuesday, September 8th. Given the timelines involved, the Engineering Staff report will not likely reflect that response to comments or any changes made to the plans (dated revision 7/20/2020).

Access and Streets
The Cottages development is part of an area referred to as the Village Center in some project documents. The site will take access from three points on Farm View Drive, including one access point that appears to be the drive for a future development on an adjacent lot. The original approvals for Oxford Way included a set number of curb cut locations and included three points on each side of the Oxford Way between Farm View and South Lamar (including Farm View). No additional curb cuts will be granted between Farm View and South Lamar beyond those shown on this proposed site plan.

The streets within the development will be privately owned and maintained. Staff has requested additional information regarding future connectivity of these streets. ADA compliant curb cuts will be provided at all intersections of the private streets with Oxford Way. ADA curb cuts will also be provided within the private street network. A variance from the minimum street width for Oxford Way was previously considered and approved by the Planning Commission prior to adoption of Vision 2037 and the revised Land Development Code (LDC). The Pathways Commission was a key part of the evaluation of this request and a mixed-use path was agreed upon for the north side of Oxford Way in lieu of bike lanes on both sides within the street and sidewalks on both sides outside the street. A typical sidewalk section is provided for on the south side of Oxford Way.

Following the construction of Oxford Way and the adoption of Vision 2037 and the revised LDC, the developer requested consideration for on-street parking on Oxford Way adjacent to the Village Center section between Farm View and South Lamar. Staff worked with the design engineer and a striping plan was approved. In considering the Cottages, Staff has asked how motorists who park on the street will access the multi- use path to access the townhomes. Specifically, it does not seem practical or desirable for motorists to walk over grass/landscaping between the curb and the path. Over time, the grass will be worn down and the area will likely become unattractive, difficult to maintain and a challenge for pedestrians. A solid surface should be provided, even if just as small paths, for pedestrians to move between the street and the multi-use path. Staff recognizes that the solution to this issue will impact the aesthetics of the development and is open to both attractive and practical options.

Water and Sewer
The plans provide for a system of water mains within the development that will largely be owned and maintained by the City. Revisions are necessary to the water line layout and meter locations to ensure compliance with all City standards including separation between water and sewer lines, proximity of meters to buildings, and installations in areas that make maintenance of the lines more expensive and difficult. These are largely technical issues and are all solvable.

Staff has requested clarification regarding the ownership of the gravity sewer line within the site and a description of the overall plan to provide sewer to the adjacent undeveloped areas within Oxford Farms. The plans currently show easements that include sewer (C 3.0.1). However, the Sewer Plan sheet (C3.3) provides a note that all sewer outside the right-of-way is private. The earliest plans for development in Oxford Farms (Helix-Archive-Oxford Way) included the extension of a gravity sewer trunkline along this portion of property that was to be dedicated to the City. At the time, it was thought this sewer main would be used to provide sewer to additional developments. In reviewing the plans provided, it appears that the sewer should all be privately owned and maintained as is typical in this type of development. Staff awaits additional information in order to make a determination on what sewer the City will accept for maintenance and what easements will be necessary.

Grading
Staff has asked questions regarding areas of the grading plan that appear to be steeper than a 3:1 slope, in particular those areas that are adjacent to retaining walls and the required 50' buffer of the existing blue line stream that traverses the rear of the site. Staff has also noted that additional erosion control measures may be necessary to protect the stream from erosion, although

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Engineering does not review or comment on erosion control plans for construction as part of the site plan review. The erosion control plans are reviewed by the Building Official at the time land disturbance permits are requested. This site was previously granted approval for large scale grading in Case 2578-A, and construction is now underway. It appears that the detention ponds that were shown on the plans have not been fully constructed at the time of this report. Staff has not yet determined how the various ponds approved in the grading plan approval and those shown in this plan will be coordinated to ensure compliance with the stormwater management requirements. Staff does note that proper management of both stormwater and erosion are vital on this site as it drains directly to Bailey Branch and areas subject to flooding downstream. An intermediate detention plan or the construction of temporary detention ponds or silt basins may be necessary to address the transition between the approved grading plan and the time the final detention ponds can be installed.

Staff has requested additional flow line information regarding how the proposed grading and privately-owned storm drains will connect to the buffer zone and blue line stream. Staff wants to ensure that the connections are at the proper flow line to prevent degradation of the stream, which could impact this and adjacent property owners and those downstream.

Stormwater Management
The stormwater management plan reviewed includes three surface detention ponds. There are features of these ponds that do not currently meet the standards of the ordinance and are not approvable without variances and a Special Exception. Staff notified the design engineer on September 4 that the variances were not supported by staff but the Special Exception to allow vertical walls would be supported. Applications for these variances and Special Exception have not been provided and the design engineer has since stated that he believes he can eliminate the need for these with a redesign and submittal Tuesday. Staff has noted some questions regarding the modeling and post development drainage basin that the engineer is going to address and resubmit before other changes are made to the grading and detention plans.

One of the ponds discharges closer than 40' to the property line as reviewed. A drainage easement will be required from the property owner if this is not changed in the updated plans anticipated on September 8.

Traffic Impact
The most recent traffic impact study for Oxford Farms was updated in July 2018. The study provided a number of recommendations based on the projected complete buildout in 2025. The study also provided recommendations based on the types of development anticipated at the time. Staff believes that the study provided for increased commercial development and less residential development than what is currently proposed in the Village Center. The study does not appear to address any impacts of the Village Center on Farm View and Oxford Way, particularly regarding possible future need of a traffic signal at this intersection. Presently, an all way stop exists but it may have been evaluated as a free-flow intersection at the time of the first Traffic Impact Study. That change may impact the need for an analysis at the intersection.

Staff has requested additional information regarding the impact to traffic and the potential for a signal to be required at Farm View, although Staff does not believe this development alone would warrant a signal at this time. The developer has previously stated that he agrees to provide for all requirements of the Traffic Impact Study (2018). The developer has provided an updated letter with the Adelia site plan amendment, attached with that case report and also being heard at the same meeting, stating that the findings in Section 8.1 of the report, which note the future need for a signal at Old Taylor Road and Oxford Way, was based on a complete build out of Oxford Farms by 2025, and may not be feasible in the current economic climate. He states that the specific requirement could change or be eliminated in future traffic impact studies. As comments were just provided the day before this report was written, neither the developer nor design engineer has had opportunity to respond regarding any impact of this development on traffic.

Staff does not anticipate that the proposed development will have any immediate negative impact on traffic. The City will be receiving bids for the new traffic signal at Oxford Way and South Lamar soon and this will address current delays at that intersection. The City has also recently completed the signal installation project at South Lamar and Azalea/Office Park. Although the Traffic Study

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has noted the need for a signal at Farm View and South Lamar, the City has stated, and again states, that the Farm View signal is not supported by Staff due to the proximity to the Azalea/Office Park signal.

The traffic impact study has stated with each iteration that a signal will be warranted at Oxford Way and Old Taylor Road at some point in the future. As stated in the case report amending the Adelia site plan, Oxford Farms is a complete development that is being built out over time in various phases. Accordingly, traffic impacts will be cumulative. This means that the owner/developer of Oxford Farms will be responsible for impacts and improvements in the future and these improvements could be required at the time a small development is proposed depending on how the overall site develops. The continued piece-meal construction that is associated with an uncertain and ever-changing economic market will not relieve the Oxford Farms developer of required improvements noted in the required Traffic Impact studies.

Engineering provided the following condition of approval with the Adelia amendment, which impacts the Cottages if the condition is approved by the Commission at the same meeting: Engineering approvals of future phases of the Oxford Farms development will be conditioned upon the developer performing an updated traffic signal warrant study of the Oxford Way/Old Taylor Road intersection and other pertinent intersections to ensure compliance with the recommendations of the original traffic impact study performed by Neel-Schaffer, Inc. and dated July 16, 2018.

Other Departments: All other departments of the Site Plan Review Committee have approved the requested proposal.

Recommendation: Staff recommends approval of the site plan for 'The Cottages at Oxford Farms' with the following conditions:
1. Approval of the site plan as submitted. (Planning)
2. A photometric lighting plan shall be submitted prior to the issuance of any building permits (Planning).
3. Construction plans that satisfactorily address all of staff comments must be provided and approved by staff prior to the issuance of any building permits or the installation of any water or sewer infrastructure. (Engineering)
4. Site plan approval is contingent on approval of any variances or special exceptions that may be necessary regarding stormwater management. (Engineering)
5. Site plan approval is contingent on the developer's expressed commitment, in writing, to provide for improvements required by the July 16, 2018 Traffic Study and/or any subsequent updates. (Engineering)
6. Site plan approval is contingent on the provision of updated traffic signal warrant analysis. (Engineering)
7. Prior to the sale of any water taps, the stormwater management plan must be approved by staff. (Engineering)
8. Prior to the sale of any water taps or building permits, a plan to provide for intermediate or transitional stormwater management must be provided and approved, whether that is a narrative of construction sequencing or a temporary silt basin or some other approved means. (Engineering)
9. Staff has authority to approve the addition of a temporary silt basin or other temporary grading measures necessary to provide for intermediate or transitional stormwater management. (Engineering)

An email from resident Donna Blevins was submitted for the record. The contents of the email stated "The buffer allocated to this case involving so many units seems terribly inadequate.-Donna"

Summary of discussion:

Chairman Hyneman asked if the resident's concern was about a buffer to the blue line stream or to her residence.
Gray Parker the resident's concern was proximity to her residence not the blue line stream.
Chairman Hyneman stated that there is no requirement for buffering between the proposed site and her property.
Gray Parker stated that this was correct.

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Approve subject to staff conditions

Move: Joseph Murphy Second: Judy Riddell Status: Passed

5. Public Hearing for Case #2659 – Blackburn Holdings, LLC has filed a request for a Variance from Section 2.6.9 Suburban Center: Parking for Professional Offices and Retail Sales for property located approximately 350 ft. east of Sisk Avenue and Commonwealth Boulevard intersection. (PPINs #26631 & #34467) **(WITHDRAWN)**

6. Public Hearing for Case #2660 - Blackburn Holdings, LLC has filed a request for Site Plan Approval for 'The Commons' for property located approximately 350 ft. east of Sisk Avenue and Commonwealth Boulevard intersection. (PPINs 26631 & #34467)

General Staff Comments
The subject property is located on 16.60 acres in the Oxford Commons Planned Unit Development labeled Tract B1. It is on the north side of Sisk Avenue and east of Commonwealth Boulevard. The applicant is proposing to construct two, mixed-use, commercial buildings as the first phase of 'The Commons' development. The first building will be a 21,832 sq.f.t two story building, and the second building will be 7,010 sq.ft. This project is also the subject of Case #2655, a Special Exception to exceed the build-to line up to 150 feet.

Planning Comments
Build-to Line – The proposed layout will not be compliant with the build-to standard. A 31-foot special exception is being requested, addressed in Case #2655. This will allow two rows of parking in front of these structures. Approval is recommended.

Parking - The plan proposes 225 parking spaces. The combined 28,842 sq.ft. of Retail and Office Space requires 96 spaces leaving 129 as overage. This overage is to correspond with a future phase of development. While not yet proposed, this future phase tentatively consists of two restaurants with tavern space, totaling 4,800 sq.ft. of patron area, requiring 48 spaces, and programmed outdoor area of around 15,000 sq.ft., requiring 75 spaces, all total requiring 123 spaces. This leaves 6 spaces as overage, well within the 25% requirement.

The applicant states that construction of the overage parking with this phase has multiple benefits. The first being increasing connectivity to provide access from the site to Commonwealth Boulevard. Another is efficiency of construction, as these spaces will be required for future phases and if all spaces are constructed now, duplication of efforts can be avoided. Finally, they state that it will allow the stormwater system to function properly with the entire parking lot being one system and all of it needing to be constructed now in order for it to function correctly.

Staff is generally supportive of the first two claims and is not prepared to support the third claim at this time. Regardless, it is Staff's position that the first two points are sufficient to allow for construction of the overage parking as planned with the caveat that future phases will be required to meet parking standards with the currently proposed parking. If future phases deviate substantially from what is described here, either parking spaces will be required to be created or removed, or a variance will be required in order to be in conformance with Section 4.9.1.1.

Access – The development complies sufficiently with requirements of the Complete Streets Plan in the Municipal Code (Sec. 9.2.10.2.m). There are interior and street sidewalks, and pedestrian ramps are indicated.

Structure Plans – These buildings are to have primarily either a brick veneer façade or fiber cement panel, with fiber cement columns and cornices, tile, and metal detailing; and with fabric awnings on some buildings. Covered porch areas are to have metal columns and guard railings. They comply with Code standards. The plans indicate roof-mounted equipment and parapets are provided that will shield these from public view.

Landscaping & Grading– Proposed landscaping is sufficient to meet standards. Foundation plantings have been substituted for planting beds +/- 10 ft. from building frontage which will achieve

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the same goals as foundation plantings.

Tree Mitigation - This site was considered an "area previously developed" and therefore is not subject to the 2015 Tree Mitigation Variance. No tree mitigation is required on this site.

Oxford Commons PUD Plan Data Table Conformance
The subject site is in the southern portion of what is identified as Tract B1 on the Oxford Commons PUD Plan Data Table. That Tract is stated as having +/- 16.6 acres, and designated for mixed use. The Plan Data table allots Tract B1 a total of 75,000 square feet of commercial uses. The 28,842 square feet requested for this development in Tract B1 will leave 46,158 square feet available for use in future developments in Tract B1.

Engineering

Access
The site will be accessed from both primary and secondary access points on Sisk Avenue and one point on Commonwealth. The primary access point on Sisk will be approximately mid-way of the lot and will be constructed in a boulevard type street section. Although vehicles will be able to turn left into the development from Sisk, cars exiting the site will only be able to turn right. A low-profile curb will be installed in the turn lane on Sisk Avenue to prevent cars from making a left out of the development. A much smaller secondary access point will be constructed to the east and will only allow for right-in right out traffic. The developer is currently constructing a traffic signal at Commonwealth and Sisk Avenue which will be complete and in operation before this development is complete. The design engineer completed an analysis of the required queue length at the new signal to ensure that there is adequate space and the new left turn lane into the primary access on Sisk will not present a conflict with the operation of the signal. The access point on Commonwealth will also be presented as the primary access to the development to encourage more users to that entranceway. A traffic impact is not required. All traffic requirements are fulfilled by the TIF agreement between the City and Oxford Commons, LLC with the completion of the Sisk Avenue-Highway 7 roundabouts, the extension of Sisk Avenue, and the completion of F.D. "Buddy" East Parkway to Highway 6. Cross access easements must be shown on the site plan if not already shown. Staff has notified the design engineer that additional access points on Sisk will not be allowed and are not anticipated to be allowed on Commonwealth. Future development within this lot should plan for shared access with those shown in this site plan.

Water and Sewer
Water service will be provided through an extension of the City's water main through the site. Staff has provided comments regarding slight adjustments to the layout of the proposed water line around the time of August 27. At the time of this report, a revised set of plans has not been received but it is anticipated that these changes will be made. Easements will be provided for the water lines. All interior sewer lines are privately owned and maintained.

Stormwater Management
The proposed site plan consists of two separate stormwater management facilities. The first is an existing stormwater management facility (detention pond) located on the northeast corner of the intersection of Sisk Avenue and Commonwealth Boulevard that this site plan proposes removing. This existing stormwater management is located on a blue line stream whose basin extends north to Highway 30. The existing detention pond provides stormwater management to select lots and parcels within the Oxford Commons PUD. The existing stormwater management also receives runoff from the entire basin above it that it does not provide stormwater management but must pass because it is in the route of the blue line stream. The existing detention pond has been the point of litigation in the past. A legal judgement was issued stating who has rights to the pond but staff will not attempt to interpret that judgement. Approval of this site plan does not mean that all rights of use were applied according to that judgement.

A new detention pond is to be located north of the existing detention pond on the southeast corner of the intersection of un-name street stub out and Commonwealth Boulevard. This pond will provide stormwater management to the select lots and parcels that have current rights of use. It must still be able to receive and pass upstream flows. Again, staff does not know the legal requirements regarding the judgement. All properties upstream and without rights of use as

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determined by law or judgment will need to provide their own stormwater management at the time of their development. In staff's opinion, it is very important that documents that define ownership, maintenance responsibility and easements that define the rights of others' use for the purposes of stormwater management or the right of passage otherwise managed stormwater be implemented prior to the issuance of any building permits and before the existing pond is altered or relocated.

Staff noted in Case 2033 for The Sansing that the pond was originally constructed to serve Lots 1-4 of the original Oxford Commons subdivision. Case 2036 was presented to the Planning Commission for a variance to approve Regional Stormwater in January 2016. The use of the pond waslitigated at some point afterwards. Staff is not certain if the relocated pond is to be classified as a regional pond at this time because staff doesn't know who has a legal right to use the pond. Staff believes that drainage easements to multiple adjacent properties are necessary at a minimum.

The second stormwater management facility is an underground detention system that will service the entirety of one of the building sites and only a portion (parking and drive) of the second building site (entertainment). As currently proposed both building sites and the underground detention system are under common ownership. If, at some future date, ownership is separated, legal documents and easements will be required. Staff also expresses concern regarding the depth of the pipe carries flow from the new detention pond that must pass through the western building site.

Staff has provided comments regarding the stormwater management plan but has not received a response to those comments at the time of this report.

Approval is recommended with the conditions below.

Other Departments: The development is recommended for approval by all other departments.

Recommendation: Staff recommends approval of the Site Plan for The Commons with the following conditions:
1. Prior to the issuance of building permits, a photometric study in accordance with the Land Development Code will be provided to staff.
2. Prior to the issuance of land disturbance permits, all construction plans must be updated to address all technical corrections as requested.
3. The new detention pond must be constructed according to plans and stabilized before the existing pond can be abandoned.
4. All legal documents regarding easements and who has legal rights to use the pond in any capacity, whether for detention or pass thru, must be provided for Staff and Legal Council prior to abandonment of the existing pond.
5. Prior to the issuance of land disturbance permits, the stormwater management plan must be approved by staff.
6. In the event this pond is classified as a regional pond, the applicant may be required to make additional submittals prior to receipt of any Certificate of Occupancies.
7. Approval is contingent on approval of the requested build-to line special exception.

Summary of discussion:

Commissioner Rigby asked if the established pond that exists on the southwest corner of the property was going to be filled in to create a new pond in the northwest portion of the property.
Paul Koshenina stated that that was correct. The current location is a prime location and the pond is an eyesore. The pond will be reconfigured, but the service for the surrounding properties will remain in tact.

Commissioner Freeman has joined.

Approve subject to staff conditions.

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Move: Bill Freeman Second: Judy Riddell Status: Passed

7. Motion to Adjourn

Move: Bill Freeman Second: Judy Riddell Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, October 12, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom

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

A. October Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Case #2666 has been moved to item 14.

   Move: Duncan Gray Second: Marvin King Status: Passed

3. Approval of minutes from the September 14, 2020 Meeting

   Move: Marvin King Second: Duncan Gray Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Consent Agenda**

Move: Duncan Gray Second: Marvin King Status: Passed

1. Public Hearing for Case #2661 –Ernest Lowe, Jr. has filed a request for Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 1222 Buchanan Avenue. (PPIN #8321)

Planning Comments: The subject property is located at the intersection of Buchanan Avenue and South 13th Street. The Lowes were granted a one-foot fence height variance for the west portion of the property at the May Planning Commission meeting. Now, the Lowes are requesting a one foot fence height variance to replace an existing chain link fence located on the southeast portion of the property. This proposal, like the one in May, will allow all fences on the Lowe property to be consistent in height and fence material. In this instance, approximately 50 feet of the fence will be located in the front yard along South 13th Street, and since the applicant would like the new fence to match the existing fence, it will require a one-foot fence height variance. As a reminder, a fence height variance to allow a five-foot tall fence was originally granted to the Lowe's in 2015 after they encountered several break-in attempts into their house.

The subject property is located within the South Lamar Historic Preservation District. The proposed fence was granted an administrative approval for Certificate of Appropriateness on April 08, 2020. Considering that a variance was previously granted by the Commission, staff supports the requested variance.

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Recommendation: Staff recommends approval of the requested 1-foot fence height variance as submitted.

2. Public Hearing for Case #2662 - Charles W. Moore has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 211 Powers Drive. (PPIN #20209)

Planning Comments: The subject property is located at the intersection of Powers Drive and Ward Cove. The applicant recently purchased this home with an already constructed fence along Ward Cove. The existing fence measured approximately 6 feet in height and was constructed with wood and tin. The supplemental information indicates that the previous owner had a special needs child and wanted to provide additional security with the yard's proximity to the street. It is also noted that the fence was approved by the South Oaks HOA, however, there is not a record of the fence receiving a variance from the Planning Commission, nor is there a record of a fence permit being issued from the Building Department.

While the applicant had the home under contact, they became aware of complaints that were filed with Code Enforcement. It seemed that the complaints with the fence stemmed from the tin paneling. The application indicates that the new owners requested that the previous owners remove the tin paneling, but to leave the wooden support structure in place. Now, the applicant is requesting a variance to allow a 6-foot, solid wooden fence to be constructed in the exact location of the previously constructed fence.

Staff has been contacted by a couple of neighbors with concerns of the requested variance. As previously stated, most of the concerns stem from the tin paneling that was installed with the previous fence. Included in the packet is a letter with supporting documents from the neighbors, William and Diana Mobley. The Mobley's are supportive of the variance for a fence that is constructed of wood and is also a 'good neighbor fence' that has the smooth side of the fence towards Ward Cove; this can also be accomplished by installing a shadow box fence.

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

1. The fence shall not exceed 6' in height.

2. The fence shall be constructed of wood, and is subject to the standards found in Section 5.5.2.1 of the Land Development Code, which require the fence to be a 'good neighbor fence'.

3. Public Hearing for Case #2663 –Andrew Callicutt has filed a request for a Special Exception as provided in Section 3.6.4.2 Convalescent, Rest, and Nursing Homes for 'Oxford Farms Memory Care' for property located at S. Lamar Boulevard. (PPIN #36063)

Planning Comments: The subject property is located on +/- 4.57 acres in the Oxford Farms Development. It is on the west side of South Lamar Boulevard, south of Farm View Drive just south of the Oxford Pediatric Group building. The applicant is proposing to construct a memory care facility that will work in conjunction with an already approved senior living facility (Case #2561, approved in December 2019). A site plan is currently under review for this property. This property is also the subject of Case #2668: a special exception request for a one-story building in a TNB district.

The current request is for use of a Convalescent, Rest or Nursing Home in a TNB district. As allowed in Section 3.6.4.2 of the Land Development Code, a Convalescent, Rest, or Nursing Home may be allowed by special exception in the TNB zoning district. Additional standards for these uses in TNB districts are, a required separate entry for patients being delivered by ambulance and being

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located on an arterial street and have a minimum lot size of three acres. This proposal meets the additional standard for location and size as the site is on +/- 4.57 acres on South Lamar, an arterial street. The status of a separate entrance for ambulance use is unclear at this time.

Additionally, the applicant states that this development was planned to have both the assisted living facility and the memory care to help create a cohesive living plan for seniors allowing a transition from one facility to the next.

Recommendation: As this request meets one of the additional standards required by the LDC and would provide a needed continuum of care for Seniors in the City, Staff recommends approval of the requested special exception with the following condition:
1. A separate entry for patients being delivered by ambulance is provided.

C. **Public Hearings**

1. Public Hearing for Case #2664 –Rebel Hospitality, LLC has filed a request for a Special Exception as provided in Section 2.6.9 Front Yard Build-to Line for 'Lot 16 and 17 of Oxford Commons PUD, Ph. 1, Tract C, Part 2' for property located at Sisk Avenue.(PPINs #33597 & #33598) (POSTPONED)

2. Public Hearing for Case #2665 –North East MS EPA has filed a request for a Variance from Section 7.2.9.8 Monument Signs for property located at 10 Private Road 2050. (PPIN #4640)

Planning Comments: NEMEPA is requesting a variance from the Land Development Code Section 7.2.9.8 to allow a monument sign to exceed the maximum sign height by 4 feet and sign size by 32 sqft. There is currently a pole sign on the property on the west property line approximately 100 ft north of Hwy. 30.

The applicant is requesting the ability to install a monument sign on the southwest corner of the property, approximately 50 ft north of Hwy 30, that would sit 4 feet off the ground and measure 6 feet tall by 12 feet wide, a total of 72 sqft. Monument signs are restricted to a maximum of 40 sqft of sign area and a maximum sign height of 6 feet by the LDC.

This property is bordered on two sides by highways and MDOT maintains between 40-100 ft of right-of-way on that frontage. The property line between the MDOT right-of-way and NEMEPA property is demarcated by a wire fence, soon to be replaced by a 4-foot, post-and-rail fence. The distance from the selected sign location to the westbound travel lanes of Hwy. 30 is around 70 feet and to the eastbound travel lanes is around 150 feet.

Because of the property line fencing, the applicant wishes to raise the sign above the height of the fence so no part of it is obscured. Additionally, due to the property's distance from the highway travel lanes and the presence of two businesses logos on the sign, the applicant feels that a smaller sign would not be visible to the public.

This is a busy intersection and there is a need for quality signage at this location. Due to the distance from the travel lanes on Hwy. 30, the speed of traffic, the large traffic volume at the intersection of Hwy. 30 and Hwy. 7, and the presence of the property line fence, staff believes that enough of a hardship exists to grant this variance. Additionally, the approval of this monument sign will mean the removal of a tall pole sign at the northern gateway of the City.

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

1. The approval is for the plan as submitted.
2. The applicant will obtain the necessary sign permits prior to installing the new signage.

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Summary of Discussion:

Commissioner King stated that there have been several requests on Highway 30. Are these related to speed?

Commissioner Gray asked if staff should begin looking at code because we've had 2-3 monument sign variance requests on highways.

Commissioner Freeman asked if there should be a condition that they remove other sign.
Ben Request stated that Planning staff won't issue permit for new sign until the pole sign is removed.
Commissioner Freeman does not wish to add a condition.

Ben Request stated that Planning staff will work on drafting something up about monument signs to consider for amendments to the Land Development Code.

Approve with conditions as stated

Move: Marvin King Second: Duncan Gray Status: Passed

3. Public Hearing for Case #2667 – FNB Bank (Johnny Barrett) has filed a request for a Special Exception as provided in Section 3.8.1.2 Drive-Thru Lanes for property located at Pat Patterson Parkway. (PPIN #39662)

Planning Comments: The subject property is +/- 1.46 acres and is located on the east side of Pat Patterson Parkway and north of the Shell service station that is currently under construction. The applicant is proposing a two-story building (3,488 sq. ft.) for FNB Bank that is proposed with three drive-thru lanes that will span the north and east sides of the lot.

The bank is Phase 1 of a two-phase development. A second phase will include a second building directly to the east of the bank with commercial space. Currently under review with city departments are additional requests from the applicant for a grading permit and a subdivision plat. The site plan review has not begun on this submittal at this time.

Section 3.8.1.2 of the Land Development Code states banks and credit unions are special exception requests when two or more drive-thru lanes are proposed. A portion of the drive-thru lanes will only be visible north of the building from Pat Patterson Parkway. The applicant states that the additional drive thru lane should prevent vehicular backups onto the street.

Recommendation: The two-story urban-neighborhood scale building meets the intent of the TNB zoning and staff appreciates the drive-thru lanes not situated parallel to the street. Staff recommends approval of the Special Exception as provided in Section 3.8.1.2 Traditional Neighborhood Business: Bank and Credit Unions with the following condition:

1. Approval is for the site plan as submitted.

Summary of Discussion:

Chairman Hyneman asked if it was the usual two drive thrus with one ATM like the one on South Lamar.
Jeff Williams stated that was correct.

Commissioner Gray commented that he thought the initial design looked good and that he was happy that a good tone was being set for West Oxford Loop with the quality of building and the aesthetics.

Commissioner King concurred with Commissioner Gray and expressed his pleasure that the

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design would keep traffic off the street.

Approve with conditions

Move: Duncan Gray Second: Marvin King Status: Passed

4. Public Hearing for Case #2668 –Andrew Callicutt has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height for 'Oxford Farms Memory Care' for property located at S. Lamar Boulevard. (PPIN #36063)

Planning Comments: The subject property is located on approximately +/- 4.57 acres in the Oxford Farms Development. It is on the westside of S Lamar Boulevard, south of Farm View Drive, just south of the Oxford Pediatric Group building. The applicant is proposing to construct a memory care facility that will work in conjunction with an already approved senior living facility (Case #2561, approved in December 2019). A site plan is currently under review for this property. This property is also the subject of Case #2663: a special exception request for a Nursing, Rest, or Convalescent Home in a TNB district.

The current request is for a single-story structure in a TNB district. As allowed in Section 2.6.7, footnote 3, of the Land Development Code, a building of 1 story may be allowed by special exception in the TNB zoning district. The applicant states that memory care facilities need to be located on a ground floor for safety reasons and that other one-story medical offices exist in the immediate vicinity in the TNB district.

Staff agrees for the need to have this use be located on a ground floor for safety reasons from the standpoint of both resident self-endangerment and from fire safety and acknowledges that other single-story offices do exist in the immediate vicinity, including Oxford Pediatric and Oxford Clinic for Women. The architectural elevations show a front façade that has the appearance of a building that is larger than one story. The roof line is approximately 34 feet and there are dormer windows that give the appearance of a potential second story.

Recommendation: Because of the need for this use to be a ground floor use, the existence of other single-story medical offices in the immediate vicinity, and the presence of architectural elements that give the appearance of a second floor, Staff recommends approval of the requested special exception.

Move: Marvin King Second: Duncan Gray Status: Passed

5. Public Hearing for Case #2669 –Panola Rentals, LLC has filed a request for a Variance from Section 5.5.2.2 Fences and Exterior Walls for property located at Rickey D. Britt Sr. Boulevard. (PPINs #32086 & #32751)

Planning Comments: Panola Rentals, LLC. is located on the west side of Ricky D. Britt Sr. Boulevard and the subject property consists of two contiguous parcels that are a total of approximately 5.1 acres. The applicant is requesting a variance from Section 5.5.2.2 for barbed wire along the top of a proposed fence.

Currently Moore Brothers, a used car dealer, occupies the property. The lot has frontage along Highway 6 West and Ricky D. Britt Sr. Boulevard. Panola Rentals, LLC.'s automobile office fronts Highway 6, with the tracts bordering Ricky D. Britt Sr. Boulevard being in an area where cars are stored for maintenance and repairs.

In June 2017, the applicant requested a fence height variance to construct a 6 ft. tall chain-link fence along their property fronting Ricky D. Britt Sr. Boulevard. The applicant stated that there had been an issue with vehicular theft on the property. The Planning Commission approved the request

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with conditions that the fence be black vinyl clad with black slats for the entire length of the chain link to the east, south, and north and that evergreen screening be installed with hollies and boxwoods along the fence to the east (along Ricky Britt) and south (adjoining the apartments) with irrigation.

The site plan provided indicated an existing fence along the west property line, bordering the University of Mississippi property that is 6 ft. tall. The current proposed site plan includes a callout for this same fence that states that it has barbed wire along the top of the fence. The applicant's engineer has confirmed that this fence was constructed before the area was incorporated into the City.

Three years later, the applicant is now planning to install the fence in the same location, but is now proposing to install barbed wire along the top of the fence. Section 5.5.2.2 of the Land Development Code states "Barbed wire, woven wire or electrical fencing may be used in agricultural or industrial applications only". The section detail drawing provided by the applicant at the bottom of the site plan indicates that even at maturity, the barbed wire will be visible over the Nellie R. Stevens hollies.

Recommendation: Staff recommends denial of the requested variance and believes that the applicant should install the fence to address the stated issues before proceeding with incorporating barbed wire. Should the Planning Commission consider approving this variance, Staff recommends the following conditions:

1. The proposed fence shall not exceed 6 feet as previously approved by the variance received in 2017.
2. The fence must be black clad vinyl with black slats along the entire north, east, and south fronts.
3. Landscape screening installed consisting of Liberty Holly (or similar), and Green Pillow Boxwood or Suzanne Loropetalum (or similar). Irrigation is required and there must be a guarantee of regular watering to ensure the health of the plants. The taller hollies should be installed at 7-foot intervals and the smaller shrubs at 4-foot intervals.
4. An updated landscaping plan should mirror the previous plan with the correct planting list and quantity to be approved by Staff prior to the issuance of a fence permit. A minimum of two rows of evergreen hollies and boxwoods installed along the north, east, and south fronts is required.

Summary of discussion:

Jeff Williams clarified that the evergreens will grow to maybe 8 feet and could hide the barbed wire. Owner was under impression that he had approval for barbed wire. The details for the approved fence show the angled arm, but it was not discussed at that time. Applicant has had multiple items stolen from the lot and is looking for that extra bit of security.

Chairman Hyneman stated that there is no fence to the east or the south currently and asked if the applicant could come back after building the fence as approved and then come back to ask for barbed wire if it didn't work.
Ben Requet stated that the applicant is allowed to build the fence without barbed wire under the 2017 variance.
Chairman Hyneman stated that the applicant should build the fence first to see if that works.

Commissioner King agreed with Chairman Hyneman.

Motion to deny variance request

Commissioner Freeman votes no

5-1

Move: Marvin King Second: Duncan Gray Status: Passed

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6. Public Hearing for Case #2670 – Royal Group, LLC has filed a request for a Special Exception as provided in Section 2.6.8 Front Yard Build-to Line, Maximum for property located at Highway 30. (PPIN #36692)

Planning Comments: The subject property is located on a narrow one-acre parcel on the south side of Highway 30, directly east of Highway 30 Collision. The applicant is proposing a service station that will include a single-story building that has a convenient store (3,300 sq. ft.) and commercial space (1,500 sq. ft.). The site is currently flat with grass and is pad ready. The site will be accessed by an existing curb cut off of Highway 30. The applicant decided to go ahead with the special exception request before making a formal submittal to the Site Plan Review Committee.

The request is to exceed the maximum front yard build-to line of 50 feet by 95.77 feet, a total of 145.77 feet from the property line. As allowed in Section 2.6.8, Footnote 4 of the Land Development Code, a front yard build-to line of up to 150 feet may be requested by special exception in the Suburban Corridor zoning district. The application states that due to the narrow width of the lot and uses planned, the building must be set back nearly 150 ft. from the property line to allow for proper vehicular clearance in and around the site.

Service stations are considered a special use in the Suburban Corridor zoning district. The pumps will be situated in the front yard and there is a row of parking proposed in front of the commercial spaces. Site design standards will be addressed when the applicant submits a formal proposal to the Site Plan Review Committee.

The property directly to the east is located outside of the city limits and has commercial zoning with Lafayette County. It currently has established residential uses there. Staff believes that in this unique circumstance, evergreen plantings should be installed along the eastern border of this property to buffer the residential from the service station use. Section 5.7.6.2 (b) of the Land Development Code states "A 15 ft. to 25 ft. buffer is required between commercial uses on sites of less than one acre and any property zoned primarily for residential uses." This property is approximately one acre and is zoned commercially in Lafayette County, but contains established residential uses. Staff feels that if the Planning Commission considers approving this request, a condition should be made to require an evergreen buffer along the eastern border of this property and the adjacent residential use.

Recommendation: As stated in the application and observable along this portion of Highway 30 East, this front yard build-to line with available parking in the front yard reflects the standard building patterns for commercial properties in this suburban stretch of highway. The peculiar shape of this lot further limits the ability of vehicular access to this site. Staff recommends approval of the requested special exception with the following conditions:
1. Approval is for the site plan as submitted.
2. Prior to receiving site plan approval, Staff must approve an evergreen buffer to be indicated on the landscape plan that provides an unbroken screen to visibility along the eastern property line.

Summary of discussion:

Commissioner Freeman asked what is going to happen to the area behind the store.
Jeff Williams stated that the detention pond for the site would be located there.

Approve with conditions stated

Move: Duncan Gray Second: Marvin King Status: Passed

7. Public Hearing for Case #2666 –Richard and Jane Cross have filed a request for a Special Exception as provided in Section 3.5.8.2 Residential Common Interest Developments, Districts

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Permitted for property located at 308 N. 16th Street. (PPIN #6220)

Planning Comments: The subject property is located at 308 N. 16th Street, and it is Lot 3 of the Shaw Subdivision. Currently, there is an existing structure that was constructed circa 1980. The Cross' are intending to purchase this property and move into the existing structure while they construct a new home for their family. Once the new home is constructed, the existing structure will become a home for their mother. In order to facilitate this, the applicant will need to create a Residential Common Interest Development (RCID) to allow these two structures on the same lot. When located in an existing subdivision, in a historic district, or in the Conservation Overlay District, a RCID is approvable by Special Exception from the Planning Commission. Understandably, the Cross' do not want to close on the property until they have secured the proper approvals to do this.

On September 21, 2020, the Cross' appeared before the Historic Preservation Commission to inform them of what they are proposing. In this instance, the Commission was supportive of the request but they did ask more general questions about how this could be requested in other lots near the Shaw house.

Staff does not have any objections to the requested Special Exception; however, we would like to limit this request to two primary structures, but accessory structures i.e. carport, storage buildings, etc. could be requested. The HPC will ultimately review the proposal of the proposed house, and any modifications made to the existing structure. The applicants will be required to provide covenants, which will be a condition of approval.

Recommendation: Staff recommends approval of this request, with the following conditions:
1. Staff supports the request for a RCID with the two principle structures on the property as presented. Any proposal for additional principle structures will require a new Special Exception.
2. The applicant shall provide staff with covenants for the RCID prior to the issuance of building permits.

Summary of discussion:

Commissioner Gray asked if the two homes would be metered together or separately.
Ben Requet replied that there would be separate meters. Unlike an accessory dwelling unit where the City only requires a single meter, this is more similar to individual homes.

Commissioner Rigby stated that if the CID was approved, it would extend only to two primary structures. He asked what the commission would potentially be granting that runs with the land. He questioned if in the event the property was sold, would a new owner have any right to any other type of CID beyond what would be there when the Crosses left.
Ben Requet stated that there would be nothing beyond what would be granted this eventing by the Commission. If a future homeowner was to purchase one or both of the structures, they would be subject to the same provisions of this current granting of this Special Exception.
Chairman Hyneman stated that it runs with the land.
Commissioner Rigby stated it was for the RCID for tonight, not a RCID in general.
Ben Requet stated that that was correct and should they sell it in the future a new owner would not be able to build multiple new structure without coming back to the Commission for approval because the current proposal limits the CID to only two principal structures. He stated that the drawing attached in the application was a representative drawing and not the actual footprint of the buildings or the land.
Chairman Hyneman stated that it was a limited CID.
Ben Requet stated that this was correct.

Mr Bruce Bellande stated that the diagram [Conceptual Site Layout in applicant's application] is a misrepresentation. Sid Bryant does not own the easement to the left going toward N 16th street. It should not be plotted as part of that subdivision lot. He has documentation from 1898 that states that the property was sold to the Level's, He owns the property to the South, Richard [Howorth]

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owns the lot north. That area was created as a perpetual easement for the mutual access of the parties involved, at that time it was Hubert Price who sold it to the Shaws and the Levels from whom he bought the property. So that [diagram] is a misrepresentation and did want to let that pass. He knows the Crosses are a nice couple and he has nothing against what is proposed for their home. He is against the misrepresentation that the [easement] is owned by and therefore controlled by Sid Bryant or whoever purchases it.

Chairman Hyneman stated that it was his understanding that the diagram was representative in nature only. The Crosses would not own, nor control it unless they filed something with the Chancery Court. Any determination as to what they are purchasing, from whom, or as to perpetual easements is on file with the Chancery Court. The Planning Commission is not approving the Metes and bounds of the land, just the ability to file a CID with the Chancery Court. Nothing the Planning Commission is doing has to do with ownership of an easement, or a road, or even the parameters of where this CID is, just the ability to create one.

Mr Bellande stated that this [easement] is not property that [the applicant] owns. It is a misrepresentation. He is very concerned about that.

Paul Watkins stated that the diagram is labeled "Conceptual Site Layout" so, in his opinion, it shows how the property is going to be used. The small section of land has a driveway on it currently and is still planned to be a driveway. If there was a house planned to be built on that land, there might be reason to look closer at it, but nothing on the diagram currently makes a claim of ownership or could make such a claim.

Chairman Hyneman stated that the Commission would not even be approving access to the lot. If for some reason, your ownership and the ownership of the other lot decide that you don't want to provide access through this drive, you could do this. The Commission is not approving the use of the road or anything like that, just hte ability to put two , single-family residences on the same lot.

Mr. Bill Wheeler stated that the he owns the two lots behind the subject property. Shaw property was quite controversial six or seven years ago when he was dealing with it. He has an easement across part of he property. There was a suit and as a compromise it was understood that the subject lot would be a single-family lot, another compromise was that he has a 25 foot easement into the subject property and there is a 25 foot easement into his property, both to prevent any future developments. The agreement was intended to keep the development in its natural state and to keep it as a single-family dwelling. Now that Sid wants to sell it the first thing they want to do is put a couple of houses on the lot. He is opposed to the request. It was approved by the Planning Commission as a single-family lot and that is how it should remain. He is opposed to two houses on the lot.

Chairman Hyneman asked if the agreement is in writing.
Mr. Wheeler responded that the settlement agreement is in writing. The easements are filed at the courthouse. There is also a sliver of property at the top of the hill that covers a couple of cedar trees that were conveyed to [Mr Wheeler]. That sliver and the 25 foot easements are not shown on the drawing. For the community, for the area and for the history it should stay a single-family lot.

Commissioner Gray asked if Paul Watkins has seen the settlement agreement.
Paul Watkins stated that it was possible that the had some years ago and was aware that litigation had gone on. He does not have a copy and didn't have enough time before the Commission meeting to pull a copy. July of 2014 there were four or five different matters that came up around this property. Whatever that condition was it was not condition of any of the approvals that were granted. The subdivision plat would have been the one that affected this property. The newer developments were on either side of the Shaw property. The only thing he could find was that the staff report has a note that states that lot 3 contains one single family home on 1.5 acres as a description, but none of the condition on the approval of that plat have that limitation. It does not appear that the City put that restriction on the lot. If there is an agreement between private parties that doesn't let that happen, that could very well be, but he doesn't think that's a City condition.

Commissioner Freeman could not hear all of Paul Watkins's comments.

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Chairman Hyneman recaps what Paul Watkins has just discussed.

Mr Richard Howorth stated that Sid promised to renovate the Shaw house. He stated that he has lived in the neighborhood for a long time. He then presented a series of photographs depicting the increase in the number of occupants in the neighborhood and the parking and traffic issues that these caused along Madison Ave. A nearby house has three tenants and no parking places. Another house that used to be single family has 8 cars parked in front and three mailboxes. There is poorly designed paring that is used by people who want to park for free that work on or use the Square. Madison is narrow and City garbage trucks can't make the turn because of on-street parking, so the City made a concrete pad on the corner, but the trucks still leave tire tracks in the yard sometimes.

Mr Howorth stated that he doesn't want more of the same type of housing coming onto the subject property, and the Special Exception will follow the property. If they decide to move or don't even move in and turn around and sell the property and he doesn't want that to happen. Some people get a Special Exception in order to increase the value of their property and then tell the adjacent landowners that it will increase the value of their property as well. He states that this is not true and in fact decreases the value of the adjacent landowners property. Negotiations with Sid led him to believe that there only going to be one house and now there are going to be two.

Chairman Hyneman asked if the implication was that if whatever is built would require on street parking on Madison Ave.
Mr Howorth stated that he was worried about on-street parking if there were visitors or if the buildings were to become a fraternity house and they had parking in the street. They are also concerned about traffic up and down the gravel driveway as his bedroom is on that side of his house. There is no desire for the drive to paved as it is part of "Old Oxford" and so people don't think it is part of the street.

Commissioner Rigby questioned if the objection is to the property going into less desirable hands than the Crosses and turning into multi-tenant occupancy with parking issues that affect the Howorths and others and if that objection is related to the CID specifically or just about two structure versus one in any iteration.
Mr Howorth stated that it was an issue of having two structures versus one because that would be more people in and out and that he doesn't want that in his backyard.

Commissioner Gray asked if there are subdivisions in the community that have written into their covenants restrictions that limit lots to single-family residences?
Paul Watkins stated that he was sure that there are.

Chairman Hyneman stated that the CID would have to have covenants. Those covenants could include restrictions on the use of the structures.

Paul Watkins stated that the CID structure is similar to the condominium form of ownership, the footprints are individually owned and the common areas are commonly owned. There could be restrictive covenants that govern any aspect of that form of ownership.

Commissioner Gray asked if any where else in the City that someone wants to build a second home would necessitate a CID or if this particular situation necessitates a CID.

Paul Watkins stated that this is not an accessory structure, it is two primary structures.

Ben Requet stated that a previous iteration of the code had a provision for two principal structures on the same lot but the current iteration of the code restricts that type of development pattern to commercial properties. New code contemplates that the only way a residential lot would have two principal structures is if there was a CID which would necessitate a special exception, covenants, etc. In this situation, a CID is the only option available. They can't subdivide the property because the subdivision plat would have to be amended and the would have to be flag lots created, which are prohibited in the Neighborhood Conservation Overlay District. To go down the route of having

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an Accessory Dwelling unit, would require a myriad of variances. The CID mechanism is less complex which is why the Crosses opted to go that route.

Commissioner King asked how the Commission should factor in the presence of private-party binding litigation.

Paul Watkins stated that because City doesn't have a good way to screen out the universe of potential land restrictions that private parties can litigate over, unless the City is involved in some litigation, or directly is in conflict with a City code or previous City ruling, those are third party property rights and the Commission should not weight those factors.

Chairman Hyneman stated that the Commission is not a court and if there are outside agreements between private parties that are in dispute that there are mechanisms to enforce those agreements, but that the Commission is not that body.

Commissioner Rigby asked if the CID covenants apply only to the common areas or to the structures themselves.
Paul Watkins stated that he saw no reason why CID covenants couldn't apply to the structures.
Ben Requet stated that there is no specific language about the content of the covenants in the Land Development Code.

Commissioner Gray asked staff about the potential for another mother in-law property request and what would staff consider in the abstract as to recommendations of approval or denial.
Ben Requet stated that each one would reviewed on a case by case basis. In this case the site is unique and the conditions are unique, but in general, these requests are evaluated on a case-by-case basis.

Mr Richard Cross stated that they are trying to build a home for their family in a great location in downtown Oxford. They are aware of the historical significance of downtown Oxford and are excited to have the opportunity to move there. The current structure is not large enough for their current large family, but the father in-law has requested that amenities be provided for the mother in-law. In response to Mr Howorth's hypothetical about if they one day sold the property, he stated that this property is no different from any other property in downtown Oxford, some one could buy it and allow students to live in it. That concern doesn't make this property unique. He feels as if there is ill will directed towards Sid Bryant that is in turn being directed at the Crosses. They have chosen the mechanism of the RCID based on the recommendations of a number of different parties that it would be the most effective mechanism for achieving the stated goal.

Commissioner Freeman asked if Mr Cross was aware of Mr Wheeler's concern
Mr Cross stated that tonight was the first time he had heard of the litigation that limited the property to only one residence. He was aware of the landscape buffer.
Commissioner Freeman asked about the easement section of the property that Mr Bellande had referenced.
Mr Cross stated that his understanding was that there was joint ownership of that section of the lot between the Bellandes and the owner of lot 3 with the Howorth's having an easement for access. He stated that ownership of that piece of land was not what they were seeking an answer about. They are there for the RCID.

Chairman Hyneman reiterated that easements and legal title and right of access are for courts to decide and are not the purview of the Planning Commission, only the CID is.

Paul Watkins stated that who has fee ownership of the driveway property has no bearing on this decision
Chairman Hyneman stated that the Commission can't confer or determine ownership of any property. The Commission is just deciding to grant the ability to form a CID for two residences on one lot.

Commissioner Gray asked if the applicant would be opposed to having the new home meter to the old home so there is only one meter on the lot.
Mr Cross asked to have time to explore that question before giving a binding answer.

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Ben Requet stated that in the past the meter question applied to accessory dwellings, but that the request here was for two separate units. The single meter question may also present a hardship for the owners as well.
Paul Watkins stated that there may be logistical problems and that City Utilities would need to weigh in.

Chairman Hyneman asked if under the CID it would still be considered one lot. There's no amendment of a plat to separate the property.
Paul Watkins stated the there are three pieces: House A, House B and the property held in common, C. Covenants will govern how C is used and maintained, the owner of A and the Owner of B will have joint ownership of C, but Owner A and Owner B don't necessarily have to be the same person. The Crosses could own A and the Mother and Father in-law could own B.
Commissioner Gray asked if the two structures had to be sold together.
Paul Watkins replied that they did not.

Commissioner King stated that the issue is whether to allow a second home on a single family lot. The CID is just the mechanism to let it happen.
Ben Requet stated the density requirements are met, for this area it is six units per acre. CIDs are not uncommon for single family residential areas in the City, in fact, there are CIDs to the south of this property at Shaw Place and at Kennedy Cove.

Commissioner Rigby stated that there are separate issues, whether to have multiple structures on the lot and then how to go about allowing that. The neighbors seem mostly concerned about having multiple structures. It is his belief that is is a taller order to do a CID than an accessory structure.
Chairman Hyneman stated that the development of an accessory dwelling unit was not up for consideration for the Commission.

Motion to approve
The motion fails to carry 3-3
Hyneman, Murphy, Freeman approve
Rigby, King, Gray deny

Move: Joseph Murphy Second: Bill Freeman Status: Failed

8. Motion to Adjourn

Move: Duncan Gray Second: Marvin King Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, November 9, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

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

A. November Planning Commission Memorandum

1. Call to Order

   Commissioners Gray and King in attendance in person
   Commissioners Hyneman, Freeman, Riddell, and Murphy in attendance virtually

2. Approval of the Agenda

   Move: Bill Freeman Second: Joseph Murphy Status: Passed

3. Approval of minutes from the October 12, 2020 Meeting

   Move: Bill Freeman Second: Joseph Murphy Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2671-A – Griffin Tanner (Harrison Square Tavern, Inc.) has filed a request for Site Plan Approval for 'Harrison Yard' for property located at 1210 Harrison Avenue. (PPINs #1616, #6270, #6271)
2. Public Hearing for Case #2672-A – Johnny Barrett has filed a request for Site Plan Approval for 'First National Bank – Pat Patterson Parkway Grading Permit' for property located at Pat Patterson Parkway. (PPIN #6694)

C. Consent Agenda

Move: Bill Freeman Second: Joseph Murphy Status: Passed

1. Public Hearing for Case #2664 – Rebel Hospitality, LLC has filed a request for a Special Exception as provided in Section 2.6.9 Front Yard Build-to Line for 'Lot 16 and 17 of Oxford Commons PUD, Ph. 1, Tract C, Part 2' for property located at Sisk Avenue. (PPINs #33597 & #33598) **(Postponed from October)**

   Planning Comments: The subject property is located on a +/- 2.46-acre site in the Oxford Commons Planned Unit Development. It is on the south side of Sisk Avenue and west of Commonwealth Boulevard. The site has frontage on Sisk Avenue, Commonwealth Boulevard and Hopkins Drive, meaning the site has three front yards. A site plan is currently under review for this property that will include two, mixed-use, commercial buildings. The mixed-use buildings will measure approximately +/- 30,043 gross square feet and will consist of professional office space on the second floors and professional space, retail space and restaurants below. This project is currently referred to as 'Oxford Commons Mixed Use.'

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The current request is to exceed the maximum front yard build-to line of 50 feet by:
47.5 feet for the north front yard of Lot 16 (total of 97.5 feet);
15.75 feet for the south front yard of Lot 16 (total of 67.75 feet);
36.83 feet for the north front yard of Lot 17 (total of 86.83 feet);
15.83 feet for the south front yard of Lot 17 (total of 65.83 feet);
25.83 feet for the east front yard of Lot 17 (total of 75.83 feet).
As allowed in Section 2.6.9, Footnote 4 of the Land Development Code, a front yard build-to line of up to 150 feet may be requested by special exception in the Suburban Center zoning district. The reason for the request is to allow parking and required foundation landscaping in front of these commercial buildings. An existing multi-use path occupies the northernmost +/- 10 feet of the lots. Additionally, the Oxford Fire Department requires a minimum 26 ft. wide drive lane for their trucks. Though the adjacent lots have yet to be developed, the request would be in harmony with other commercial areas in the Oxford Commons PUD, as such build-to lines are common having two rows of parking in front of buildings at The Terrace and The Alexa strip commercial centers.
Recommendation: Staff recommends approval of the requested special exception. As observable at many developments throughout Oxford Commons, this front yard build-to line with two rows of parking in the front reflects the standard building patterns for commercial properties in this planned unit development. Additionally, because the site is bounded on three sides by streets, the opportunity for traditional side and rear yards is limited.

D. **Public Hearings**

1. Public Hearing for Case #2674 – Jerry and Annette Lee have filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 224 St. Andrews Circle. (PPIN #6665)

Planning Comments: The subject property measures approximately 1.5 acres and it is located on St. Andrews Circle. The Lees have an existing 4' metal fence and a 6' wood fence along the east property line. They also have an electric fence installed on the south and west property lines. Leyland Cypress trees lined the north property line, however, as they matured, they grew into the power line. The power company gave the Lees the option to have the trees trimmed at the top, or the power company would cover the expense to remove them.
The Lees opted to have them removed. The Lees would like to install a 6' metal fence, similar to the metal fence on the east property line, along the north property line where the Leyland Cypress trees were planted. A primary reason for requesting a taller fence is because of experiencing issues with deer on their property and eating their landscaping. Because of the way the home is situated on this parcel, the fence will be located in the front yard, and the Land Development Code limits the height of fences to 4'. Therefore, the Lees are requesting a 2' fence height variance to allow a 6' metal fence to be installed on the north property line as indicated in the attached exhibit. The applicants are also requesting a Special Exception to allow a gate across the driveway, which is the subject of Case #2675.
Recommendation: Given the unique circumstances of the location of the power line limiting the landscaping options, and the applicant's issues with deer on this property, Staff recommends approval of the requested fence height variance.

Summary of Discussion:

Commissioner King questioned if approval would set precedent for additional fence variances because of deer?
Ben Request stated the unique circumstance was that deer are walking up the driveway. The previous vegetative buffer worked pretty well.

Move: Bill Freeman Second: Joseph Murphy Status: Passed

2. Public Hearing for Case #2675 – Jerry and Annette Lee have filed a request for a Special Exception as provided in Section 3.11.3.4 Design Standards for All Gated Entrances for property located at 224 St. Andrews Circle. (PPIN #6665)

Planning Comments: The subject property measures approximately 1.5 acres and it is located on

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St. Andrews Circle. In addition to a fence height variance, the subject of Case #2674, the Lees are requesting a Special Exception as provided in Section 3.11.3. In this instance, the Lees would like to install a swing gate across their driveway, as indicated in the attached plan, that would be manually operated. Their reasoning for installing this gate is to prevent deer, which are currently using the driveway, from accessing their property. The application notes that the gate would only be closed during the evening hours and would be opened each morning but it is possible that the gate would be closed with the homeowners are out of town. The applicant has also stated that the gate will not include a locking mechanism.

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

a. Gates should be constructed of decorative, ornamental metal. – In this instance, the Lees have expressed to Staff that they intend to install an ornamental metal gate that would be consistent to the proposed fence. Staff has not been provided with any examples or plans for the gate.

b. Style and color of gates and other enclosures should be coordinated with nearby structures. – The style of this gate will be consistent with the ornamental metal fence that is proposed.

c. Gates should operate so that they do not obstruct sidewalks, streets, bike paths, parking spaces, and similar facilities. – This proposal complies with this provision.

d. Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway. – This proposal complies with this provision.

e. Sliding gates are discouraged. – This is not a sliding gate.

f. Unobstructed vertical clearance should be at least 13 feet six inches. – This proposal complies with this provision.

g. Gates shall be designed to allow vehicles to turn around in the driveway, without backing into the street (except on local streets). – This proposal complies with this provision.

h. Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities. – This proposal complies with this provision.

i. Gates shall be designed to provide 24-hour access by authorized maintenance and service providers (such as public works, utilities, mail and postal delivery). – Since this gate is proposed to be manually operated, it complies with this provision.

j. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, public works and utility departments. – Since this gate is proposed to be manually operated, it complies with this provision. The fire department did also note that the gate should not restrict the current width of the driveway.

k. One pedestrian access gate shall be provided at each gated driveway entrance. – It appears that this standard is more likely for commercial and larger residential developments than an individual residence. However, since this gate is proposed to be manually operated, pedestrians can access the property.

l. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited. – This proposal complies with this provision.

m. Protective covenants shall be established and recorded for the gated development. The protective covenants shall identify, and always keep in effect, a legal entity responsible for maintaining the gates and associated features. – Since this gate will be on an individual residence, the homeowner is responsible for maintaining the gate.

n. The gate shall be activated by an emergency siren. – Since this gate is proposed to be manually operated, it complies with this provision.

o. Gates and the emergency operation of the gates shall be maintained at all times. Two instances reported to the planning office within a 12-month period of inaccessible gates by the city police, fire or public works shall result in the revocation of the permit. – The applicant understands this provision.

p. Entrances must meet the following width requirements unless otherwise approved by the fire department. Dual gates should have an unobstructed clearance of least ten feet wide on each side; single gates should have an unobstructed clearance of least 20 feet wide. – This proposal complies with this provision. The fire department did also note that the gate should not restrict the current width of the driveway.

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

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request.
Recommendation: Considering that the proposed gate services a single residence, it is manually operated, and the applicant plans to only close it during the night, Staff recommends approval of the requested Special Exception with the following conditions:
1. Prior to the issuance of any permits for the gate, the final design specifications and location shall be provided to the Planning Department for review.

Approval with staff condition

Commissioner King votes no. Commissioners Freeman, Murphy, Rigby, Gray, Hyneman vote yes.

Move: Bill Freeman Second: Joseph Murphy Status: Passed

3. Public Hearing for Case #2676 – Freddie Bagley has filed a request for a Variance from Section 2.6.3 Front Yard Build-to Line, Minimum for property located at 126 Leighton Drive. (PPIN #5515)

Planning Comments: The subject property measures approximately 14,300 s.f. and the lot is located along Leighton Road. Leighton Road is a dead-end street that contains approximately thirty residences along it. This property slopes tremendously from Leighton Road towards the northeast corner of the property. The applicant has an option to purchase this property, and intends to demolish the existing structure in order to construct a new structure.
The application notes that the property is zoned (TER) Traditional Estate Residential but that this lot does not conform to the minimum lot size for the district. While this is the case, Staff would like to note that the during the comprehensive rezoning process for Vision 2037, this subdivision was originally proposed to be (SR) Suburban Residential. Due to concerns expressed by the subdivision, the zoning was changed to a subsect of the Estate Residential district that further limited certain uses and density within this district.
As previously stated, the applicant has an option to purchase this property with the intent to demolish the existing structure in order to build a new home. Due to the topography, the applicant is requesting the ability to build closer to the front property line. The current zoning requires that a residence is constructed not closer than 40' from the front property line and there is not a limit to how far away from the property line it is constructed. In this instance, the applicant is requesting a 20'6" front-yard build-to line variance to allow the new structure to be located approximately 19'6" from the property line. It should be noted that the existing structure is also located within the front build-to line minimum.
Recommendation: Due to the severe slope of this property away from Leighton Road, staff recommends approval of the requested variance with the following condition:
1. Approval is for the variance as submitted.

Approval with Staff Conditions

Move: Bill Freeman Second: Joseph Murphy Status: Passed

4. Public Hearing for Case #2677 – AVCO Capital, LLC has filed a request for Final Plat Approval for 'Pea Ridge Road Subdivision' for property located at 325 CR 321. (PPIN #15775)

Planning Comments: The applicant is requesting approval of a final plat for a detached residential subdivision of 8 lots called 'Pea Ridge Subdivision'. This property was granted preliminary plat approval by the Planning Commission in July 2017. The size of this subdivision will be approximately +/- 2.4 acres. The lots will be along the south side of Pea Ridge Road (CR 321) at the City Limits. These lots vary between 7,216 square feet to 10,949 square feet, all greater than the 7,200 square foot minimum lot size of the Suburban Residential zoning. 44,379 square feet (+/- 1.02 acres) is dedicated to stormwater detention and will be owned and maintained by the 8 property owners.
Tree Mitigation requirements for this subdivision will include adding 37 trees of two-inch caliper.

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Engineering Comments: AVCO LLC is requesting Final plat approval for Pea Ridge Subdivision. The subdivision consists of 8 lots, approximately 0.2 acres in size, fronting Pea Ridge Road and a 1.02 common area dedicated to the stormwater management facility. The Preliminary plat was approved on May 14, 2018 (Case #2298). There have been issues with stabilizing the stormwater management facility that have delayed its certification.

Water and Sewer & Utility

The City will be granted an easement for two sections of sewer main to be constructed in the common open space in the rear of these lots. The individual homeowners will be responsible for the sewer service lines from their property to the manhole nearest their property. The sewer from this subdivision will be connected to a new sewer main that will run south of this property. In the event the elevation of the existing sewer line will not allow for gravity flow sewer from Pea Ridge Subdivision, it will be the responsibility of the individual homeowners to purchase, install, own and maintain individual pumps to ensure the sewer reaches the existing sewer main. Water service will be provided by connecting existing 8-inch City water line located on the north side of Pea Ridge Road. The connection will be made by four (4) boring under Pea Ridge Road. Each lot will have an individual meter. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations.

Traffic/Access

Pea Ridge Subdivision shall utilize shared driveways due to the size of the lots and as previously noted in the preliminary plat case. The shared driveways shall be located within the shared 20- foot wide private ingress/egress easements. There shall be a total of four(4) curb cuts allowed along Pea Ridge Road.

Sidewalks

The owner has requested that sidewalk be constructed as the homes are built. A subdivision bond will be held by the City until the sidewalk is complete and accepted, regardless of when that occurs.

Retaining Wall

The covenants and plat will note that the homeowner's association will own the retaining wall and pipe between lots 6 and 7; and in the event the HOA dissolves, the homeowners will each own a shared percentage of the retaining wall adjacent to lot 8 and the drainage pipe that runs between lots 6 and 7.

Erosion Control

An erosion control issue was noted at the hearing for the Preliminary Plat. This issue appears to have been resolved as there have been no further complaints to staff's knowledge.

Stormwater Management

The stormwater management facility has been constructed but the certification has not been accepted primarily due to an uninstalled trash rack, sediment build up, water retention beyond 48-hours, and the unsatisfactory establishment of vegetative cover. The owner has taken recent steps to remediate those issues as well as providing a letter of completion guarantee. Final certification of the stormwater management facility shall need to be completed on or before 75% build out of the lots. This will be enforced by a restriction on the sale of water taps and building permits.

Recommendation: Staff recommends approval of the Final Plat with the following conditions:

1. A stamped and recorded copy of the covenants will be required before a Certificate of Occupancy is issued.
2. Approval by the Mayor and Board of Aldermen is required.
3. Construction of ADA compliant sidewalk must be completed in front of each house and accepted by the City before the Certificate of Occupancy (CO) will be issued for that house. A performance bond will be held by the City until all sidewalk is completed, regardless of the issuance of CO's to any lots. It is incumbent on the developer to ensure that sidewalk is constructed at the time the home is built.
4. Final certification of the stormwater management facility shall be completed on or before 75% build out of the lots. Water and sewer taps and building taps will not be issued for the last two lots until the final stormwater certification has been accepted by staff.
5. A bond will be required for the stormwater detention facility until it is completed and the certification is accepted by the City.

Approval with Staff Conditions

Move: Bill Freeman Second: Joseph Murphy Status: Passed

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5. Public Hearing for Case #2678 – Andrew Callicutt has filed a request for a Variance from Section 2.6.7 Front Yard, Build-to Line for 'Oxford Farms Memory Care' for property located at S. Lamar Boulevard. (PPIN #36063)

Planning Comments: The subject property is located on approximately +/- 4.57 acres in the Oxford Farms Development. It is on the west side of South Lamar Boulevard, south of Farm View Drive, just south of the Oxford Pediatric Group building. The applicant is proposing to construct a memory care facility that will work in conjunction with an already approved senior living facility (Case #2561, approved in December 2019). A site plan is currently under review for this property. The Planning Commission approved Special Exceptions for use and for a single-story building in October 2020. The current request is for a variance from the maximum build-to line of 58 feet in a TNB district for 18.38 feet. The proposed design prevents this building's ability to comply with the code. There is a proposed porte-cochere (covering over the driveway at the front door) that extends into the Build-to Line, but staff believes that measuring from this protrusion does not meet the spirit of the ordinance. A drop-off with a turnaround area is proposed at the primary entrance to the facility, and this arrangement forces the building to be located farther away from the property line.
Additionally, since the building exceeds 30' feet in height, Fire Department Code dictates that a fire apparatus access road of at least 26' feet in width is required. Since the design of this facility has limited access to the rear of the building, the only location for this access road is from the front of the building.
Recommendation: Given the circumstances of the site, the need for convenient access to the building for the intended residents, and the need for this use in the community, Staff recommends approval of the variance related to required Build-to Line maximum for Oxford Farms Memory Care.

Summary of Discussion:
Commissioner Murphy asked in regards to the "fire access lane" requirement if this could have been addressed earlier than today? What if this didn't have an easy solution?

Ben Requet stated that staff would have caught that going through Site Plan Review and we did, but it is a requirement and don't often see this until OFD reviews the plans. Building height plays a roll in requiring the access and the Porte cache was also considered in OFD review and what they need to reach the building. Ben stated they are trying to create some rhythm with other buildings in the farms. Many were built under previous code.

Move: Bill Freeman Second: Joseph Murphy Status: Passed

6. Public Hearing for Case #2679 – Andrew Callicutt has filed a request for Final Plat Approval (Amended) for 'Oxford Farms, Phase 7' for property located at Oxford Way. (PPINs #8844, #8903, & #18836)

Planning Comments: This property is located north of Oxford Way at the Farmview Road intersection. The property measures approximately +/- 17.81 acres and is mostly zoned (NR) Neighborhood Residential, but a fraction of (SCN) Suburban Center exists near South Lamar Boulevard.
This site was the subject of several previous cases including an administrative approval for a grading permit, preliminary and final plat approval, and site plan approval for 108 dwelling units (duplexes, attached townhomes, and detached dwellings). The project was referred to as 'The Cottages at Oxford Farms' when it received site plan approval in September 2020, but is now being referred to as Stillwater. The applicant is seeking a plat amendment to modify the water and sewer easements and to make a revision to the east boundary line.
There will be 117 trees mitigated on site and integrated into the landscape design, thus, tree mitigation is not required.
A blue line stream runs along northern portions of the site. The applicant is required to maintain a 50 ft. wide unbroken vegetation screen within this buffer. A mix of magnolias, pines, and evergreen cedars are proposed along the length of the property behind the northernmost units and the stream buffer that will provide at least 80% visual screening at maturity.
The proposal is considered a Residential Common Interest Development and meets the additional standards per Land Development Code. Covenants for this proposed CID are required. Staff received a copy of the covenants on September 9, 2020 referring to the development as 'Stillwater'.
Engineering Comments: Case 2623 for Preliminary and Final Plat of Oxford Farms Phase 7 is

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referenced for Engineering comments. The plat amendment changes the water and sewer easements to reflect the final determination of ownership of the sewer lines within the Cottages development. The City will only maintain a sewer trunkline that goes through the site and provides service to lots on the side. The additional sewer mains are private. The plat is intended to reflect changes in the final pond size and location as well. Staff provided a few technical comments regarding the easements and detention pond but the design engineer has not had time to respond as of this report.
Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Oxford Farms, Phase 7' with the following conditions:
1. Approval by the Mayor and Board of Aldermen.
2. Approval is for the plat as submitted, with any required modifications.
3. Prior to the case being heard by the Board of Aldermen, any technical changes required by Engineering Staff will be completed.

Summary of discussion:

Commissioner Freeman asked if the technical changes required by Engineering Staff could be addressed before going to the BOA.
Joey Moore stated that they could. Ben Requet stated that the changes must be made before being heard by the BOA. Reanna Mayoral stated that the changes were minor and should be easily addressed before being heard by the BOA.

Commissioner Murphy asked about the private sewer mains and how they will be maintained.
Reanna stated that the private sewer infrastructure will be servicing only that one property and would be maintained by the condo association.

Commissioner Murphy commented about the open ended-ness of Condition 2.
Reanna stated that the required modifications portion of that condition referred to a list of comments stemming from the Site Plan Review process.
Paul Watkins stated that the 'technical changes required by Engineering Staff' from Condition 3 is what the 'required modification' from Comment 2 refer to.

Motion to approve subject to discussed conditions.

Move: Bill Freeman Second: Joseph Murphy Status: Passed

7. Public Hearing for Case #2680 – JW McCurdy has filed a request for extension of City Utilities for a development outside the City Limits of Oxford that includes a Preliminary and Final Plat Approval for 'Briarwood Subdivision – Phase 2B' for property located at 470 CR 101. (PPIN #37900)

Planning Comments: The Briarwood Subdivision is located outside of City Limits on County Road 101 North of Industrial Park Road. The extension of City utilities to the first phase of the Briarwood Subdivision was approved in December of 2017 (Case #2259). A Preliminary and Final Plat of +/- 21.85 acres with 69 lots to be developed was considered in that approval.
Phase 2A was approved in July of 2019 (Case #2507). A Preliminary and Final Plat of +/- 5.67 acres with 25 lots to be developed was considered in that approval. The Developer now wishes to have Phase 2B, consisting of 23 lots (96-117), on +/- 5.58 acres, receive final approval for extension of utilities.
The submitted plans meet all requirements. A stamped and recorded copy of the subdivision covenants for this phase is needed.
Engineering Comments: The construction plans for Phase 2B were originally considered at the same time as Phases 1 and 2A (Case 2259). The Public Service Commission has established that the City could provide water service to Oakmont and Briarwood even though it is more than 1 mile outside the certificated area. The City and the developer entered into a development agreement for service of up to 177 lots total in Oakmont and Briarwood and development of Briarwood Phase 1 proceeded. At the time, the City was not able to provide sewer service to Briarwood Phase 2 (A and/or B) due to capacity limitations at the Industrial Park Wastewater Treatment Lagoon. In a letter dated June 19, 2019, the Developer asked to apply 25 of the available

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lots to Briarwood Phase 2A and to withdraw the request for services to Oakmont Phase 3 (Case 2507). Since that time, the developer has approached the City for a new development agreement to provide service to additional lots which is under consideration at this time. On August 27, 2020, the Board of Alderman tentatively agreed to expand service to 78 lots and to waive the sewer connection fee for those lots based the developer completing approximately $112,500 in upgrades to the Industrial Park Wastewater Treatment Lagoon. As of the date of this report, the development agreement has not been finalized. As such, the City's ability to provide sewer cannot be confirmed and a condition regarding this matter is recommended with any approvals granted.
Streets: The streets in Briarwood Phase 2B will be owned and maintained by Lafayette County and are designed to County standards for width. Sidewalks have been provided on both sides to meet City of Oxford requirements. The County grants permission and the necessary easement for the water and sewer infrastructure with the approval of the plans and plat. Bonds will be required for the water, sewer, sidewalk, and the treatment plant agreements. A bond was provided for the construction of the detention pond with previous final plats in Oakmont and Briarwood.
Stormwater: The stormwater management facility that serves both the Briarwood and Oakmont subdivisions was designed to meet the requirements of the City of Oxford's stormwater management ordinance. The City's Engineering Department and Planning Commission approved the design in December of 2017. In an attempt to address concerns by the owner of the adjoining downstream property, the City of Oxford's Engineering department approved modifications to the upstream side of the stormwater management facility's control structures in August of 2018.
In 2019 at the request of the Lafayette County, there was a meeting with county's Director of Development Services, the County Engineer, the developer, the developer's engineer, and the City's engineer responsible for stormwater management. At the meeting, the county disputed the design of the stormwater management facility. The stormwater management facility was designed so that flow would initially go to the lower control structure and the upper control structure only receiving flow once the water surface elevation in the pond reached its invert elevation. Prior to the meeting, undocumented modifications had been made to the pond and control structures, presumably at the direction of the Lafayette County Engineer. These include the installation of heavy, hinged steel plates with 4-inch diameter holes on the downstream side of control structure and the creation a dike within the pond to divert flow directly to the two control structures. Any of the changes that the Lafayette County Engineer had suggested at the 2019 meeting would take stormwater management facility out of compliance with the City of Oxford's requirements as it changes the rate of flow out of the structure. Up to this point, the developer had done everything to comply with the City of Oxford's stormwater management requirements. With the undocumented changes and additional changes suggested by the Lafayette County the stormwater management facility was no longer in compliance. It would place an undue burden on the developer to bring the entirety of the stormwater management facility back into to compliance when we feel strongly that the County will require the developer to undo any changes we request or require. The pond was built according to the approved plans and is sized to hold the appropriate storms. The area is still dedicated for use as a stormwater management pond and can be brought back into compliance in the future. Considering these factors, the City defers to the County in regards to the outlet control structures for this pond and considers the development eligible for water and sewer services.
Recommendation: Approval of utility service to Phase 2B of Briarwood is recommended with the conditions noted below.
1. Approval by the Mayor and Board of Aldermen is required.
2. Prior to the issuance of a Certificate of Occupancy, a stamped, recorded copy of the covenants shall be provided to the Planning Department.
3. Approval is contingent on the Board of Alderman entering into a development agreement that grants a provision for sewer to an additional 78 lots.
4. Prior to the case being heard by the Board of Alderman, a bond is required for the water, sewer, sidewalks and likely the improvements to the wastewater treatment lagoon (pending the Board's approval).

Summary of Discussion:

Commissioner Freeman stated that his understanding was that the City is limited on capacity and the development agreement is that the developer is agreeing to pay for the additional capacity. The development agreement in Condition 3 has to be agreed to by the BOA in order to affirm the approval from the Planning Commission.
Reanna stated that Commissioner Freeman's summary is correct. Part of the development

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agreement will be relief from some sewer plat fees. Staff is still working on the final agreement language and the process is going through Bart Robinson's office.

Paul Watkins stated for the benefit of potential buyers that because of the way school district lines are drawn in that part of the County, different phases of both Briarwood and Oakmont may be in different school districts. The City does not have control over that. Please check with the school and tax assessor to determine which school district a property is in.

Approve with Staff Conditions

Move: Bill Freeman Second: Joseph Murphy Status:

8. Public Hearing for Case #2681 – JW McCurdy has filed a request for extension of City Utilities for a development outside the City Limits of Oxford that includes a Final Plat Approval for 'Oakmont Subdivision – Phase 3' for property located at 470 CR 101. (PPIN #3332)

Planning Comments: The Oakmont Subdivision is located outside of City Limits on County Road 101 North of Industrial Park Road. The extension of City utilities to the Oakmont Subdivision was approved in April of 2017 (Case 2134). A Preliminary Plat of +/- 40.5 acres with 108 lots to be developed in five phases was considered in that approval, with eleven conditions of approval. Some of those conditions have been met, others are required sequentially with the submittal of each Phase for consideration.
Since that time, Final Plats for Phase 1, 2, 4 & 5 have received final approval for the extension of utilities. The Developer now wishes to have Phase 3, consisting of 26 lots (42-65 & 108-109), on +/- 8.64 acres, receive final approval for extension of utilities.
The submitted plans meet all requirements. A stamped and recorded copy of the subdivision covenants for this phase is needed.
Engineering Comments: The preliminary plat for Oakmont Phases 1-5 was approved with various conditions regarding technical changes to the plans and limitations related to the City's authority to provide water service to this area (Case 2134). Since that time, the water and sewer plans have been approved and the Public Service Commission has established that the City could provide water service to this area even though it is more than 1 mile outside the certificated area. The City and the developer entered into a development agreement for service of up to 177 lots and development of Phases 1-4 proceeded. In a letter dated June 19, 2019, the Developer asked to apply 25 of the available lots to Briarwood Phase 2A and to withdraw the request for services to Oakmont Phase 3 (Case 2507). Since that time, the developer has approached the City for a new development agreement to provide service to additional lots which is under consideration at this time. On August 27, 2020, the Board of Alderman tentatively agreed to expand service to 78 lots and to waive the sewer connection fee for those lots based the developer completing approximately $112,500 in upgrades to the Industrial Park Wastewater Treatment Lagoon. As of the date of this report, the development agreement has not been finalized. As such, the City's ability to provide sewer cannot be confirmed and a condition regarding this matter is recommended with any approvals granted.
Streets: The streets in Oakmont Phase 3 will be owned and maintained by Lafayette County and are designed to County standards for width. Sidewalks have been provided on both sides to meet City of Oxford requirements. The County grants permission and the necessary easement for the water and sewer infrastructure with the approval of the plans and plat. Bonds will be required for the water, sewer, sidewalk, and the treatment plant agreements. A bond was provided for the construction of the detention pond with previous final plats in Oakmont and Briarwood.
Stormwater: The stormwater management facility that serves both the Briarwood and Oakmont subdivisions was designed to meet the requirements of the City of Oxford's stormwater management ordinance. The City's Engineering Department and Planning Commission approved the design in December of 2017. In an attempt to address concerns by the owner of the adjoining downstream property, the City of Oxford's Engineering department approved modifications to the upstream side of the stormwater management facility's control structures in August of 2018.
In 2019 at the request of the Lafayette County, there was a meeting with county's Director of Development Services, the County Engineer, the developer, the developer's engineer, and the City's engineer responsible for stormwater management. At the meeting, the county disputed the design of the stormwater management facility. The stormwater management facility was designed

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so that flow would initially go to the lower control structure and the upper control structure only receiving flow once the water surface elevation in the pond reached its invert elevation. Prior to the meeting, undocumented modifications had been made to the pond and control structures, presumably at the direction of the Lafayette County Engineer. These include the installation of heavy, hinged steel plates with 4-inch diameter holes on the downstream side of control structure and the creation a dike within the pond to divert flow directly to the two control structures. Any of the changes that the Lafayette County Engineer had suggested at the 2019 meeting would take stormwater management facility out of compliance with the City of Oxford's requirements as it changes the rate of flow out of the structure. Up to this point, the developer had done everything to comply with the City of Oxford's stormwater management requirements. With the undocumented changes and additional changes suggested by the Lafayette County the stormwater management facility was no longer in compliance. It would place an undue burden on the developer to bring the entirety of the stormwater management facility back into to compliance when we feel strongly that the County will require the developer to undo any changes we request or require. The pond was built according to the approved plans and is sized to hold the appropriate storms. The area is still dedicated for use as a stormwater management pond and can be brought back into compliance in the future. Considering these factors, the City defers to the County in regards to the outlet control structures for this pond and considers the development eligible for water and sewer services.
Recommendation: Approval of utility service to Phase 3 of Oakmont is recommended with the conditions noted below.
1. Approval by the Mayor and Board of Aldermen is required.
2. Prior to the issuance of a Certificate of Occupancy, a stamped, recorded copy of the covenants shall be provided to the Planning Department.
3. Approval is contingent on the Board of Alderman entering into a development agreement that grants a provision for sewer to an additional 78 lots.
4. A bond is required for the water, sewer, sidewalks and likely the improvements to the wastewater treatment lagoon pending the Board's approval.

Summary of Discussion:

Paul Watkins stated for the benefit of potential buyers that because of the way school district lines are drawn in that part of the County, different phases of both Briarwood and Oakmont may be in different school districts. The City does not have control over that. Please check with the school and tax assessor to determine which school district a property is in.

Approve with Staff Conditions

Move: Bill Freeman Second: Joseph Murphy Status: Passed

9. Public Hearing for Case #2682 – Johnny Barrett has filed a request for Preliminary and Final Plat Approval for 'First National Bank Parkway Branch Subdivision' for property located at George G. "Pat" Patterson Parkway. (PPIN #6694)

Planning Comments: The subject property is +/- 1.46 acres and is located on the east side of Pat Patterson Parkway and north of the Shell service station that is currently under construction. The applicant is proposing a one lot subdivision that is proposed to be developed in two phases with a two-story building (3,488 sq. ft.) for FNB Bank that is proposed with three drive-thru lanes that will span the north and east sides of the lot in phase one. A second phase will include a second building directly to the east of the bank with commercial space. The site plan for the bank is currently under review with the site plan review committee.
Staff held a pre-development meeting with Mr. Barrett and Williams Engineering, where it was discovered that this property was already purchased by FNB without being subdivided as required by the Land Development Code regulations. Staff was concerned with the location of the access, especially after it was expressed by the Mayor and Board of Alderman during the zoning process for the newly annexed areas of Oxford of the need to manage the quantity and locations of access to developments along George G. "Pat" Patterson Parkway. Additionally, the Land Development Code encourages interconnectivity to adjacent properties through cross access easements. This aides with traffic safety issues by providing people with multiple ways to access developments without having to access the main road; and alleviates access issues that exist on existing commercial roads such as Jackson and University Avenues.

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Staff believes that it is important in this and future instances, for safety reasons, for developments to identify the locations for these cross-access easements to adjacent properties and indicate them on the plats. This plat indicates a cross access easement along the northern portion of the site. Since the property to the north is not developed, it will be easier for this cross access to be provided.
Engineering Comments: First National Bank Parkway Branch Subdivision consists of a tract of land, approximately 1.46 acres, located on Pat Patterson Parkway just north of the roundabout at Anderson Road. The east side of the tract comprises the west bank and the west half of the channel of East Goose Creek, which is a FEMA regulated stream. No construction is allowed within the floodway of East Goose Creek.
Water and Sewer & Utility: The subdivision requires new sewer and water services. Service will be provided by connecting to existing City of Oxford water and sewer lines located in the right-of-way of the George G. "Pat" Patterson Parkway. Any existing and unidentified utilities would have a prescriptive easement at this time and would be allowed to remain in their current locations. The utility locations are under review with the site plan for the First National Bank.
Traffic/Access: Access to the subdivision will be limited to a single curb cut along the George G. "Pat" Patterson Parkway. Staff has been working with the engineer and owner to determine the most appropriate location for this access. George G. "Pat" Patterson Parkway was planned, designed and constructed with the intent of managing access and spacing the curb curbs out over some distance. However, this tract seems to have been subdivided and sold without City staff's knowledge and in violation of the City's ordinances. Staff considered refusing all access and requiring the site to share access with the previously approved convenience store or the remaining property to the west. However, in consideration of the location and layout of the convenience store drive, the potential that the convenience store could refuse to grant an access easement, the volume of traffic at both sites, the proximity to the intersection and the more urban spacing of driveways along West Oxford Loop, the slower speeds required as you approach the roundabout, the fact that the property owner was so far into the development process before hearing of these requirements, and the lack of a subdivision plat for the adjacent property, Staff felt it was not appropriate to refuse access. Staff has conveyed to the design engineer, who also representsthe owner of the remaining property this tract was cut from, that all future lots should anticipate shared and limited access. Planning will determine if cross access easements are required to connect this site to the adjacent sites. Engineering supports cross access easements in developments such as this.
Sidewalks: There is existing City sidewalk along George G. "Pat" Patterson Parkway that shall not be disturbed, with the exception of the single curb cut, and will remain as is. It will be the responsibility of the contractor to repair any damage to the existing sidewalk.
Stormwater Management: At this time, stormwater will be handled by a temporary stormwater management facility consisting of a detention pond located at the east end of the site. The temporary stormwater management facility is designed to manage the 2- and 10-years storm events. The temporary stormwater management facility was approved as part of the grading permit request (Case #2672-A). A permanent stormwater management facility will be designed as part of a future site plan and will manage all regulated stormed events. No construction is allowed within the regulatory floodway at the northern property boundary.
Engineering has no conditions associated with this plat approval. A bond is not required as the infrastructure is in place.
Recommendation: Staff recommends approval of the requested one lot subdivision for 'First National Bank Parkway Branch' with the following conditions:
1. Approval by the Mayor and Board of Aldermen is required.
2. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants for this subdivision shall be provided to the Planning Department.

Summary of discussion:

Commissioner Gray asked how does a cross access agreement work and how will it work in the future along Pat Patterson Parkway?
Ben stated that conversations have been had to create a plan for both access points and cross access for future developments. Cross access easements will be indicated on the plats as they come for approval.

Commissioner Murphy asked if the Planning Commission would have the opportunity to approve a

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permanent stormwater management solution.
Reanna stated that the permanent stormwater management facility would be a part of the site plan approval.

Approve with Staff conditions

Move: Bill Freeman Second: Joseph Murphy Status: Passed

10. Public Hearing for Case #2683 – Oxford School District has filed a request for Site Plan Approval for 'Oxford School District – Career and Technical Education Building' for property located at 101 Charger Loop. (PPIN #33805) (POSTPONED)

11. Public Hearing for Case #2684 – David Blackburn has filed a request for Final Plat Approval for 'The Heights Phases 7 and 8' for property located at F.D. Buddy East Parkway. (PPIN #39642)

Planners Comments: The applicant is seeking Final Plat approval for 'The Heights, Phases 7 & 8', which includes a total of 30 single family lots with three common areas. A Preliminary Plat (Case #2481) with 12 phases and 168 lots was approved by the Mayor and Board of Alderman on June 18, 2019. The approved Preliminary Plat for 'The Heights, Phases 7 & 8' indicated a total 33 lots (16 in Phase 7; 17 in Phase 8), however, the Final Plat indicates three fewer lots. Case #2487, A variance to the setback requirements and a special exception for patio homes, was also granted by the Planning Commission at the May 2019 meeting. The lots proposed in this Final Plat comply with all of the technical standards of the Land Development Code.
It is important to note that both of these phases are not located in the Oxford Commons PUD boundary, however, the area was included in the Tree Mitigation variance that was granted by the Planning Commission in January 2016. Therefore, a conservation easement of 14% of the entire area is required, and has been provided.
Engineering Comments: Construction plans were provided with the preliminary plat for the Heights Phases 6-16 and 18 (Case 2481) for approval at the May 2019 Planning Commission meeting. The preliminary plat approval granted permission for the construction of infrastructure such as water, sewer, and streets. Since that time, the majority of the infrastructure has been installed and the owner has requested a final inspection so that the City can accept the infrastructure. Stormwater Management is provided for phases 7 and 8 through an existing detention pond located to the west of Phase 7 in what is known as the Heights Phase 3.
Primrose Drive and Sycamore Drive are currently dead-end streets but are intended to extend north to provide connection to the rest of the Heights Subdivision. At the time of the preliminary plat approval, it was not known what phases would be built first. Accordingly, there was no plan shown for the required temporary turn arounds at the end of the road until it can be extended. Due to the topography of the site, the temporary turn arounds were not constructed. This is not an issue for the final plat approval as there is only one lot on each side of these roads that will require access. An additional bond will be required for these areas however. The grading plan provided with the final plat includes approximate 3:1 slopes at the edge of Phases 7 and 8 that do not match the flatter grading shown in the preliminary plat. The phase lines are not shown on all sheets of the construction plans so it is difficult to tell where the phase boundaries are with respect to the grading but staff notes for future reference that the grading extending beyond the elevation 450 is not approved for future extensions of the roadway.
Engineering recommends approval with the conditions noted below.
Recommendation: Staff recommends approval of the Final Plat for 'The Heights, Phases 7 & 8' with the following conditions:
1. Approval of 'The Heights, Phases 7 & 8', by the Mayor and Board of Aldermen is required.
2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to permitting. (Planning)
3. Bonds will be required for all public infrastructure if the City has not accepted maintenance of that infrastructure at the time of Final Plat approval by the Board. Additional bonds will be required for the portions of Primrose Drive and Sycamore Drive that have not been fully constructed to the phase boundary. (Engineering)
4. The phase lines must be shown on the plat before the request for Final plat approval is heard by the Board. (Engineering)

Summary of discussion:

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Commissioner Freeman asked what was the significance of condition 4.
Reanna stated that Staff wants to know where the phases are because the bonds reference phases and a lot of other information references the phases. Previous developments have been platted in certain phases and constructed in different phasing. This condition will help to reduce confusion.

Approve with Staff Conditions

Move: Bill Freeman Second: Joseph Murphy Status: Passed

12. Public Hearing for Case #2685 – Phase One, LTD has filed a request for Preliminary and Final Approval for 'Porch View Subdivision' for property located at 510 and 522 N. 15th Street. (PPINs #6171 & #6172)

Planning Comments: The subject property is located on the east side of N. 15th Street, north of Jefferson Avenue. The property measures approximately +/- 1.14 acres. The northwest corner of the parcel is flat, open, and contains an existing single-story house. The remainder of the parcel is covered with trees. The applicant is proposing a three-lot single-family residential subdivision. The three lots will take vehicular access from N. 15th Street. The property is located within the Neighborhood Conservation Overlay and within the Jefferson Madison Historic District.
The lots range from 0.37 to 0.39 of an acre and exceed the lot size minimum required in the Traditional Suburban Residential zoning district of 7,500 sq. ft. The dwelling unit density proposed is notably less than the maximum allowed in the zoning district of 6 dwelling units per acre.
Section 6.1.3.1 of the Land Development Code states that tree mitigation is applicable to any subdivision of two or more lots. The applicant has not provided a tree survey at the time of writing this report.
The demolition of the existing single-story house will require approval by the Historic Preservation Commission.
Engineering Comments: Construction plans and the stormwater management plan are under review at the time of this report. This subdivision includes a portion of what was formerly an unopened portion of Adams Avenue. The Board of Alderman made a finding October 6, 2020 that this unopened street was not needed for municipal purposes and approved the sale of this property. This finding was made in consideration of the topography of the unopened street (ditch in part) and that there is no possibility of the road being extended to North 16th due to condominium development to the east.
Water and Sewer: Water and sewer services currently exist to two of the proposed lots. A new water meter and sewer tap will be required for the third proposed lot.
Stormwater Management: The subdivision proposes to install a detention pond in the rear of the lots. The pond will be jointly owned and shared by all three property owners and additional language will be required on the plat to indicate this ownership. Drainage easements to all owners will be provided and indicated on the plat for maintenance purposes. There currently exists a substantial ditch that runs across and behind these lots. A new pipe, which will be privately owned and maintained, will be installed in this ditch to carry water from an existing inlet on South 15th to the detention pond. The pond discharges to the northeast and a drainage easement will be required from the adjacent property owner if the discharge location is closer than 40' to the joint property line.
Recommendation: Staff recommends approval of the Preliminary and Final Plat for 'Porch View Subdivision' with the following conditions:
1. Approval by the Mayor and Board of Aldermen.
2. Approval is for the plat as submitted, with any required modifications.
3. A tree survey is required prior to being heard by the Mayor and Board of Aldermen.
4. A stamped and recorded copy of the covenants will be required prior to the issuance of a Certificate of Occupancy.
5. Prior to the request for Final Plat being heard by the Board of Aldermen, the technical corrections to the plat must be made.
6. Prior to the request for Final Plat being heard by the Board of Aldermen, the stormwater management plan must be approved by Engineering staff.

Approve with Staff Conditions

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Move: Bill Freeman Second: Joseph Murphy Status: Passed

13. Motion to Adjourn

Move: Bill Freeman Second: Joseph Murphy Status: Passed

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, December 14, 2020, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

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

A. December Planning Commission Memorandum

1. Call to Order

   Commissioners Murphy, Hyneman, Gray, Rigby and Riddell in attendance in person
   Commissioners King and Freeman in attendance on call

2. Approval of the Agenda

   Move: J.R. Rigby Second: Joseph Murphy Status: Passed

3. Approval of minutes from the November 9, 2020 Meeting

   Move: J.R. Rigby Second: Joseph Murphy Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2686-A – O & A Properties has filed a request for Site Plan Approval for 'Oxford Spot Renovations' for property located at 1438 N. Lamar Boulevard. (PPIN #4579)
2. Public Hearing for Case #2687-A – JW McCurdy has filed a request for a Variance from Section 2.6.5 Traditional Neighborhood Residential: Front Yard Build-to Line, Minimum for property located at 1901 Garfield Avenue. (PPIN #8668)
3. Public Hearing for Case #2688-A – Johnny Barrett has filed a request for Site Plan Approval for 'FNB Pat Patterson Parkway, Phase 1' for property located at Pat Patterson Parkway. (PPIN #39662)
4. Public Hearing for Case #2689-A – Sedrick Turner has filed a request for Site Plan Approval for 'Checkers Drive-Thru Restaurant' for property located at 1927 Jackson Avenue. (PPIN #18201)
5. Public Hearing for Case #2690-A – Galleria II, LLC has filed a request for Site Plan Approval for 'Galleria II Buildings K & L' for property located at 2619 Jackson Avenue West. (PPIN #7868)

C. Consent Agenda

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

1. Public Hearing for Case #2691 - W. Anthony Kennon has filed a request for a Special Exception as provided in Section 3.11.1.5 Accessory Uses or Structures: Additional Standards for property located at 84 Highway 30 East. (PPIN #4710) **(WITHDRAWN)**

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2. Public Hearing for Case #2692 – Oxford Healthcare Properties, LLC has filed a request for Special Exception as provided in Section 2.6.15.1 (c) Institutional – Medical Center: Uses Permitted for 'Oxford Orthopedics Sports Medical Office Building' for property located at Belk Boulevard at Nicole Lane. (PPIN #25125)

Planning Comments: The subject property is located on +/- 4.3 acres on Belk Boulevard north of Baptist Hospital. It is on the north side of Belk Boulevard at the corner of Nicole Lane. The applicant is proposing to construct a +/- 43,000 sf, two-story medical office building to include orthopedics, physical therapy, and other medical specialties. The medical office building will be built on land owned by Baptist Memorial Hospital - North Mississippi and leased to the building developer/owner under a long-term Ground Lease. This property is also the subject of Case #2697: the Site Plan approval request for this development.
According to Section 2.6.15.1(C) of the LDC, any use proposed in the Institutional-Medical district that exceeds 15,000 square feet requires a special exception. The proposed site plan complies with all of the requirements of the LDC, it is consistent with the intent of the Institutional-Medical district and therefore, staff supports the request. It should be noted that staff is proposing to modify this provision of code to be consistent with the sizing requirements stated in Section 3.9.1 – Medical Facilities.
Recommendation: Staff recommends approval of the requested special exception with the following condition:
1. The approval is for the plan as submitted.

3. Public Hearing for Case #2693 – John and Christen Brown have filed a request for a Variance from Section 2.6.3 Estate Residential: Front Yard Build-to Line, Minimum for property located at 400 Country Club Road. (PPIN #6610)

Planning Comments: John and Christen Brown have an option to purchase this house directly across the street from their existing residence located at the corner of Country Club and Colonial Roads. The subject property measures approximately .71 acres and it is developed with an existing residence that appears to be constructed around the same time the City of Oxford adopted zoning regulations. The existing residence protrudes into the current setback (40') along Colonial Road by nearly 22 feet.
The applicants are requesting a variance to remedy the existing situation, and to allow an addition to be constructed that maintains the same building line of the existing structure. As the provided exhibit illustrates, the addition will not protrude closer to the street. In the mid 20th century, it was common for residences at intersections to be sited so the building faced towards the intersection; this is common in the Avent Acres subdivision.
Recommendation: In this instance, staff does find the 40' minimum front setbacks to be limiting for this lot. The proposed addition will add depth to the house that is consistent with the existing building line and the addition will not be constructed closer to the street than the existing structure. Therefore, Staff recommends approval of the requested variance.

4. Public Hearing for Case #2703 - Joel and Beth Smith have filed a request for a Variance from Section 3.6.3 Estate Residential: Side Yard Setback Line, Minimum for property located at 240 St. Andrews Circle. (PPIN #6589)

Planning Comments: The subject dwelling is located in the Country Club Subdivision, Part III on the south side of St. Andrews Circle. The lot size is approximately .556 of an acre. The lot contains one single-family home built in 1969. A .91 ft. side yard (west) variance is being requested for a portion of an addition to the southwest portion of the existing home. The applicant is simultaneously requesting to remedy the non-conforming side yard setback on this same side. The home currently sits 12 ft. from the property line on the west side of the home, 3 ft. over the side yard (west) setback.
The new addition will be .91 ft. off the west side yard property line. The home's current orientation on the lot and interior connectivity make this addition at this portion of the home functional. The proposed addition does not expand the width of the existing home any closer to the west property line than the existing house footprint.
Recommendation: Staff recommends approval of the 3 ft. setback (west) variance for the existing non-conformity and .91 ft. side yard (west) variance to construct an addition with the following condition:

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1. The variance is for the plan as submitted.

D. **Public Hearings**

1. Public Hearing for Case #2694 – Ran Management has filed a request for A) Special Exception as provided in Section 3.8.10.2 (b) Service Stations: Use; and B) Special Exception as provided in Section 2.6.7 One-Story Building for 'Lot 1 Colonnade Crossing, Phase 1' for property located at MS Highway 30. (PPINs #4642, #4643, & #15140) **(Postponed)**

2. Public Hearing for Case #2695 – Ran Management has filed a request for Site Plan Approval for 'C-Store Colonnade Crossing Lot 1, Phase 1' for property located at MS Highway 30. (PPINs #4642, #4643, & #15140) **(Postponed)**

3. Public Hearing for Case #2696 – Rebel Hospitality, LLC has filed a request for Site Plan Approval for 'The Velvet District' for property located at Lot 16 and Lot 17 of Oxford Commons PUD, Phase 1, Tract C, Part 2. (PPINs #33597 & #33598)

   Planning Comments: The subject property is 2.46 acres and is located south of Sisk Avenue, at the intersection of Hopkins Drive and Commonwealth Boulevard in Oxford Commons. It is referred to as Lots 16 and 17 in the Oxford Commons PUD, Phase 1 Tract C, Phase 2. Lot 16 is 1.26 acres and Lot 17 is 1.20 acres. The lots are undeveloped and pad ready.
   The applicant is proposing two, two-story, multi-purpose buildings (total of 30,043 gross square feet). The buildings will have office, retail, and restaurant spaces. There is no residential component to the buildings, and one building will be situated on each lot with 114 shared parking spaces between the two lots. An outdoor courtyard with landscaping and seating separates the two buildings. A special exception to the front yard build-to line, maximum was granted at the November Planning Commission meeting (Case #2664).
   Use/Parking Requirements – The required parking spaces calculated for multi-purpose commercial uses including banks, offices, restaurants, retail stores, and gyms proposed for the two buildings is 106 spaces and 114 spaces have been provided. The applicant's engineer met with Planning Staff to determine the parking for the uses proposed.
   The applicant stated that the proposed bank and offices would typically close at 5:00pm Monday through Friday and the peak hours for the restaurants would be in the evening, when the professional offices would be closed. The developer's attorney is actively working on a shared parking agreement between the two lots.
   Other Review Elements
   • Building Façade and Materials– Architecturally, the buildings are modern and will both have white-painted brick with bronze accents.
   • Signage – The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
   • Easements – Page C.9 of the civil drawings provided includes a site overview of the proposed easements. An existing bike path easement exists along this portion of the property as part of the Oxford Commons PUD. The applicant is providing a cross access easement to the Planning Department. The applicant's engineer has stated the easement document will include the cross-access easement, shared parking agreement, and stormwater detention easement.
   • Open Space / Imperviousness – The proposal meets open space and impervious coverage standards.
   • Lighting – A photometric lighting plan is required for this site due to proximity to nearby single family uses. The applicant has stated that they have not hired anyone at this time to complete the photometric study. The developer understands that a condition of approval will be that the study be completed prior to the issuance of any building permits.
   • Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot trees and landscaping requirements. Foundation plantings have been provided along all sides of each building. The central courtyard is extensively landscaped and includes an allee of Musashino Zelkova (elm variety) trees that starts at the north entry.
   • HVAC – The rooftop of both buildings will not be for public access and will only contain necessary rooftop mounted equipment. The applicant has stated that any rooftop mounted equipment will be fully shielded from view by parapets.
   Engineering Comments:
   Access: This site encompasses Lots 16 and 17 of the Oxford Commons PUD. The site will have ingress and egress points to the east onto Commonwealth Boulevard, to the west onto Mansel

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Lane (private road), and to the south on Hopkins Drive. The two lots will share access to these points via cross access easements as shown on Sheet C.9 of the construction drawings. The site will also maintain a bike path easement along the frontage to Sisk Avenue. As part of this project the owner proposes, along with the adjacent owners of Lot 15 of the PUD, to convert Mansel Lane to a one-way street traveling south.
Water and Sewer: Domestic water service for this site will be provided via two, 2" existing service taps extending into the site from Hopkins Drive. Fire protection lines will be added for each lot, one connection from Hopkins and one connection from Sisk. Sewer on the site will be will be conveyed to two existing sewer taps extending into the site from Hopkins Drive. All interior sewer infrastructure will be privately owned and maintained by the owner(s).
Storm water: The storm water requirements will be met by an underground detention system located in the southeast portion of Lot 17. Storm water runoff from Lot 16 will be allowed into system by way of drainage easement. The underground system abuts to the south foundation line of the proposed building on Lot 17. Careful attention should be given to the foundation design of the building, in particular, that it is designed to withstand sudden, catastrophic failure of the underground detention system. Although the final storm water report has not been approved, it is anticipated to be approved soon along with the Operation, Inspection and Maintenance Plan.
Recommendation: Staff recommends approval of the site plan for 'The Velvet District' with the following conditions:
1. Approval is for the site plan as submitted. (Planning)
2. A photometric lighting plan must be submitted prior to the issuance of any building permits. (Planning)
3. A cross access easement is required prior to the issuance of a Certificate of Occupancy. (Planning)
4. A shared parking agreement is required prior to the issuance of a Certificate of Occupancy. (Planning)
5. Cross access easements and drainage easements between Lots 16 and 17 are required to be recorded in the Lafayette County Chancery Clerks Office. Provide draft copies of the easements to the City Engineer's office prior to recording for review. (Engineering)
6. Engineering has no issue with converting Mansel Drive to a one-way street traveling southbound between Sisk and Hopkins. However, being that the street is private, the owner(s) shall be responsible for all signage, striping and enforcement. Engineering reserves the right to evaluate traffic flow patterns and issues after the development is completed and require changes if necessary. (Engineering)
7. A foundation design certified by a structural engineer of the proposed foundation of the building on Lot 17 will be required before a building permit is issued. (Engineering)
8. Final staff approval of Storm Water report along with Operation, Inspection and Maintenance Plan. (Engineering)

Summary of Comments:

Commissioner Gray questioned about the need for the foundation design being required to withstand sudden, catastrophic failure of the underground detention system.
Reanna Mayoral stated that the because the building is built so close to the detention center, if the detention collapses we want the building to be able to withstand failure.

Commissioner Gray asked about the rationale for converting Mansel Road to one way.
Reanna stated that there was a concern about traffic backing up onto Sisk, and the engineer proposed converting the road to a one way to avoid traffic. Because it is a private road, it is allowed.
Kevin McLeod stated that the northwestern drive is close to Sisk and competing flows of traffic could cause a back up on Sisk. The property owner to the west agreed to this solution. Striping would be used to indicate one-way traffic.
Commissioner Gray stated that twice a day in 45 minute blocks around Della Davidson there is a great deal of northbound traffic and closing that route out would be shuttling all outbound local traffic into elementary school traffic.
Kevin McLeod stated that they could set up some temporary striping to see how traffic was affected.
Commissioner King agreed with the need for more information and was supportive of the idea of testing temporary one way striping.

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Approve with conditions stated and the addition of a condition to test the one-way flow of traffic.

Move: Duncan Gray Second: J.R. Rigby Status: Passed

4. Public Hearing for Case #2697 – Oxford Healthcare Properties, LLC has filed a request for Site Plan Approval for 'Oxford Orthopedic Sports Medical Office Building' for property located at Belk Boulevard at Nicole Lane. (PPIN #25125)

Planning Comments: The subject property is located on +/- 4.3 acres on Belk Boulevard north of Baptist Hospital. It is on the north side of Belk Boulevard at the corner of Nicole Lane. The applicant is proposing to construct a two-story medical office building to include orthopedics, physical therapy, and other medical specialties. The medical office building will be built on land owned by Baptist Memorial Hospital - North Mississippi and leased to the building developer/owner under a long-term Ground Lease.
Use Requirements – This proposal for a medical office building at this location is consistent with the intent of the Institutional-Medical district. The proposal is across from the recently constructed Baptist Memorial Hospital. When located in the Institutional-Medical District, a proposal that exceeds 15,000 square feet, it requires a Special Exception to be granted. A Special Exception is requested and is the subject of Case #2692. It is noted that any development in this district should also comply with the use standards that in Section 3, or in this case Section 3.9.1. All use requirements have been met.
Parking – The standards for a Medical Facility one parking space for every 250 feet of gross floor area. The minimum required parking for this proposal is 174 parking spaces. The proposal indicates a total of 204 parking spaces, which is more than the minimum requirement but the applicant is allowed to exceed that minimum by a total of 25%. Therefore, the proposal complies with the parking requirement.
Coverage Requirements – Institutional-Medical Zoning allows for up to 80% impervious lot coverage. The proposed development complies with 77% impervious coverage.
Other Review Elements
• Landscaping – The proposed site plan includes foundation plantings around the proposed building. The parking lot and frontage trees proposed comply with the regulations of the land development code.
• Building Height – The building height complies with the maximum height for the district.
• Building Materials – The building will be constructed primarily with a mix of brick, porcelain tile, and glass. The building does consist of a few sections of metal paneling, which can be requested by Special Exception, however, this proposal seems to be consistent with previous approval of metal panels. Therefore, Staff will recommend approval of the site plan with a condition that building permits may not be issued until a Special Exception as provided in Section 5.6.1.8(a)
• Signage - A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
Engineering Comments: The tract is part of Baptist Memorial Healthcare Care's original site plan from 2013 and its extents are shown on sheets C2.2 and C3.2 of the original plan set. The site was used for stockpiling top soil and finished as roughly graded building pad. A stormwater management detention pond was constructed in the southeastern corner of the tract at that time. The pond predates the current stormwater management ordinance and was design for 25- and 100-year storms.
Water and Sewer Utilities - Sewer will be private and tie to an existing private 8-inch diameter sewer line located in the northwest of the site. A portion of the existing private sewer line will be abandoned and the remainder will have a dedicated sewer easement. Water service will tie to existing 8-inch diameter; City owned water line in the right of way of Nicole Lane. All water lines within the site's property boundary will be privately owned.
Traffic/Access - The site will have two points of access, one from Nicole Lane and one from Belk Boulevard. The Belk Boulevard access will be right in and right out only. There are no traffic issues.
Sidewalks - There are existing sidewalks along the property's frontage with Nicole Land and Belk Boulevard.
Stormwater Management - A stormwater management detention pond was built in the southeast corner of the site as part of the original site plan for Baptist Memorial Hospital and predates the current stormwater management ordinance. The stormwater management detention pond was design to manage the 25- and 100-year storms. As part of this proposed site plan, the existing pond will be modified to bring it into compliance with the current stormwater management

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Engineering staff have approved the stormwater management plan.
Other Departments: All other departments have reviewed the proposed Oxford Orthopedic Sports Medical Office Building, and recommend approval.
Recommendation: Staff recommends approval of the Site Plan for 'Oxford Orthopedic Sports Medical Office Building' with the following conditions:
1. Prior to the issuance of any building permits, the applicant shall be granted a Special Exception for the building materials for the use of metal panels.
2. Approval is for the plan as submitted.

Approve with conditions stated with condition 1 to read: Prior to the issuance of any building permits, the applicant shall be granted a Special Exception for the building materials for the use of metal panels as provided in Section 5.6.1.8(a)

Move: Duncan Gray Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2698 – Andrew Callicutt has filed a request for Site Plan Approval for 'Oxford Farms Senior Living Phase 2 – Memory Care Building' for property located at S. Lamar Boulevard. (PPIN #36063)

Planning Comments: The subject property is located on approximately +/- 4.57 acres in the Oxford Farms Development. It is on the west side of South Lamar Boulevard, south of Farm View Drive, just south of the Oxford Pediatric Group building. The applicant is proposing to construct a memory care facility that will work in conjunction with an already approved senior living facility (Case #2561, approved in December 2019). The Planning Commission approved Special Exceptions for use and for a single-story building in October 2020, and a Variance to the Front Build-To Line Maximum was granted in November 2020. (Case #2663 – Use, Case #2668 – Height & Case #2678 – Front Build-To Line).
Use Requirements – An Assisted Living Facility requires a Special Exception as provided in Section 3.6.1.2 of the Land Development Code. When located in a Traditional Neighborhood Business District, there are no additional standards of review. The Special Exception was requested and approved by the Commission in October 2020.
Parking – The standards for an Assisted Living Facility require one parking space for every two employees plus one visitor space for each four bedrooms. The proposal indicates a total of 15 dedicated parking spaces, which is adequate for the quantity of employees and guest parking that is required by the code.
Other Review Elements
• Landscaping – The proposed site plan includes foundation plantings around the proposed building. The parking lot and frontage trees proposed comply with the regulations of the land development code. Landscaping is also indicated around the perimeter of the detention pond. A total of 107 mitigation trees are required for this site and they are to be planted on this site.
• Building Height – The building height complies with the maximum height for the district.
• Building Materials – The building will be constructed primarily with brick with hardi-board siding accents.
Engineering Comments
Access - The proposed site plan will have two points of access, one on South Lamar that is shared with the Senior Living Facility (Case 2561) and one on Farmview via an access easement with the adjacent lot. Access on South Lamar was approved in December 2019 in the location shown after discussion and consideration with the owner and engineer. The site driveway was relocated to the northern portion of the lot from its original location mid-point in order to avoid conflicts with the turn lane recently constructed at Office Park-Azalea. There will not be a left turn lane at this driveway location, and there are no expectations of any significant problems with traffic.
Traffic Impact Analysis - The proposed use generates a low volume of traffic according to the ITE Trip Generation Manual based on the number of beds proposed. Staff did not request the overall Traffic Impact Study for Oxford Farms be updated for this use due to the low number of trips generated in the peak hour (8-16 based on a nursing home designation, nearest model type) and the fact that the YMCA has not been built out. The Traffic Impact Study provided in 2016 included the YMCA, which is a much larger development and would generate a significantly larger volume of traffic. The study recommended a signal at Farmview and South Lamar but Staff did not support

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that recommendation due to the proximity to the signal proposed by the City at Office Park Azalea. The overall Traffic Impact Study will be required to be updated prior to any approval of the future YMCA or any other significant traffic generators within Oxford Farms.
Utilities - Water will be provided to the site by the water main that was extended from Creekside through the YMCA site for the Senior Living facility. An easement will be provided to the City and noted in the site plan and plat. Sewer will be provided by extending the sewer main along South Lamar with an easement provided and noted as well.
Stormwater - The requirements for stormwater detention will be met by a regional detention pond between this lot and the adjacent YMCA lot. The pond will be designed at this time to meet the requirements of this site and the area graded at the YMCA site. It will be considered a "temporary" pond in the sense that we are aware that the pond will be enlarged to accommodate future development of the YMCA lot. However, it will be designed and constructed to be fully functional in the event that there is a no further development. The use of a regional detention pond requires additional documentation regarding ownership and maintenance. These documents have not been approved at this time but will be resolved prior to the approval of the Final Plat by the Board of Alderman.
Other Departments: All other departments have reviewed the proposed Oxford Farms Senior Living Phase 2 – Memory Care Building, and recommend approval.
Recommendation: Staff recommends approval of the Site Plan for 'Oxford Farms Senior Living Phase 2 – Memory Care Building' with the following conditions:
1. The regional pond needs to be designed to manage the runoff from senior living, memory care, and the adjoining site for the grading shown on sheet DA-2 of the "Storm Water Detention Calculations" dated 11/17/20. The regional pond will revert to a temporary status until there is clarification regarding the adjoining site.
2. The adjoining site will need temporary stormwater management for any portion of that site that is not captured by the regional pond. Again, based on the grading shown on sheet DA-2.
3. It is not clear if the shared ownership documents were ever developed. There are email exchanges in March 2020 discussing this issue both internally and with the design. Were the documents developed? If so, please include as part of the report.
4. These comments do NOT require resolution in order for the case to be heard by Planning Commission and the pending stormwater approval is noted in the report.
5. Approval is for the site plan as submitted.

Summary of Discussion:

Commissioner Murphy asked about the process of the detention pond being enlarged.
Joey Moore stated the pond will be reshaped and increased in capacity as development occurs.

Approve with conditions stated

Move: Duncan Gray Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2699 – Andrew Callicutt has filed a request for a Special Exception as provided in Section 3.10.3.2 (b) Self-Storage Facilities for property located between S. Lamar Boulevard and Jefferson Davis Extended. (PPINs #8851 & #8852)

12/14/2020 Planning Comments: Since the staff report was posted last week, the applicant provided a modified proposal for this request. Instead of proposing two 3-story self-storage buildings at this location, they would like to only propose removing the northern 3 storage units in order to construct the northern 3-story self-storage building to include an office for the storage facility at the ground level, and a professional office on the third floor. This modified submittal includes a color rendering for all sides of the building, and a landscaping plan for consideration. The north and west elevations present attractive façades that will provide a storefront on the northwest corner of the building. The proposed materials for these façades will be a combination of brick, fiber cement siding, stucco and metal panel canopies. The south and east elevations provide modest detailing with a brick and stucco wall that incorporates windows, a small portion of fiber cement siding and what appears to be an emergency exit in the southwest and northeast corner of

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the building. Since the east façade is situated along a public street, and because the south façade is quite visible from South Lamar, staff believes that additional storefront detailings and canopies should be incorporated to look consistent with the other facades.
As previously noted, this modified proposal does include a landscaping plan. The proposal indicates frontage trees along South Lamar and Jeff Davis Drive, foundation planting along the north and east facades. Smaller trees are indicated along the south façade and a mix of trees and ground plantings are proposed in the parking lot. Should this request be granted, the landscaping plan will be reviewed for compliance during site plan review, however, staff recommends adding a more robust landscape design (evergreen shrubs, ornamental grasses and seasonal plantings) around the perimeter of the parking lot to help screen it from South Lamar, Belk Boulevard and Jeff Davis Drive. Additionally, staff believes that additional foundation plantings (evergreen shrubs, ornamental grasses and seasonal plantings) should be installed along the west and south facades.
As stated in the initial staff report, staff believes that there is a need for this use on this portion of town, especially based on our understanding of the occupancy rates for the existing facility. This modified proposal does propose to eliminate three of the five existing and dated outdoor storage units in order to replace them with a three-story mixed-use building that incorporates professional office/retail and climate-controlled storage facilities that are only accessible from the interior of the building.
Recommendation: Based on the new information provided by the applicant in this modified request, Staff recommends approval of the requested Special Exception with the following conditions of approval:
1. The south and east facades are modified to incorporate staff's comments related to adding storefront and canopies due to their quite visible location to South Lamar Boulevard and Jeff Davis Drive.
2. The landscaping plan be modified to include a more robust landscaping design around the perimeter of the parking lot and to add additional foundation plantings along the west and south facades.
3. Should building permits not be issued within 18 months, this Special Exception shall expire.

Summary of Discussion:

Chairman Hyneman asked if the conditions are not more suited toward site plan conditions.
Ben Requet stated that because this was a special exception request planning staff is willing to support the request, but only if the elements from the conditions are incorporated.
Paul Watkins added that special exceptions are very discretionary and there is more leeway to add conditions. The question becomes, is it appropriate in this context and what conditions will maintain that appropriateness.
Commissioner Riddell questioned if the applicant proposed a permitted use in this location using this same shell of a building if staff would still be asking for these conditions.
Ben Requet stated that if the proposal was not for a special exception, the City might not have the ability to ask for a higher attention to detail as they are doing in this instance.

Approve with stated conditions. Commissioners Gray, Rigby, Murphy, Riddell, King, and Freeman for.

Chairman Hyneman voting to approve without conditions

Move: Duncan Gray Second: J.R. Rigby Status: Passed

7. Public Hearing for Case #2700 – Rayner Eye Clinic & Surgery Center has filed a request for a Variance from Section 2.6.7 Traditional Neighborhood Business: Front Yard Build-to Line, Maximum for property located at S. Lamar Boulevard. (PPIN #36355)

Planning Comments: The subject property is located on approximately +/- 2.0 acres in the Oxford Farms Development. It is on the west side of S Lamar Boulevard, south of Oxford Way. The applicant is proposing to construct an eye clinic and surgery center. A site plan is currently under review for this property. This property is also the subject of Cases #2701: a Special Exception

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request for a single-story building and #2702: a parking maximum variance request.
The current request is for a variance from the build-to line maximum. Section 2.6.7 of the Land Development Code sets the maximum building setback at 58 feet in the TNB zoning district. The applicant is requesting a variance of approximately 32 feet for a total setback of +/- 90 feet. The applicant and their architect and engineer met with Planning Staff earlier this Fall to discuss the project in which Planning Staff expressed their reservations about the number of variances and Special Exceptions that would be required for the proposal. The applicant has provided several factors that they believe support this current request.
1. The buildings to the south are setback +/- 80 feet from the property line and placing the proposed building any closer would disrupt the rhythm of the street.
2. A 20-foot landscape buffer along South Lamar is included as per the Oxford Farms development requirements.
3. The applicants desire the building front towards South Lamar to be a true front and due to the nature of the clientele, who are usually older, there is a necessity to have adequate parking near the main entrance. Additionally, the applicants would prefer to have two double-rows of parking in the front.
Bringing the proposed building in line with the existing buildings to the south is a reasonable request and maintaining the landscaping buffer along South Lamar is also reasonable, but the intent of the setback requirements in the TNB district is to facilitate no more than a single row of parking in the front of businesses. Parking should, to the greatest extent possible, be located behind or to the side of a building, especially along major transportation corridors, like South Lamar. The buildings to the south do not have parking along South Lamar and as such a double row would be out of place.
The factors cited by the applicant are worthy of consideration. However, the bottom line for this request is that the Code requirements for this site plan are being asked to conform to the design needs of the applicant; rather than the applicant finding a lot that better conforms to its design needs.
A 20-foot Landscape Buffer, two rows of 18-foot parking, 26 feet of fire access, a sidewalk, frontage plantings, and associated curbs will not fit even in 90 feet of setback. If having two rows of parking is necessary to the proper function of this use, a different site located in a different zone that allows for a larger front yard setback may be necessary. Failing that, design avenues are open to the applicant to have the site conform to LDC standards.
Recommendation: Staff recommends approval of the requested variance to maintain the rhythm of the surrounding development with the following conditions:
1. The approval is for no greater distance than the existing setback for the buildings to the South.
2. The site plan for the proposed building shall have included foundation plantings.
3. The site plan for the proposed building shall have no more than a single row of parking in the front yard.

Summary of Discussion:

2700 Commissioner King recused from the Rayner cases

Stuart Povall stated that he did due diligence. It is difficult to look at a similar almost identical project that got approval for the same type of request. Parking will be reviewed in the SPR process. It is difficult for the doctors that see the memory care approved and then it be nearly identical to it and he questioned why there were such different staff reports.

Commissioner Freeman questioned why condition #3 was included in this item but not in previous item?
Ben stated that there was a variance previously granted for front build-to line and that that was granted for two rows because of the nature of a memory care facility. Probably have more people who need assistance and access to front door.

Stuart Povall stated that this use has similar issues. Probably everyone in memory care will go there; ages 70+ is the majority of the clientele. Andy Calicutt's consultant planners have reviewed this project and are comfortable with it. We also have the Oxford Farms landscape buffer. We have opportunity to plant additional landscaping.

Dr. Chan stated that hey originally wanted all parking in front. We realized that wouldn't work with

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our design team. Really only one row of parking other row is all handicap up against building. Because of the older population there is a need for easy access to front doors. They are a cataract surgery practice. There was consideration of a redesign of the entry and it didn't work.

Commissioner Gray asked what the minimum number of handicap accessible spaces required was and if more would be need than currently provided.
Stuart Povall stated that the minimum would be 5, there are 8 currently proposed and more may be needed.

Commissioner Freeman makes motion to approve without condition #3.

Stuart Povall stated that 1 and 3 are linked
Commissioner Rigby asked for clarification on condition #1.. which buildings to the south? Ben Requet stated that it would be the 2 immediately to the south.

Motion dies for lack of a second.

Stuart 1 and 3 are linked because building needs to be setback to get double loaded parking. Memory care is setback 70 ft., but doesn't have the 20-foot landscape buffer.

Commissioner Riddell asked how far back are the other buildings; is it actually about 5 ft?
Joey Moore stated that an awning extends closer to road, but the building front jogs. Planners interpret it differently.
Commissioner Riddell stated that it appears to be closer to 18 ft.
Joey stated that outside corner was 5-6 ft. off when i measured it.

Commissioner Gray asked how many total parking spaces not including handicap
Stuart Povall responded that there were 96 total spaces proposed. 85 spaces allowed with 25%, over the 68 required.

Commissioner Gray asked if it would make sense to make the east-most row of parking into ADA spaces to reduce the overall number needed?
Ben responded that an effort should be made to keep ADA spaces as close to building as possible. Don't want people to cross drive aisle.

Dr. Chan stated the clinic is moving because there is a desperate need for more parking overall.
Stuart Povall stated that he though 8 ADA spaces would be sufficient.

Chairman Hyneman stated that the rhythm of street is a primary concern for this variance.

Joseph Murphy asked if the required setback was 50 or 58 ft?
Ben stated that the LDC was changed to 58 ft.

Commissioner Riddell stated that this is a 90 ft. request. Only about 5 ft. difference from building south of it. The rhythm of the street doesn't mean everything is exactly the same. 5 ft. is going to be very difficult to tell. I don't think 2 rows is that drastic.

****Commissioner Riddell motions to approve the request without conditions 1 & 3; Commissioner Freeman 2nd

Move: Judy Riddell Second: Bill Freeman Status: Passed

8. Public Hearing for Case #2701 – Rayner Eye Clinic & Surgery Center has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: One-Story Building for property located at S. Lamar Boulevard. (PPIN #36355)

Planning Comments: The subject property is located on approximately +/- 2.0 acres in the Oxford Farms Development. It is on the west side of S Lamar Boulevard, south of Oxford Way. The applicant is proposing to construct an eye clinic and surgery center. A site plan is currently under

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review for this property. This property is also the subject of Cases #2700: a front yard Build-to line variance request and #2702: a parking maximum variance request.
The current request is for a single-story structure in a TNB district. As allowed in Section 2.6.7, Footnote 3, of the Land Development Code, a building of 1 story may be allowed by special exception in the TNB zoning district. The applicant states that the proposed use does not lend itself towards multiple floors, the proposed design has a two-story-like presence towards South Lamar, and that other one-story medical offices exist in the immediate vicinity in the TNB district.
Staff acknowledges that other single-story offices do exist in the immediate vicinity, including Oxford Pediatric and Oxford Clinic for Women. The architectural elevations show a front façade that begins to have the appearance of a building that is larger than one story. The roof line is approximately 36 feet and there is a dormer window that gives the appearance of a potential second story. As both the north and south sides will be seen from South Lamar, an arterial, Sec. 5.6.2.2 requires that those walls be treated as building fronts. Staff would like to see additional architectural elements along those elevations that enhance the appearance of a potential second story.
Recommendation: Staff recommends approval of the requested special exception with the following conditions:
1. The architectural elevations should include additional elements, such as but not limited to windows, dormers, etc. on the north and south facades to enhance the appearance of a potential second story.

Approval with stated conditions

Move: Duncan Gray Second: J.R. Rigby Status: Passed

9. Public Hearing for Case #2702 – Rayner Eye Clinic & Surgery Center has filed a request for a Variance from Section 3.9.1.3 Medical Facilities: Parking for property located at S. Lamar Boulevard. (PPIN #36355)

Planning Comments: The subject property is located on approximately +/- 2.0 acres in the Oxford Farms Development. It is on the west side of S Lamar Boulevard, south of Oxford Way. The applicant is proposing to construct an eye clinic and surgery center. A site plan is currently under review for this property. This property is also the subject of Cases #2700: a front yard build-to line variance request and #2701: a Special Exception request for a single-story building.
The current request is for a variance to exceed the maximum parking requirements. Section 3.9.1.3 of the Land Development Code sets the minimum parking requirement for medical facilities at one space per 250 sqft of gross floor area and Section 4.9.1.1 allows parking to exceed the minimum by up to 25%. The proposed use is 16,960 sqft, which would set a parking minimum of 68 spaces and an additional 25% would allow 85 spaces. The applicant is proposing 96 spaces which would be 11 over the maximum allowed, or 41% over the required minimum.
The applicant states that on a daily basis 50 spaces will be used by staff and that anticipated patient counts would require an additional 44 spaces. Staff finds these calculations to be reasonable and believes a hardship exists due to the unique nature of the business.
Recommendation: Staff recommends approval of the requested variance for 96 total parking spaces.

Move: Duncan Gray Second: Joseph Murphy Status: Passed

10. Public Hearing for Case #2704 - The City of Oxford has filed a request for amendments to the Land Development Code to correct mistakes and to make modifications.

(Red is addition, Blue is removal)

Planners Comments: The changes proposed address concerns that have surfaced. The changes include:
• Modifying the standards for the Institutional-Medical District to be consistent with the use standards for Medical Facilities.
• Modifying the distance required between residential detached units in a Residential Common Interest Development.
• Establishing a new use for an Event Space or Banquet/Reception Hall.
• Modifying the parking requirements to allow the Director to grant a 25% parking reduction in non-residential mixed-use buildings.

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• Modifying the landscaping requirements.
Article 2
A change to the Institutional-Medical standards is being proposed to change the size limitations for a Special Use / Special Exception in order to allow for consistency with Section 3.9 Medical Facilities standards.
2.6.15.1.c. Uses permitted shall be reviewed as Special uses if they are 15,000 25,000 square feet or less; and as Special Exceptions if they are larger than 15,000 25,000 square feet. In addition, a religious assembly use or public facilities shall require approval by special exception. Uses shall meet all standards of this ordinance and any additional standards for the use in Sections 3.4 to 3.11.
Article 3
A change is proposed to the Residential Common Interest Development standards is being proposed to allow detached units to be located 10' apart. Also, a new use is proposed that will facilitate an Event Space or Banquet/Reception Hall. The Planning Department has received many inquiries about this use, which could be facilitated through the 'Other Service Uses' category, but we felt it was important to research how this use is being regulated in other communities enabling us to establish standards for consideration of the use.
3.5.8.5.c. Development Standards: Shall follow the standards of the underlying zoning district; but in no instance shall building separation be less than 15 10 feet.

3.9.1 Event Space or Banquet/Reception Hall
3.9.1.1 Definition: An establishment which is rented by individuals or groups where the primary use is the accommodation of private functions including, but not limited to: banquets, weddings, anniversaries, and other similar celebrations where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages.
3.9.1.2 Districts Allowed:
a. Event Spaces or Banquet/Reception Halls are special uses in the RC, TNB, SCN, SCO, UCN, UCO and HUCN districts except when located adjacent to attached or detached residential uses in the RC, ER, SR, NR, of SMF districts.
b. Event Spaces or Banquet/Reception Halls are special exceptions in the RC, TNB, SCN, SCO, UCN, UCO and HUCN districts when located adjacent to attached or detached residential uses in the RC, ER, SR, NR, of SMF districts.
3.9.1.3 Parking: One parking space is required for each two people anticipated to participate in events calculated at 80 percent capacity except in HUCN districts where a parking plan shall be provided.
a. A parking plan shall be presented with a site plan and consist of at a minimum:
1. The size and type of the proposed development
2. Parking space allocation (i.e. employee parking, resident parking, short term/visitor parking, carpool/vanpool parking, electric vehicle parking)
3. The anticipated peak and average parking loads of all users
4. When applicable, provide a contingency plan detailing how parking will be managed during peak periods and events.
5. When applicable, provide a curbside management plan demonstrating how pick-up/drop-off and any other curbside uses will function.
6. When applicable, provide a valet parking plan, to include:
a) Brief narrative description of how the valet will function
b) Diagram showing how cars will be shifted in and out of spaces at peak usage.
c) Contact information for valet operator or potential valet operators
d) Location of receiving garage/lot and number of spaces leased off-site (if applicable)
e) Lease agreement for off-site spaces (if applicable)
7. Outline of wayfinding signage plan for all users of all modes of transportation
See Article 4 for general requirements.
3.9.1.4 Loading: No use-specific requirement. See Article 4 for general requirements.
3.9.1.5 Additional Standards:
a. The City of Oxford Noise Ordinance (Code 1968, Chapter 34, Article III) shall control amplified music, loudspeakers and similar noise.
b. When adjacent to attached or detached residential uses, outdoors activities shall be limited to 30 patrons.
c. When adjacent to attached or detached residential outdoor activities shall not be conducted between the hours of 10:00 PM and 8:00 AM.

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d. When adjacent to attached or detached residential uses, hours of operation shall be limited to 8:00AM to 12:00AM midnight.

Article 4

A change is proposed to allow the planning director to grant a 25% parking reduction for nonresidential uses in a mixed-use structure.

4.9.2.1 The Director may authorize up to a 25% reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or environmental features such as tree stands or streams, or in the instance of non-residential uses in a mixed-use structure. Such waiver may be issued at the request of the applicant after determination that reduction will not unreasonably increase parking congestion. The applicant shall not disturb the features for which the reduction is granted.

Article 5

A change is proposed to what the landscaping standards. The landscaping requirements provide for attractive landscaping packages to be submitted and this standard is not needed.

5.7.3.1 A minimum of 15% of the pervious surface of the lot shall be landscaped with at least one tree per 15 square feet and 4 shrubs per 2,000 square feet. trees and shrubs.

Recommendation: Staff recommends approval of the proposed modifications.

Summary of Discussion:

Commissioner King returns

Commissioner Gray asked what the impetus was for changing the Medical size standards and where did the initial square footage come from.
Ben Requet responded that there was a proposal in the medical district for the first time and that the initial standards came from the original consultants.

Commissioner Riddell asked about the potential for requiring bonds for emergency demolitions in the historic districts.
Ben responded that those types of requirements would be found in the historic preservation ordinance in the municipal code.

Commissioner Gray asked about the potential for event space to part of a multi use structure.
Ben responded that there could be potential for a scenario in that realm.

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

11. Motion to Adjourn

Move: J.R. Rigby Second: Judy Riddell Status: Passed

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

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, January 11, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

In Attendance

Benjamin Requet; Bill Freeman; Brian Hyneman; Duncan Gray; Gray Parker; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Marvin King; Mollie Woodhouse; Paul Watkins; Reanna Mayoral; Robert Baxter

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

A. January Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: J.R. Rigby Second: Duncan Gray Status: Passed

3. Approval of minutes from the December 14, 2020 Meeting

   Move: J.R. Rigby Second: Duncan Gray Status: Passed

4. Staff Report
   a. Building Official's Report

      Commissioner Gray asked what do we deduce from the building number.
      Ben Requet responded that most of the development dollars are the tail end of some large projects from previous years and that the City has not seen many large projects in 2020.
      Commissioner asked how much is COVID related.
      Ben drop off is due to end of large projects. The rate is more similar to before the large student housing projects.
      Commissioner Gray stated we're back to normal building rate.

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2705-A – Lee Harris has filed a request for Site Plan Approval for 'Funky's Addition' for property located at 1010 Jackson Avenue East. (PPIN #5950)

C. Consent Agenda

Move: J.R. Rigby Second: Duncan Gray Status: Passed

1. Public Hearing for Case #2706 – Oxford Healthcare Properties, LLC has filed a request for a Special Exception as provided in Section 5.6.1.8 (a) Inappropriate / Appropriate Façade for 'Oxford Orthopedic Sports Medical Office Building' for property located at Belk Boulevard at Nicole Lane. (PPIN #25125)

   Planning Comments: The subject property is located on +/- 4.3 acres on Belk Boulevard north of Baptist Hospital. It is on the north side of Belk Boulevard at the corner of Nicole Lane. The applicant has an approved site plan (Case #2697) to construct a +/- 43,000 sf, two-story medical office building to include orthopedics, physical therapy, and other medical specialties. The medical office

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building will be built on land owned by Baptist Memorial Hospital - North Mississippi and leased to the building developer/owner under a long-term Ground Lease. This Special Exception is required as a condition of approval for Case #2697 due to the use of architectural metal panels on the building.
According to Section 5.6.1.8(a) of the LDC, any use of metal surface as an exterior siding may be considered by special exception. The proposed site plan complies with all of the requirements of the LDC, it is consistent with the intent of the Institutional-Medical district and therefore, staff supports the request.
Recommendation: Staff recommends approval of the requested special exception.

D. **Public Hearings**

1. Public Hearing for Case #2694 – Ran Management has filed a request for a Special Exception as provided in Section 3.8.10.2 (b) Service Stations: Use for 'Lot 1 Colonnade Crossing, Phase 1' for property located at MS Highway 30. (PPINs #4642, #4643, & #15140) **(Postponed from December)**

   Planning Comments: The subject property is located on a corner lot of +/- 1.31 acres on Lot 1 of the Colonnade Crossing Subdivision Phase 1. It is on the northside of Hwy 30, at the intersection of Barrington Drive. The applicant is proposing to construct a Service Station with five (5) pumps, an associated convenience store with a bay of retail space and a second story of storage area. The site plan for this property is the subject of Case #2695. This request is for a Special Exception for the use of a Service Station in a TNB district as allowed in Section 3.8.10.2 of the Land Development Code.
   The general standards for approval of a special exception are found in Sec 9.3. The guiding principle is to determine if the requested special exception is or is not "in harmony with the purpose and intent of" the ordinance. The Planning Commission must make a finding that granting the special exception will not adversely affect the public interest.
   The applicant states that the structure will be aesthetically pleasing and would be an improvement over the dilapidated house on the current site (which has since been demolished). They also reference the existence of several service stations along this section of Molly Barr/Hwy 30 one of which is in a TNB District.
   As to location for a service station, staff is generally not opposed. This use would be at the intersection of two highways, generally an appropriate place for a service station. This lot is the first to be developed in the Colonnade Crossing Subdivision and will be a highly visible development at one of the main entrances to the City. As such, it isimperative that a high-quality standard is established.
   As currently designed, the east and south fronts, are acceptable, but the north and west facades are missing required architectural elements and are essentially just solid brick veneered walls. These elevations will be visible from public roads and because Highway 30 is classified as a major collector, the west elevation is treated as building front façade per Sec. 5.6.2.2 and requires architectural elements as such.
   The LDC requires that pump areas on corner lots in TNB districts to be located in rear or side yards unless the lot backs into a residential use. Because there is an existing residence to the west, the current site has the pumps in the front yard.
   The other standards set forth in the LDC include stacking requirements, requirements on the location of pumps, and standards for pump canopies. The plans attached comply with these standards.
   Staff has received several comments from the public in regards to this development. These can be found in your packet.
   Recommendation: Staff is of the position that this location is appropriate for a service station and that the design proposed sufficiently meets the standards required by the LDC with the exception of the architectural elements for the north and wet facades. If the Planning Commission makes the finding that granting the special exception will not adversely affect the public interest, Staff recommends approval of the special exception with the following condition:
   1. Updated architectural elevations will be provided that include appropriate architectural elements for the north and west facades.

   Summary of Discussion:
   Commissioner Freeman asked what's the reason for the exception? What makes it exceptional?
   Chairman Hyneman stated that there is nothing exceptional other than they believe this use makes sense here for what they have planned.

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John Granberry responded that is correct.
Commissioner Rigby stated why a service station is a Special Exception. Because the zoning is Traditional Neighborhood Business, the thought going into the code was that service stations would get more discretion since they are possibly going in a mixed use area.

Commissioner King stated in his review of the standards for the use that in a TNB the pumps should b located in the rear, but are in the front at this location?
Robert Baxter stated that this was correct because to the west there is a single family residence.
Commissioner King asked what the rational for not having pumps in the front?
Ben Requet stated that in part it was an aesthetic issue and a goal of the TNB is to bring buildings closer to the street.

Commissioner King asked if there is a safety/speed issue with pumps in front so close to the highway.
John Granberry the access point is onto Barrington. There is no direct access to the highway and speed from entering cars would be around 25 MPH. Increased the amount of landscaping on the west as a buffer to the occupied house.

Commissioner Murphy asked if there were any diesel pumps. There is a public concern about 18 wheelers.
John Granberry stated gas only. No separate diesel area for 18 wheelers.

Commissioner Riddell asked if Reanna could explain the traffic study. Received it this afternoon.
Reanna Mayoral stated that the Engineering report was updated today to reflect the conceptual layout that includes a round about. Traffic study states no recommendations for improvement with the gas station itself. Roundabouts and improvements for Colonnade Crossing as it develops would be required. Slight traffic increase at the intersection of Park, Hwy 30, and Barrington. Level of service drops from B to C. Level C is considered mild traffic delay. Adds 4 seconds of delay on Park. Again nothing that gives reason to have any concern about severe negative impact from this gas station.

Commissioner Rigby stated that mid year we saw a case for Colonnade Crossing. There are concerns from public about traffic and the gas station but this is in the context of a larger development.
John Granberry traffic impact study addressed gas station and the entire Colonnade Crossing development. Study yielded a recommendation for a roundabout and there is a preliminary design to see how it would work later on. *** He hands out a copy to the Commission of the preliminary roundabout design***. TNB at road and high density commercial to the north. There will be access point at CR 282. The traffic study considered the highest density possible for the development to provide an upper limit for possible traffic. The proposed roundabout would increase level of service three levels. There are current discussions with the City to provide the roundabout and if possible construct at the same time as the gas station. The gas station does not currently warrant road improvements.

Wil Matthews stated that they had preliminary conversations with City staff and MDOT regarding the roundabout. We understand long term traffic concerns. Can't guarantee that the roundabout could be built by the time gas station is built, but they understand that this is the best concept for the future development and are actively working on it. They would like to do improvements on the west side at Ferndale simultaneously.

Chairman Hyneman stated that the Commission had received numerous objections. On lighting, how are you directing light?
John Granberry stated he was prepared to address all comments. They prepared a photometric lighting plan that does not allow lighting to escape site boundary and an electrical engineer confirmed the lights wont pollute neighboring lots. All lights will be shielded down.

John Granberry stated that the increase in traffic volume would have 8 vehicle per hour increase in the peak hours for the morning and 6 car increase in the afternoon peak hours for Park Drive. The speeding concerns are an enforcement issue. Several concerns to benefits of citizens due to the proximity of other service stations. The applicants have done market research and have concluded

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that this is a great site for a service station.

Commissioner Gray asked if the study was based just off the build of the gas station, and that traffic would increase as the rest of the development was built out.
John Granberry affirmed this and noted that the study was taken at a time when Oxford Elementary was still in use.

Commissioner Riddell stated that it is her understanding that it is not a function of the Planning Commission to say how many gas stations can go in an area.
Ben Requet stated that that was a correct statement. When considering a proposed use, staff considers the context of the situation, but there are no requirements for market analysis. If the zoning allows

Chairman Hyneman questioned staff as to a Special Exception, how do they determine what is in harmony and appropriate for an area?
Ben Requet stated that design concept, zoning, transportation, aesthetics, density, and previous decisions by the Planning Commission are all taken into consideration.

Commissioner Gray stated that this was going to be one of our main corridors into the city. Are the aesthetics where they need to be on this project as an entry way into town? How do we ensure that the structure maintains an appropriate appearance?
Robert Baxter Stated that there had discussion surrounding aesthetics for the past two months or so. Staff is generally happy with the architecture except the north facade.
John Granberry stated that the front entrance will be facing east towards Barrington.

Commissioner Rigby stated that much of the public comment against the project focused on traffic. Most of the traffic generation will come from the rest of the Colonnade Crossing development.
Chairman Hyneman stated that most of the traffic would be coming off Molly Barr and Hwy 7. The lighting has been addressed. Noise and littering are enforcement issues. Many of the objections are just part of what happens in a growing town.

Commissioner Gray asked when would the Barrington ingress be completed.
Wil Matthews stated that they are moving dirt now but the weather has them behind schedule. Probably March or April.
Commissioner Gray asked what the hours of operation would be.
Wil Matthews stated that he couldn't speak to the hours, but that the management company runs really clean operations. He guessed it would be 10-12 at night.
Commissioner Gray asked what would be located in the additional space.
John Granberry stated that there were not definitive plans as of this time, but it will be retail.
Commissioner Gray stated that a liquor store would be a possibility and asked if staff had looked into requirements for distance to the school building.
John Granberry stated that the City code calls for 100 ft. between building lines on same side of street, but there is no distance requirement for building separated by a street and that Barrington Drive separates the store from the school property.
Paul Watkins stated that the state law is the same. Across the street makes a difference. The way the ordinance is written, that in commercial districts, alcohol sales would essentially have to be immediately next to a protected use.
Commissioner Gray asked if there was anything that would prohibit the School District from expanding in to a portion of their property that was within 100 feet of the gas station.
Paul Watkins stated that his understanding was that ordinance was meant to protect schools and churches from alcohol sales coming in, but that if a protected use wanted to located next to alcohol sales, there would be no prohibition against that.

Motion to approve subject to staff conditions
Commissioners Hyneman, Gray, Rigby, King, Riddell and Murphy voting to approve
Commissioner Freeman voting to deny

Move: J.R. Rigby Second: Duncan Gray Status: Passed

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2. Public Hearing for Case #2695 – Ran Management has filed a request for Site Plan Approval for 'C-Store Colonnade Crossing Lot 1, Phase 1' for property located at MS Highway 30. (PPINs #4642, #4643, & #15140) **(Postponed from December)**

January 11, 2021 Update: New architectural elevations that include new articulations for the west façade were provided by the applicant.
Planning Comments: The subject property is located on +/- 1.31 acres on Lot 1 of the Colonnade Crossing Subdivision Phase 1. It is on the northside of Hwy 30, Just west of Hwy 7. The applicant is proposing to construct a Service Station with five (5) pumps and an associated +/- 11,087 sqft, two-story convenience store with an additional bay of retail space. This property is also the subject of Case #2694: a request for a Special Exception for the use of a Service Station in a TNB.
Use Requirements – Service Stations in TNB districts are approvable by Special Exception. A special exception has been requested in Case #2694. The standards for service stations can be found in Section 3.8.10. This site plan meets those requirements.
The parking standard for this use is one parking space for each 300 sqft of gross sales floor area. In this instance, the applicant has provided 23 spaces, including 2 handicap accessible spaces, which meets parking requirements for the ground floor. As the second floor will be used exclusively for storage, no parking spaces are required for that area as parking for service stations is calculated off of patron area, but if any other use were to occupy that space in the future, additional park may be required.
Coverage and Height Requirements – TNB Zoning allows for up to 80% impervious lot coverage. The proposed development would comply with 73% impervious coverage. TNB Zoning also requires a functional second story of at least 51% of the square footage of the ground floor. This proposal includes a second story of 57% of the first floor.
Other Requirements
• Building façade and materials – The current plans call for brick and stone veneer with bronze metal canopies.
• Signage - The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
• Lighting – A photometric study has been provided with this submission that shows minor spill over light over the west property line. Staff recommends a condition that requires an updated lighting plan to maintain site lighting on site.
• Access – The primary access to the site will be from future Barrington Drive. Sidewalks are indicated on site that will connect the retail building to the existing sidewalk network.
• Landscaping and Tree Requirements – There were no significant or heritage trees on site that required mitigation. The proposed landscape design meets all standards related to parking lot trees and landscaping requirements.
Engineering Update January 11, 2021: The traffic impact study and conceptual layout for a future roundabout at Molly Barr and Park/Barrington have been received and reviewed by the Engineering Department. The conceptual layout for a future roundabout indicates that there is adequate right-of-way available to construct a two-lane roundabout (encompassing all four lanes of traffic) without encroaching on the proposed site plan or other private property. The layout is only conceptual in nature at this time and would require approval by the Mississippi Department of Transportation (MDOT) as this portion of Molly Barr/Highway 30 is owned and maintained by the MDOT.
The traffic impact study was prepared by a licensed engineer based on traffic counts taken in February 2020 and November 2020. Staff discussed the methodology of the data used with the Traffic Engineer to ensure that the results were conservative in nature and were not severely skewed (lowered) as a result of the impacts of COVID-19 on traffic patterns. The traffic study provides recommendations to the site plan under consideration with this case and also provides some recommendations based on probable future build-out of Colonnade Crossing. As with previous developments of this nature, the immediate concern is what impact the known site plan is going to have on traffic. The long-range review is to ensure that the developer and City have knowledge and a plan for future traffic needs that may arise as the complete build-out follows over time. The traffic impact study provided states that there are no recommendations for improvements associated with this site plan. The level of service decreases at certain peak periods but there is still more than adequate capacity on Molly Barr, Park and Barrington. The level of service (LOS) of Park Drive will decrease from a LOS B to a LOS C during the AM peak hour, with the result being an increase of approximately 4 seconds. The LOS for Barrington will also decrease from a LOS B to a LOS D, with a longer delay period. Table 4 of the Traffic Impact Study provides a summary of the findings with the intersection leg having the most change being shown

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in the data. The study does recommend a roundabout at this intersection, and the intersections of Highway 7, at some point in the future based on future development.
Staff accepts the recommendation of no improvements to be made at this time associated with the traffic generated by the proposed site plan and does not feel that traffic will be severely impacted as a result of this specific site construction. There are no additional conditions or requirements necessary as a result of the traffic impact study provided.
Engineering Comments - This site is part of the Colonnade Crossing subdivision. The Final Plat for this property has not been considered by the Board of Alderman at this time and no bonds have been received for public infrastructure. The easternmost access point to Highway 30 is controlled by the Mississippi Department of Transportation (MDOT). Staff noted the opinion in the report for the Final Plat (Case 2630) that the three-lane roadway section was not appropriate for the easternmost access point, referred to as Barrington on the construction plans. As of the writing of this report (December 22), Staff is not aware of any approvals granted by the MDOT. Until the MDOT has provided comments, the roadway typical section at the connection to Highway 30 is unknown. A traffic impact study is required by both the City and the Department of Transportation and has not been received as of the writing of this report. The traffic study has been underway for several months and staff has discussed the appropriate means to collect accurate data during the COVID-19 pandemic on several occasions with the traffic engineer. Staff approved the use of both cellular phone data and traditional traffic counts completed while the local schools were in session to provide the most accurate traffic counts. Staff has discussed the preliminary findings from the study with the design engineer, traffic engineer and owner in a Microsoft Teams meeting the week of December 14th. Staff was shown via Teams results indicate a slight decrease in the Level of Service at the intersection of Highway 30 and Park/Barrington to LOS D or LOS E. Without the benefit of the report in hand, staff can't recall the exact amount of delay associated with the site plan for the gas station; however, it seems to have been approximately 2-3 seconds of additional delay. During the discussion of the (pending) traffic study, it was stated that a roundabout is likely required at the intersection of Highway 30-ParkBarrington as a result of future development in Colonnade Crossing. However, this roundabout would NOT be required as a result of a single site plan of the scale of this gas station. Staff told all participants of the Teams meeting that Engineering would not require the construction of a roundabout at the intersection at this time; however, a conceptual layout is necessary prior to approval to confirm there is adequate space to build a roundabout that is likely required in the future. As of this report, Staff has not seen a conceptual drawing. Staff emphasized that the Mississippi Department of Transportation approval is required for access to Highway 30 and that submittals should be provided to the MDOT immediately. There may be other recommendations from the traffic study associated with the gas station specifically. As previously discussed in Case 2630 for the Final Plat, the layout of the intersection of Highway 30 and Barrington is likely to change as staff does not support the three lanes on Barrington or the proximity of the acceleration/deceleration lanes.
Water will be provided from a water main that is to be constructed in Barrington for future acceptance by the City. The interior water will be privately owned and maintained. As noted in Case 2630, the final approval of the water infrastructure is pending a review of any impacts shown in the City's water model. The water infrastructure layout and connection point may be changed pending those results. There is adequate capability to provide water to this gas station, even if it is necessary to connect to an alternate water main. Sewer will be provided by a direct connection to an existing manhole on Highway 30. This direct connection will provide immediate sewer service regardless of the state of construction of the sewer infrastructure and lift station shown in the construction plans for the subdivision.
Street lights are not observed on the construction plans but will be required along Barrington according to City standards.
Stormwater management is being provided by the large detention pond being constructed to the north of this site, which was previously approved. The necessary infrastructure to ensure that stormwater is conveyed from this site to the pond is being constructed at the same time as this site plan. Other Departments: All other departments have review this site plan and have recommended approval.
Recommendation: Staff recommends approval of the site plan for 'C-Store Colonnade Crossing' with the following conditions
1. Approval is for the site plan as submitted (Planning)
2. Approval is contingent on the approval of a Special Exception for the use of a service station in a TNB District. (Planning)
3. Approval by the Mayor and Boards of Aldermen of a Final Plat is required prior to the issuance of

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any building permits. (Planning)
4. An updated photometric lighting plan must be submitted prior to the issuance of any building permits. (Planning)
5. A permit from the Mississippi Department of Transportation is required for the access of Barrington to Highway 30. (Engineering)
6. Staff has the authority to approve changes to the construction plans regarding infrastructure, including the roadway alignment and layout (Engineering)
7. Approval is contingent on completion of any recommendations made in the traffic study for the gas station. (Engineering)
8. Approval is contingent on receipt of a feasible layout for a roundabout at the intersection of Highway 30-Park-Barrington. (Engineering)
9. Approval is contingent on the addition of street lights along Barrington as required. (Engineering)

Summary of Discussion

Chairman Hyneman questioned about the possibility of removing condition #2.
Paul Watkins recommended keeping the condition because the Special Exception had conditions tied up in it.

Possibly removal of condition #2 by BH. Paul Watkins i would keep the condition bc SE had conditions tied up in it, so Condition #2 stands.

Approve subject to Staff conditions

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

3. Public Hearing for Case #2707 – CB Holdings, LLC has filed a request for a Special Exception as provided in Section 2.6.7, Footnote 1 Traditional Neighborhood Business: All Detached Residential Units for property located in the Grand Oaks PUD. (PPIN #37366)

Planning Comments: The subject property measures approximately +/- 12 acres, is located at the southeast corner of the Clubhouse Drive and OUS Drive intersection, and it is zoned (TNB) Traditional Neighborhood Business. The property is not located in the Grand Oaks Planned Unit Development. In 2009, this property was rezoned from Industrial to Neighborhood Business. The application states that the current property owner acquired the property in 2016, and during that time, they have created several development proposals that were not marketable. The applicant also notes the outbreak of COVID-19 as a new challenge that they are experiencing with developing interest for this site to be a commercial or a mixed-use development. Since the property was rezoned in 2009, the surrounding property (south and east) has been developed with residential subdivisions (The Grove at Grand Oaks) that have lots measuring approximately +/-.5 acres to well over an acre.
The applicant is requesting a Special Exception, as provided in this zoning district, to allow for a single-family residential subdivision to be constructed at this site. Provided in the application packet is a conceptual plan for a 42-lot residential subdivision for this property. The concept plan does indicate the storm water detention, a park area and green space that will be located near the intersection of Clubhouse Drive and OUS Drive. Should this request be approved, a formal subdivision plat will be required to be submitted for review to the Site Plan Review Committee, and modifications to the conceptual plan may be a result of this review.
As the area is currently developed, the industrial and commercial businesses are limited to the west of the Clubhouse Drive and OUS Drive intersection and this property is the only commercially zoned property east of that intersection. While it would be ideal for a mixed-use development to be located at this site, Staff does appreciate the developers attempts to create that style of a development. Since the subject property is surrounded by already developed residential, Staff believes that it does make sense for this property to be developed as a residential neighborhood. Additionally, it does seem that this proposal will be compatible with the existing neighborhood and will not adversely affect the public interest.
Recommendation: Staff recommends approval of the requested Special Exception with the following conditions:
1. The approval is for a single-family residential development as indicated in the submitted

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conceptual plan. That plan is subject to change based on the review from the Site Plan Review Committee in order to comply with the requirements of the Land Development Code.
2. The Special Exception shall expire within 18 months if no building permits have been issued.

Summary of Discussion:

Commissioner Murphy asked about the application request to lower the rear setback from 50 to 25 feet.
Ben Requet stated that TNB zoning would normally require 50 feet of setback if adjacent to SR or ER, but in having SR requirements apply to this development, the rear setback would be 20 feet.

Motion to grant subject to staff conditions with the added condition that the proposed subdivision meet the requirements for Suburban Residential

Move: J.R. Rigby Second: Duncan Gray Status: Passed

4. Public Hearing for Case #2708 – Oxford School District (Brian Harvey) has filed a request for Site Plan Approval for 'Oxford School District – Career and Technical Education Building' for property located at 101 Charger Loop. (PPIN #33805)

Commissioner Gray and Paul Watkins recuse

Planning Comments: This is a request for site plan approval to construct a Career and Technical Education Building on the Oxford High School campus. The building will be located between the existing Fine Arts Building and Gymnasium. The high school property is located in Oxford Commons, north of Sisk Avenue, on Charger Loop. The property measures approximately +/- 75 acres.
The proposed Career and Technical Education Building will be an approximately +/- 13,000 square foot, single-story building that will provide classroom space, a computer lab, storage, and large work spaces for electrical, mechanical, and carpentry subjects. The building will be accessed through existing private roads that are connected to Charger Loop and Sisk Avenue. Future plans include the addition of an auto/body shop to the east side of this proposed building.
The school intends to utilize existing parking on site for the building. Three of the existing parking spaces will be re-striped as two van accessible spaces.
Other Review Elements
• Architectural Design – All sides of the building will be brick. The building will be less than 30 ft. tall and will include a parapet that will screen the rooftop mounted mechanical unit.
• Landscaping and Tree Requirements – The landscaping plan indicates a mix of canopy trees to the north and south of the proposed building and a formally designed entry to the south with a mix of trees and flowering ground plane plants and shrubs.
• Pathways – A sidewalk from the building will connect pedestrians to the parking lot to the south. An accessible route has been provided between the existing buildings and the proposed CTE Building. A newly proposed ramp leaving the CTE Building will be tied into an accessible route that connects to an existing crosswalk, which is adjacent to the van accessible parking spaces.
Engineering Comments:
Water and Sewer & Utility - The project requires new services. Sewer will connect to an existing private 8-inch diameter sewer line. Water will connect to an existing private 10-inch diameter water line. A wall mounted fire department connection will replace the existing fire hydrant. Sewer and water will be privately owned. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations.
Stormwater Management - There is an existing stormwater management facility consisting of a detention pond, which differs from ponds previously discussed in other cases. The stormwater management facility is designed to manage the 25-year storm event with a full build out of the site. Because the CTE building is part of the original approved Oxford High School design it is grandfathered under the original site plan. A review of the original plans and stormwater report indicated some discrepancies between the plans and report. Aerial imagery indicates that the pond may not have been maintained since construction. As a condition of approval, engineering staff is requesting that an as built of the existing pond be created and that the stormwater management facility be remodeled using this data to confirm that that it can meet the requirements for managing the 25-year. Additionally, engineering staff is requesting necessary maintenance be done to bring

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the pond into compliance with the current ordinance regarding interior slopes, energy dissipation, vegetative cover, and low flow channel.
Recommendation: Staff recommends approval of the site plan for 'Oxford School District – Career and Technical Education Building' with the following conditions:
1. Approval is for the site plan as submitted. (Planning)
2. Confirm existing stormwater management facility can manage the 25-year storm event as originally designed. (Engineering)
3. Perform necessary maintenance and facility upgrades. (Engineering)

Approve subject to staff conditions

Move: J.R. Rigby Second: Marvin King Status: Passed

5. Public Hearing for Case #2709 – Betsy Patton and Louisa Dixon have filed a request for Final Plat Approval (Amended) for 'Woodland Hills Subdivision Lots 22, 23, and 24' for properties located at 301 and 311 Longest Road. (PPINs #5342 & #5350)

Planning Comments: This report pertains to a request to amend lot lines on two adjoining lots of a final plat originally approved in 1953. The subject properties are located in the Woodland Hills Subdivision, along the north side of Longest Road and west side of Eagle Springs Road. Two single-family homes exist on these lots. The purpose of this request is to amend the subdivision plat to modify lot lines between Lot 22, 23, and 24. The amendment will confirm that Betsy Patton legally owns Lot 24 and the eastern half of Lot 23, while Louisa Dixon legally owns Lot 22 and the western half of Lot 23.
As originally recorded, Lot 22 measured approximately +/- .415 of an acre, Lot 23 measured approximately +/- .458 of an acre, and Lot 24 measured approximately +/- .415 of an acre. The amendment will dissolve Lot 23, and new Lot 22 will measure approximately +/- .644 of an acre and new Lot 24 will measure approximately +/- .644 of an acre as well.
The lot size minimum in the Traditional Estate Residential zoning district is 15,000 sq. ft. Both of these modified lots will far exceed the minimum required.
Attached are letters of approval from other owners in the subdivision that the applicant has deemed potentially adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.
The applicant states that letters of support will be presented to the Planning Commission at the hearing as a demonstration that persons directly interested in the subdivision amendment do not find themselves to be adversely affected. As of the date of this report, staff has not received any questions or complaints
Engineering Comments: There are no City owned and maintained water or sewer lines located within the lots being amended. There is no utility easement shown on the original Woodland Hills Subdivision plat. No other easements were identified by the survey done for this amendment. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations. Stormwater management is not required for this plat amendment.
Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Woodland Hills Subdivision Lots 22, 23, & 24' with the following conditions:
1. Approval of the amended final plat by the Mayor and Board of Aldermen.
2. Approval is for the plat as submitted.

Summary of Discussion:

Commissioner Freeman asked if is it typical for the Commission to confirm ownership through a plat.
Paul Watkins stated that the plat was worded awkwardly. The lot has already been split. The plat is recognizing that conveyance.

Approve subject to staff conditions

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Move: Duncan Gray Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2710 – JWM Rentals, LLC has filed a request for Site Plan Approval for 'Old Trail Condominiums' for property located at 50 CR 401. (PPIN #14386)

Planning Comments: The subject property is located on the west side of CR 401 (old Highway 7), south of the intersection of Highway 7 South and CR 401, and southeast of Oxford Commerce Park. The property measures approximately +/- 1.71 acres. The property is bound on the west side by a drainage channel that drains south to Burney Branch Creek.
The applicant is requesting site plan approval for 'Old Trail Condominiums'. This proposal will consist of 15 dwelling units that will be owned through a Common Interest Development mechanism. The development proposes a mix of unit types including five single-story duplexes and five single-story detached structures. All of the units will be one-bedroom units. The units will have vehicular access out to CR 401 from two points of ingress/egress at north and south points of the property. These access points off of CR 401 create a loop road around the development.
Other Review Elements
• Building Facade and Materials – Each of the structures will have brick on all sides and have shingle roofs.
• Common Interest Development – The proposal is considered a Residential Common Interest Development and meets the additional standards per Land Development Code. Covenants for this proposed CID are required and the submittal of covenants is a condition of approval.
• Complete Streets – Crosswalks are proposed at the two points of ingress/egress. Shared bike lanes are proposed for both sides of CR 401. Conversations have been ongoing between Planning and Engineering Staff, Pathways Commission, and the applicant's engineer regarding the potential for dedicated bike lanes instead of shared bike lanes. The City Engineer has stated that she believes that there is adequate room for a 5 ft. bike lane on City right-of-way. There is a condition of approval for the developer to install the subgrade infrastructure for a bike lane with this site plan.
• Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot, perimeter edge, foundation planting and frontage tree requirements. The proposed detention ponds will be completely screened with a mix of hollies. The site is currently largely a monoculture of loblolly pines and full of undergrowth. The preservation of two large heritage oak trees within the stream buffer offset any requirement for tree mitigation. The drainage channel along the length of the western property is categorized as a designated blue line stream. The applicant is required to maintain a 50 ft. wide unbroken vegetation screen within this buffer. A continuous line of evergreen cedars is proposed along the length of the property and this buffer will provide at least 80% visual screening at maturity. The stormwater detention pond is partially within this buffer, but it is considered a utility and is allowed per Section 5.7.6.2 (e) Buffers which states "All easements including utilities, may be included in the buffer area".
• Open Space / Impervious Coverage – The proposed impervious coverage is 39% and the zoning district allows up to 60% coverage. The dwelling unit maximum allowed in the Neighborhood Residential district is 15 dwelling units per acre and the applicant is proposing 15 units on 1.71 acres.
• Parking – The Land Development Code requires 23 parking spaces and 20 parking spaces are provided. The applicant requested a waiver of parking required by 14% due to the drainage channel along the west side of the property in an effort to minimize damage to the existing stream ecosystem. This drainage channel is designated as a blue line stream. The Planning Director can allow a parking reduction waiver of up to 25%. With this proposal being a total of 15 one-bedroom units and the consideration to the stream buffer, Planning Staff finds the 20 spaces provided to be adequate for this development.
• Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
Engineering Comments: A traffic impact study is not required for this development. The engineer has provided a site distance analysis to confirm that there is adequate site distance at each of the drives. Sidewalk will be provided outside of the right-of-way and a pedestrian easement will be provided to the City for maintenance of the sidewalk. A bike lane is not currently shown in the plans but the subgrade for a 5' bike lane will be required to be constructed in accordance with the City's Complete Streets Policy and as recommended by the Pathways Commission. The design engineer stated in response to Staff's request for a bike lane:
Aside from the limited area to widen the road and construct a roadside ditch for drainage, we

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believe by adding a bike lane to the section of road along our property frontage, it could create an unsafe bike/vehicular transition. Bike lane improvements would need to be made for a more extended length along CR 401 in order to have a safe transition distance between "road sharing" and a dedicated bike lane section.
Staff is not requesting the approximately 425' section of new bike lane to be paved; therefore, there will be no bike/vehicular transition until such time as an appropriate transition can be provided. Staff is requesting that an appropriate subgrade be constructed flush with the pavement edge. This will provide a safe shoulder until an asphalt surface can be placed at some time in the future when there is additional length of bike lane available. It may be necessary to install a pipe along the right-of-way in order to provide for this bike lane due to the site grading planned. If so, Staff requests authority from the Planning Commission to approve changes to the construction plans in order to provide for the bike lane.
Water will be provided by a connection to an existing water main and will be privately owned an maintained within the site. Sewer will be provided by connecting to a private sewer easement, which then connects to the City sewer main outside of the site. Two street lights will be installed along County Road 401 as part of this project and will be maintained by the City (via monthly bill paid to NEMEPA).
Stormwater will be managed through the use of a detention pond at the rear of the property. Stormwater has been reviewed and approved as meeting all requirements of the Code of Ordinances.
Other Departments: All other departments of the Site Plan Review Committee have approved the requested proposal.
Recommendation: Staff recommends approval of the site plan for 'Old Trail Condominiums' with the following conditions:
1. Approval of the site plan as submitted. (Planning)
2. Prior to the granting of a Certificate of Occupancy, a copy of the CID covenants must be provided. (Planning)
3. A pedestrian easement must be provided for sidewalk to be maintained by the City and located outside of public right-of-way. (Engineering)
4. Approval is contingent on Staff's approval of construction plans that provide for the subgrade infrastructure for a bike lane. (Engineering) 5. Staff has the authority to approve changes to the construction plans as needed in order to provide for the bike lane subgrade (examples being addition of a pipe, changes in grading at the roadway, addition of drop inlets, etc). (Engineering)

Approve subject to staff conditions

Move: J.R. Rigby Second: Duncan Gray Status: Passed

7. Motion to Adjourn

Move: J.R. Rigby Second: Duncan Gray 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)

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, February 8, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

In Attendance

Benjamin Requet; Bill Freeman; Duncan Gray; Gray Parker; Hollis Green; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Marvin King; Mollie Woodhouse; Paul Watkins; Reanna Mayoral; Robert Baxter

Not In Attendance

Brian Hyneman

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

A. February Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: J.R. Rigby Second: Joseph Murphy Status: Passed

3. Approval of minutes from the January 11, 2021 Meeting

   Move: J.R. Rigby Second: Joseph Murphy Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Administrative Approval**

C. **Public Hearings**

1. Public Hearing for Case #2711 – JW McCurdy has filed a request for a Variance from Section 5.8.4.4 Neighborhood Conservation District: Yard Standards, Front Yard for property located at 515 & 523 N. 11th Street. (PPIN #5869)

   Planning Comments: The subject property is located in the North Lamar Historic District, west of N. 11th Street. The lot size is approximately 1.34 acres and is a flag lot, making it a legal nonconformity. A flag lot is defined as a parcel of land that is situated behind a lot or multiple lots that front a public street and are accessed by a driveway. The driveway is often referred to as the "staff" of the flag lot. The underlying Traditional Suburban Residential zoning district standards require a minimum of 35 ft. of street frontage for new lots. This lot has approximately 35.7 ft. of street frontage.
   Vehicular access is taken from the west side of N. 11th Street onto two narrow driveways (two "staffs") along the northeast and southeast points of the property. The lot contains six single-story duplexes built in 1971. Two existing single-family houses border the subject property's east property line along N. 11th Street between the two vehicular access points.
   The applicant received building permits for interior re-models for each residential unit in August 2020. After renovations began, Staff was made aware that the applicant had constructed four back porches attached to the two duplexes nearest the east property line. One of the porches on the

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building in the northeast corner of the lot is 6.09 ft. from the east property line at its closest point and a porch on the building in the southeast corner of the lot is 7.22 ft. from the east property line at its closest point.
The porches have been constructed structurally integrated into the two duplex buildings through extensions of each of the building's rooflines. The circumstances of this case are complicated. The applicant is attempting to create a usable "backyard" with these porches. A porch is defined in the Land Development Code as "A roofed appendage to a main building (accessible from the front, rear, or side) that may be enclosed by latticework, screening, or temporary seasonal windows". Slightly different from a porch, the Land Development Code defines a deck as "A roofless, floored, horizontal accessory structure that abuts a principal structure."
The applicant states their hardship relates to the duplexes not having any outdoor space along the east side and that the yard areas on this side are "confined, claustrophobic, and unusable" due to their proximity to an existing fence along the neighboring properties. The units have been inhabited since the early 1970s without any porches or functioning outdoor space on this side and the Land Development Code allows for fences to be proposed up to property lines. Staff does not believe that this example demonstrates an unnecessary hardship for the applicant.
This lot is located within the Neighborhood Conservation Overlay, and the front yard setbacks within this district are determined by the Planning Director based on the unique characteristics of the street and the established pattern of setbacks in the neighborhood. Staff has interpreted this eastern property line as a "front yard" based on this side being the side that both points of vehicular access to N. 11th Street are taken from. It is a unique front setback determination because the subject property is a flag lot, with two separate driveways and is an outlier in relation to other lots on the street. Further complicating the situation is that this is an existing development with the rear of the structures facing the determined "front yard" property line.
The majority of the houses along this portion of N. 11th Street are single-family homes. To the south, there is another multi-unit development, but at least two of the units are along the street, and those units have similar front yard build-to lines to the properties to the north, which are directly east of the lot in question.
In this instance, if these porches were structurally modified so that they were detached from the buildings, Staff would interpret the outdoor space as a deck. Decks are considered accessory amenities and accessory amenities may be located in the front or side yard upon approval by the Director of Planning and shall be located at least 5 ft. off of any property line. The Land Development Code defines an accessory amenity as a desirable or useful feature or facility commonly associated with the use of a building or structure (LDC lists firepit or deck as examples).
Recommendation: This particular lot is a total deviation, although mostly an existing situation, from the front yard build-to line character of the other lots along N. 11th Street, and no clear hardship has been demonstrated by the applicant. These characteristics make it difficult for Staff to recommend approval of the request. Staff recommends denial of the variance, but if the Planning Commission wishes to approve the request, Staff would recommend the following condition:
1. The variance is for the plan as submitted.

Summary of Discussion:

JW McCurdy stated that it is a difficult site. There is not room on north or south side for a porch and would encroach on the driveway. On the west it would encroach on parking. Here to discuss the roof of the porch because, per the Code, the deck can stay. The neighbor's fence is on our property and is ten feet tall. Can't see someone standing on the deck. The porch was not in plans, but things change all the time. Have submitted to HPC but the structures are non-contributing. These are some of the worst houses in Oxford. We're spending a lot of money making them nicer.

Commissioner Freeman asked if there were existing decks.
JW stated that yes there were prior to renovations.
Commissioner Freeman asked how close they were to the fence.
JW stated that he did not recall.

Commissioner Murphy asked why porches were not applied for at the outset.
JW stated that originally they were not planning on porches. The people inquiring about leasing the units asked for porches. When the City reached out with their concerns about construction, permits were turned in that day.

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Commissioner Murphy inquired as to what the hardship is that would permit the variance to be granted.
JW referred Commissioner Murphy to the language in the variance application.

Commissioner Gray asked if the City informed the applicant of the setback requirement.
JW stated that they did.
Commissioner Gray asked if any work continued after that notice.
JW stated that some weatherproofing was done, but no major work continued.

Commissioner Rigby stated that the difficulty is the letter of the code versus the spirit of the code really. This is really about the roofline. There is some consternation about not having plans. There's a 5 foot setback with a deck and a ten foot setback with something with a roof.

Steve McDavid stated he is an adjoining property owner. The building in question never had a deck. Decks were built on seven buildings not just these two. The applicant continued to work after they sought variance. They built out the roof after applying for the variance. In his opinion, the applicant is flaunting the rules. The front yard has room for deck. The building is 16 ft from the property line.

A discussion between Mr. McDavid, Commissioner Rigby, Ben Requet, and Paul Watkins ensued as to the distinction between an accessory use, an accessory structure, an accessory amenity and how a deck would be classified. Paul Watkins stated that the question before the commission dealt with whether a covered porch may receive a variance and any question of a deck would have to be reserved to a later time. If Mr. McDavid disagreed with a categorization decision that staff makes, an appeal of that decision may be made at that time.

Commissioner Gray asked if a deck would have to receive a Certificate of Appropriateness from the Historic Preservation Commission.
Ben Requet stated that a deck would have to receive a COA for construction.

Mr. McDavid asked that the requested variance be denied.

Motion to Deny

Commissioner Murphy asked about the possibility of sanctions.
Paul Watkins explained the mechanics of how the City deals with violations of the Land Development Code. He stated that the Planning Commission has no authority to assess fees. Code Enforcement has authority to issue citations and that those citations are handled in Municipal Court.

Move: Joseph Murphy Second: Bill Freeman Status: Passed

2. Public Hearing for Case #2712 – Rayner Eye Clinic & Surgery Center has filed a request for Site Plan Approval for 'Rayner Eye Clinic & Surgery Center' for property located at South Lamar Boulevard. (PPIN #36355)

Planning Update February 8, 2021: The applicant has provided additional materials that resolve issues around the use of metal panels. If the applicant wishes to use metal paneling in the future, that decision will require a Special Exception per Section 5.6.1.8.a.
Planning Comments: The subject property is located on approximately +/- 2.0 acres in the Oxford Farms Development. It is on the west side of South Lamar Boulevard, south of Oxford Way. The applicant is proposing to construct a 16,960 sq.ft. eye clinic and surgery center.
Use Requirements – Medical facilities of under 25,000 sq.ft. are permitted uses in TNB districts. Additionally, medical facilities in TNB are restricted to a 20,000 sq.ft. footprint. This site plan complies with these standards.
Parking – One parking space is required for each 250 sq.ft of gross floor area for medical facility uses. With the 25% overage allotment, the maximum allowed parking is 85 spaces. The applicant received a variance to exceed the maximum allowed parking by 11 spaces in December of 2020 (Case #2702) and is providing 96 total parking spaces.
Coverage, Height, and Setback Requirements – TNB districts allow for up to 80% lot coverage.

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The applicant is proposing 79.8% coverage. TNB districts allow for single story buildings by special exception, which the applicant received in December 2020 (Case #2701). TNB districts also allow front setbacks of between 0 and 58 feet. The applicant received a variance in December of 2020 (Case #2700) for a front setback of 90 feet, which is reflected in this site plan.
Other Review Elements
• Landscaping – The proposed landscape design meets all requirements for parking lot trees and landscaping standards. Foundation plantings have been provided for each side of the building.
• Lighting – A photometric study has been provided with this submission that generally maintains light on site.
• Access – This property will take access from South Lamar from a shared drive on the south side of the property and from Oxford Way across the property to the north.
• Building Materials – The current plans call for primarily a brick façade with wood timbers and asphalt shingles. There are also indicated architectural metal panels. The use of this material will require a special exception per Section 5.6.1.8(a) which the applicant is aware of.
• Signage - The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
Engineering Comments:
Water and Sewer Utilities - Sewer will be private and tie to an existing City sewer line located along South Lamar Boulevard. Water service will be City owned with the water line located within a dedicated easement. All water lines beyond the meter will be privately owned.
Traffic/Access - The site will have two points of access via privately owned drives; one drive will connection to Oxford Way and other is an existing drive that connections from South Lamar Boulevard. The City is currently under contract to install a new traffic signal at Oxford Way and South Lamar, which will be more than adequate for the additional traffic from this site plan. The traffic signal was recommended in the Traffic Impact Study previously provided for this development.
Sidewalks - There are existing sidewalks along the property's frontage with South Lamar Boulevard.
Stormwater Management - A stormwater management will use an underground detention system. The proposed discharge point for the stormwater management system is an existing curb inlet located on the south side of Oxford Way. Engineering staff has requested additional analysis to confirm that the existing drainage pipes along Oxford Way have the capacity to carry the combined discharge from this site, the streets, the Mill, and future development of the remaining property along Oxford Way between Farmview Drive and South Lamar Boulevard.
Other Departments: All other departments have reviewed this site plan and have recommended approval.
Recommendation: Staff recommends approval of the site plan for 'Rayner Eye Clinic' with the following conditions:
1. Approval is for the Site Plan as submitted. (Planning)
2. Approval of Stormwater Management Plan. (Engineering)

Summary of Discussion:
Commissioner Freeman asked if the width of driveway was ok with the Fire Department.
Robert Baxter responded that it was.

Approve subject to staff conditions

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

3. Public Hearing for Case #2713 – David Blackburn has filed a request for Final Plat Approval for 'The Heights Phases 16 & 18' for property located at Cottonwood Cove and Sweet Gum Lane. (PPINs #37682 & #37698)

Planners Comments: The applicant is seeking Final Plat approval for 'The Heights, Phases 16 & 18', which includes a total of 20 single family lots with one common area. A Preliminary Plat (Case #2481) with 12 phases and 168 lots was approved by the Mayor and Board of Alderman on June 18, 2019. The approved Preliminary Plat for 'The Heights, Phases 16 & 18' indicated a total 24 lots (14 in Phase 16; 10 in Phase 18), however, the Final Plat indicates four fewer lots and a common area. Case #2487, A variance to the setback requirements and a special exception for patio homes, was also granted by the Planning Commission at the May 2019 meeting. The lots

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proposed in this Final Plat comply with all of the technical standards of the Land Development Code.
It is important to note that both of these phases are not located in the Oxford Commons PUD boundary, however, the area was included in the Tree Mitigation variance that was granted by the Planning Commission in January 2016. Therefore, a conservation easement of 14% of the entire area is required, and has been provided.
Engineering Comments: Construction plans were provided with the preliminary plat for the Heights Phases 6-16 and 18 (Case 2481) for approval at the May 2019 Planning Commission meeting. The preliminary plat approval granted permission for the construction of infrastructure such as water, sewer, and streets. Since that time, the infrastructure has been installed and a final inspection has been completed with only a few punch list items remaining. City owned water and sewer infrastructure is located within the street. Stormwater Management is provided for these phases through an existing detention pond located to the west of Phase 7. Private drainage easements are shown on the plat for the private storm drain pipes that convey water from the back yards to the stormdrains in the streets. A bond for the final lift of asphalt surface and the required warranty bond have been received in anticipation of Board of Alderman acceptance of the completed infrastructure at the February 16 meeting.
There is a small pond-shaped hole to the west of Lot 106. This area was created at the request of adjacent lot owners during construction and is not related to storm water detention. It is graded according to the wishes of the owner. There is a proposed retaining wall at the rear of Lot 106 that was not shown in the preliminary plans. Due to the elevations proposed, it will be necessary to construct a swale at the top of the berm to ensure that water does not overtop the wall and create drainage or erosion issues in the common area below the wall or the private lots to the south or west. The construction plans provided do not show the current shape of the pond shaped hole or the swale on the grading plan (Sheet 4.0) but Precision has provided a plan sheet titled "Drainage Improvements" that shows a swale with a pipe leading from the pond-shaped hole. The slope between the retaining wall and the adjacent lots 59-57 is required to be a 3:1 per Section 5.7.7.2 of the Land Development Code. The design engineer must also confirm that the water is not being directed in a new direction.
Recommendation: Staff recommends approval of the Final Plat for 'The Heights, Phases 16 & 18' with the following conditions:
1. Approval of 'The Heights, Phases 16 & 18', by the Mayor and Board of Aldermen is required. (Planning)
2. A copy of the covenants for the subdivision are to be submitted to the Planning Department prior to being heard by the Mayor and Board of Aldermen. (Planning)
3. The area adjacent to Lots 59-57 must be graded on a 3:1 or flatter. (Engineering)
4. The construction plans provided must be updated to reflect the drainage swale adjacent to the retaining wall and the final grading of the common area west of Lot 106. (Engineering)
5. The final plat must be updated to indicate that the owner of Lot 106 is the owner of the retaining wall and responsible for maintenance, with an easement to be granted from the Homeowners Association for access to the common area as needed. (Engineering)

Summary of discussion:

Commissioner Gray asked about the hole that was designated as common space.

Jon Adams stated that during construction the contractor built a berm to temporarily contain stormwater. The berm blew out during a storm and washed mud onto the site and that concerned adjoining landowners. This hole is meant to help with the drainage.

Commissioner Gray expressed that a condition for landscaping the hole should be added.

Commissioner Riddell asked when will the hole would be returned to something better.
Jon stated he was not prepared to answer that.

Commissioner Gray asked if it was about three feet in depth.
Jon stated that it was dug out about a foot lower than planned. They were trying to reach an inlet that turned out to be a temporary inlet that no longer existed.

Commissioner Riddell asked when will hole become unnecessary.

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Jon stated that the hole is meant to be permanent. It's more for the appearance of stormwater management than for any need.

Commissioner Gray asked if it was on any plans.
Jon stated that it was, it was just deeper than anticipated.

Commissioner Murphy asked how big is the retaining wall.
Jon stated it was 6 foot.
Commissioner Murphy asked why does the homeowner have maintenance responsibility for the wall and not the HOA.
Jon stated that the wall is there to accommodate the house.

Commissioner Freeman asked about the 2nd condition and if language needed to be added to clarify the requirements of what the covenants should include.
Paul Watkins stated that it is standard for us to have copy. There are several ordinances that require covenants to provide certain elements. This is just a way for us to check that those standards are being met.

Commissioner Freeman asked about the engineering punch list and if a condition needed to be added.
Reanna Mayoral stated that punch list items would be addressed before Board acceptance.

Approve with staff conditions and additional condition for additional landscaping for the whole common area with appropriate canopy trees and ornamental shrubs

Move: Duncan Gray Second: J.R. Rigby Status: Passed

4. Motion to Adjourn

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, March 8, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Benjamin Requet; Brian Hyneman; Kate Kenwright; Marvin King; Mollie Woodhouse; Robert Baxter

Remote Attendance

Bill Freeman; Gray Parker; J.R. Rigby; Joseph Murphy; Judy Riddell; Reanna Mayoral

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

A. March Planning Commission Memorandum

1. Call to Order

   Commissioners Hyneman and King in person
   Commissioners Rigby and Riddell virtually

2. Approval of the Agenda

   Move: Marvin King Second: J.R. Rigby Status: Passed

3. Approval of minutes from the February, 2021 Meeting

   Move: Marvin King Second: J.R. Rigby Status: Passed

4. Staff Report
   a. Building Official's Report

5. Map of Cases this Month

B. **Public Hearings**

1. Public Hearing for Case #2714 – Community Mortgage (Jason Lowe) has filed a request for a Variance from Section 7.2.9.7 Wall Signs for property located at 400 S. Lamar Boulevard. (PPIN #6049)

   Planning Comments: The subject property is located on the west side of South Lamar Boulevard, just north of the Anchorage building. The applicant, Community Mortgage, has been at this location since 2015. At that time, the applicant installed a wall sign that measures approximately 23 square feet on the south portion of the building facing University Avenue. In June 2018, the owner of the building was granted a Certificate of Appropriateness (Case #277) by the Courthouse Square Historic Preservation Commission for a building renovation that included the removal of a metal canopy in order to replace it with a metal canopy that included signage on the canopy. Since that time, the other businesses that facing South Lamar Boulevard (Oxford Gourmet and Gifts & Buff City Soap) have installed signage on the canopy.
   In this instance, Community Mortgage wishes to install signage on the canopy that is consistent in style and scale as the other businesses that face South Lamar Boulevard, and as intended by the Courthouse Square Historic Preservation Commission. Section 7.3.1.2. of the Land Development Code provides additional guidance for signage in Historic Preservation Districts. A business is allowed a sign for each façade with a public entrance. Community Mortgage has public entrances

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on the south and west façades of this building. Section 7.2.9.7 regulates wall signage to one square foot for each linear foot of frontage towards a public street, resulting in 26 square feet of signage for Community Mortgage but only approximately 3 square feet is available due to the existing sign. The applicant was informed that they could remove the existing sign in order to install the proposed sign, but they expressed the importance of the existing sign in navigating people to their dedicated parking on the south side of the building.
The proposed sign measures approximately 22.65 square feet, and if the variance is granted, it would result in relief in the amount of approximately 19 square feet. In the absence of a Community Mortgage sign on the canopy, the east façade appears unfinished. The applicant could install a sign above the canopy but the result would not be consistent with the signage of the two other store fronts.
Recommendation: Due to the renovation of the building which was proposed by the building owner and not by the tenant (Community Mortgage) and in order to maintain a consistent aesthetic of the signage along South Lamar Boulevard as approved by the Courthouse Square Historic Preservation Commission, staff recommends approval of the requested sign variance.

Summary of discussion:

Commissioner Rigby asked if the variance is granted, would it be for additional square footage or for the sign as proposed.
Ben Requet stated that the variance would be for the sign as proposed. It is specific to this particular request.
Commissioner Rigby asked if the business changed, would that business have to come for a variance for signage or is the Commission granting this type of signage in perpetuity.
Ben Requet stated that a new business would be permitted one wall sign with their 26 square feet of allotted sign area, but that a business could propose other types of signage that would be calculated differently. The proposed signage in this case is treated as a wall sign which makes it difficult from a calculation standpoint.

Commissioner Riddell asked if this would not create a precedent for the other businesses in the building to ask for additional signage.
Ben Requet responded that the private drive on the south side of the building makes this instance unique when compared to the other businesses in the building.

Commissioner Riddell asked the applicant if they have considered taking down the signage on the side.
Jason Lowe stated that the existing signage was the only option when they first moved into the building. It was quite expensive and it is on the side where parking is and is orientated towards where their clientele comes from. If the south side was on a public right of way instead of a private drive, there would be no need for a variance.
Commissioner Riddell stated that 19 square feet of sign variance was a lot for the downtown.

Chairman Hyneman asked if the sign would be the same style and height as the other signs on the adjoining buildings.

Commissioner Riddell stated that businesses move all the time and that in her opinion the reasoning is not compelling.

Commissioner Murphy and Freeman join the meeting

Motion to approve

Commissioner Riddell voting no

Move: Marvin King Second: J.R. Rigby Status: Passed

2. Public Hearing for Case #2715 – Elite Lawn Club LLC (Justin Boyd) has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 1 Highland Place. (PPIN #5746)

Planning Comments: The subject property is approximately a half-acre residential lot located at the

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corner of Highland Place and Jackson Avenue West, directly north of the University of Mississippi campus.
The applicant is requesting a variance from Section 3.2.8 for two feet (2') to replace the length of an existing six-foot (6') wooden privacy fence along the northern property line. The application notes that the fence was built 30 years ago and the home was built prior to the creation of the subdivision, however, the Lafayette County Tax Assessor's Map refers to this property as Lot 1 of Highland Subdivision.
The front entry of the house is situated towards Jackson Avenue. The fence is located along the northern property line which is perceived as the applicant's rear yard, but is technically the front and side yard of the property. The issue in this instance is that an 18 ft. section of the existing fence is located in the front yard (west of the detached garage). Fences located in a front yard are regulated to 4 ft. in height and must allow for visibility, while fences in a side or rear yard may be 8 ft. in height.
The applicant is proposing to construct a new fence that will be exactly the same height, size, and materials as the existing fence. The applicant believes that the fence will increase privacy and screen existing overgrown brush along an established utility right-of-way. The applicant has provided a letter of support from the neighbor directly north of where the proposed fence will be located.
Double front lots make it challenging to comply with certain requirements of the Land Development Code, especially fence height in a front yard that realistically functions as a rear yard. Staff believes the situation creates a hardship not created by the applicant. Approval is therefore recommended.
Recommendation: As a special condition exists that is peculiar to the land or structures that does not apply to other lands or structures in the same district under the terms of the ordinance,
Staff recommends approval of the two-foot (2') fence height Variance with the following conditions:
1. Approval is for a two-foot (2') fence height variance, allowing a six-foot (6') high wooden fence that replicates the style and height of the existing fence.
2. The finished part of the fence must be located toward and facing the exterior of the property.

Motion to approve subject to staff conditions

Move: Marvin King Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2716 – Griffin Tanner has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 1210 Harrison Avenue. (PPINs #6270 & #6271)

Planning Comments: The subject property is located just east of the Square and is the site of the recently approved site plan for Harrison Yard (Case #2671-A). This request is to exceed the four-foot maximum for fences located in a front yard. Tyler avenue runs along the south side of the lot and, for the length of the patron area, descends approximately 2 feet along a retaining wall. If a four-foot fence were to be constructed between the sidewalk and the retaining wall, the amount of fence above the level where patrons would be located would drop from approximately two feet to zero.
If a four-foot fence were to be constructed on top of the retaining wall, at the patron level, the LDC requires that the measurement be taken from the base of the retaining wall. The fence would then be approximately 8 feet in height at its highest point. The applicant states as a reason for hardship is that with fill for the site, the patron area would be almost level with the top of a four foot fence, creating a safety and security issues.
Staff acknowledges the danger of patrons accidentally exiting the lot four feet down onto Tyler Avenue, in addition to, the difficulty of maintaining control of flow of patrons into and out of the patron area. Due to the nature of the lot and the street below which descends in elevation as it goes east, Staff recognizes that there are special conditions that are peculiar to the land.
Recommendation: Staff believes that sufficient hardship exists to grant a variance to allow the applicant to erect a four-foot fence atop the retaining wall at the same grade as the patron area

Summary of Discussion:

Griffin Tanner stated that he believed staff was mistaken as to the nature of the request which was for a six-foot fence. A four foot fence would be inadequate for his business needs.

Chairman Hyneman asked if Staff would like to move the case to the end of the agenda.

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Commissioner Gray made a motion to move Case #2716 to item 12 on the agenda. Commissioner Rigby second. All Commissioners in favor.

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Robert Baxter stated that Staff was generally supportive of a six foot fence. It makes sense from a safety and security standpoint. The fence would also be screened by hollies.

Commissioner King asked what the two additional feet provide.
Ben Requet stated from staff understanding it seems safety and security standpoint.
Griffin Tanner stated that staff understanding was correct. Concerned about security. It will be a vinyl coated black fence. This will be an event venue/restaurant/bar.

Commissioner Riddell is concerned that the Commission is considering a different request from what was advertised.
Chairman Hyneman asked Pope Mallette if this was an amendment that the Commission should allow people the opportunity to object to.
Pope Mallette stated that decision was up to the board. He stated that is is possible that there are people that shrugged off what was advertised but that would object to the taller fence. The Commission could postpone and let the public know.

Chairman Hyneman stated that the Commission has seen 2 feet make a big difference in requests before.
Griffin Tanner stated that landscaping is installed to dissolve the visibility of the fence and they are trying to get open due to covid and everything.
Commissioner King said he understands but there hasn't been notice to public which is valid concern to have regarding transparency.
Commissioner Hyneman stated it would also be very good grounds for appeal to the Board of Aldermen. He asked if a virtual meeting could be set in 15 days with legal notice?

Ben Requet stated that we could organize a special meeting. Notice could go out tomorrow.

Commissioner Riddell motion to postpone until 15 days with public hearing with legal notice on city website. 10AM march 24
Commissioner King 2nd.
All in favor

4. Public Hearing for Case #2717 – Deborah and Joe Hankins have filed a request for a Variance from Section 2.6.3 Estate Residential: a) Side Yard (South) Setback Line, Minimum and (WITHDRAWN) b) Rear Yard (West) Setback Line, Minimum for property located at 901 Summerset Drive. (PPIN #18410)

Planning Comments: The subject property is Lot 8 of the Summerset Subdivision (platted 1997). This property received a rear setback variance of up to 15 feet in 2001 (PC Case #855) to facilitate the construction of a specific house plan.
This request is to facilitate construction of a single-story bedroom addition and to expand off of the existing garage in line with the rear line of the existing building. This request would extend the entire width of the buildable area approximately 9 feet to the west, from the north setback to the south setback, a distance of approximately 71 feet.
Staff met with the applicant February 26 to discuss the applicant's original plans, which would have required both rear and side setback variances. The applicants conveyed their desire to expand the size of the house and the difficulty of expansion on the property due to the setback limitations and the positioning of the current structure. The applicant revised their plans to reflect only a rear setback variance request.
As to the rear setback, staff is supportive of this request. The functional location of the rear setback line was set as the rear of the existing building when the original variance was granted in 2001. As the applicant is not requesting to be any closer to the neighboring property, no additional privilege would be granted to the applicant for this request.
Recommendation: Staff recommends approval of the rear yard setback variance request with the following condition:
1. Approval is for the plan as submitted.

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Summary of Discussion:

Commissioner King states if they were not trying to extend south towards the neighbor just towards the Depot Trail.
Robert Baxter stated that was correct.

Approve subject to staff conditions.

Move: Marvin King Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2718 – Rhonda Lambert has filed a request for a Variance from a) Section 7.2.9.6 (f) Business Signs and b) Section 7.2.9.7 Wall Signs for property located at 2605 Jackson Avenue West. (PPIN #7868)

Planning Comments: The subject property is located on Jackson Avenue in the Galleria II development. This request is for additional signage beyond what was permitted on September 2, 2020. At that time, three signs were permitted, the maximum number allowed for any business. As the building has 45 feet of building frontage and is more than 30 feet away from the road, the maximum allowable sign area is 90 square feet; the approved signage for this business was for approximately 89.8 square feet.
The applicant has stated that the City's requirement for frontage elements on the face that fronts Jackson Avenue creates confusion as to which side is the actual front entrance, although all of the parking is located nearest the entrance to the building. McAlister's has three installed signs with 90 square feet of signage area available to provide a sign that states where the entrance is. Staff believes that any hardship in this circumstance is self-created.
Recommendation: As there is no hardship in this instance Staff recommends denial of the requested variance.

Summary of Discussion:

Commissioner King asked the applicant what the confusion is. Is it with where the entrance is or with where to park.
Rhonda Lambert stated that it was her understanding that there were several entrances and parking locations and that people were confused as to where the front of the restaurant is.
Commissioner King asked if there is signage on the door that directs people where to go.
Rhonda Lambert stated that she did not think there is, not on the back patio door.

Robert Baxter stated that there is no parking on side that faces Jackson, only a drive thru. The only parking is on the front entrance side.
Chairman Hyneman asked if the mural would be in the back by the parking.
Robert Baxter stated that it would.

Rhonda Lambert stated the sign would be 19.79 square feet.

The site plan is displayed on screen

Ben Requet and Rhonda Lambert explain the site plan, which side it the main entrance, where the parking is and where the sign is proposed.

Commissioner King stated that the applicant is asking for about 23% more than code allows, and 4 signs instead of 3.
Rhonda Lambert stated that lots of other fast casual locations in the area have welcome signs and posters including McDonald's and Popeyes. We just want to do this the right way.

Ben Requet stated that McDonalds was developed before 2017 LDC code and new sign regulations.

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Commissioner Riddell stated that changing your logo does not seem to merit a variance. Has the applicant considered putting a welcome in the existing sign.

Rhonda Lambert stated they wanted McAllister signage on the north side like on south side but we did not have enough square footage for this side. Corporate chose to do this. In her opinion, welcome doesn't seem like signage to me. I appreciate the opportunity to talk.

Ben Requet stated that we would consider that a sign. We don't evaluate content to determine if something is signage.

Motion to deny
Unanimous

Move: Bill Freeman Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2719 – Drew Joiner has filed a request for a Special Exception as provided in Section 2.6.9 Suburban Center: Front Yard, Build-to Line Maximum up to 150 ft. for property located at Ed Perry Boulevard at Sisk Avenue in Oxford Commons. (PPIN #26627)

Planning Comments: The subject property is located at the northeast corner of the roundabout at Sisk Avenue and Ed Perry Boulevard in the Oxford Commons Planned Unit Development. The property is adjacent to Highway 7 on the west side. The irregular, narrowly shaped lot (referred to as Lot 1 West of Ed Perry Boulevard and Tract A1.15) measures approximately +/- .576 of an acre and it is undeveloped. The applicant is proposing an 1,820 sq. ft. Waffle House restaurant. A Waffle House parking variance, administrative site plan, and one-lot subdivision for a site north of this property, also within Oxford Commons, was approved last year.
The applicant is also requesting a parking variance (Case #2720) along with this special exception request. The proposal is currently under site plan review. The applicant is requesting that the building be constructed 77.4 ft. from the front (east) property line, 19.4 ft. further than the allowed front yard build-to line, maximum in the Suburban Center zoning district. Section 2.6.9 Footnote 4 of the Land Development Code states that a front yard build-to line of up to 150 feet may be requested by special exception in the Suburban Center zoning district. The applicant states the need for additional feet due to the small size of the lot and the customer demand for easily accessible parking for dine-in services.
Waffle House is planning for two rows of parking in front of the building. Additionally, the Oxford Fire Department requires a minimum 26 ft. wide drive lane for their trucks. This restaurant will not have a drive thru. The landscape plan submitted on February 25th indicates extensive landscaping along the east property line parallel to Ed Perry Boulevard that includes shrubs, parking lot trees, and edge trees. The proposed request would be in harmony with other commercial areas in the Oxford Commons PUD, as such build-to lines are commonly seen having two rows of parking in front of strip commercial centers with dining, including northeast of this site at The Alexis, as well as at The Terrace.
Recommendation: Staff recommends approval of the requested special exception. As observable at many developments throughout Oxford Commons, this front yard build-to line with two rows of parking in the front reflects the standard building patterns for commercial properties in this planned unit development. Additionally, because the site is bounded on all sides by streets, the flexibility inherent with traditional side and rear yards is limited for the amount of patrons and employees that the Waffle House standard business model requires.

Summary of Discussion:

Gray Parker noted the receipt of a letter from the public recommending denial.

Commissioner King asked if it was possible to bring the building to the east and have some parking in the rear.
Paul Koshenina stated that with drive lanes, there would not be enough room to accommodate rear parking.

Chairman Hyneman asked if there were any discussions of the addition of a sidewalk and crosswalk.

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Paul Koshenina stated that there were and that it was an oversight that the sidewalk was not included on the plans.

Approve

Move: Marvin King Second: J.R. Rigby Status: Passed

7. Public Hearing for Case #2720 – Drew Joiner has filed a request for a Variance from Section 3.8.8.3 Restaurants: Parking for property located at Ed Perry Boulevard at Sisk Avenue in Oxford Commons. (PPIN #26627)

Planning Comments: The subject property is located at the northeast corner of the roundabout at Sisk Avenue and Ed Perry Boulevard in the Oxford Commons Planned Unit Development. The property is adjacent to Highway 7 on the west side. The applicant is proposing a Waffle House restaurant. A Waffle House parking variance, administrative site plan, and one-lot subdivision for a site north of this property, also within Oxford Commons, was approved last year.
The property measures approximately +/- .576 of an acre and is undeveloped. On February 25th, the applicant submitted a site plan for review by City departments to construct a new restaurant. The proposal indicates the building will measure approximately +/- 1,820 sq. ft. and 29 parking spaces are provided.
The applicant is requesting a variance to allow more parking than is designated in the Land Development Code for a restaurant. Section 3.8.8.3(a) Restaurants: Parking states that one space is required for each 100 square feet of patron area. In this instance, the submittal requires 18 parking spaces. The Code does allow a development proposal to provide a maximum of 25% more parking than what is allowed, pending approval by the Director of Planning. An additional 25% of parking for this proposal would allow for a total of 22 parking spaces, 7 spaces less than the proposal calls for.
The supplemental letter provided with the previously considered parking variance (Case #2582) stated that based on Waffle Houses' experience of operating 2,000 restaurants for 64 years, they find it typical for 3-4 of their customers to be driving from separate locations to share a table at all times of the day. The applicant stated that a typical shift can vary from 3-4 employees working during slower parts of the day to as many as 10 during busier shifts. The applicant believes that a strict enforcement of the parking code would place an unreasonable hardship on their business and would deter customers if convenient parking is not available, and cause the business to be unsuccessful.
The proposed lot is similar to an island, separated by three roads from the remainder of the Oxford Commons Development. The development opportunities for this small and uniquely shaped lot are very limited and this proposal appears to work well for the applicant. Due to the proposal's location, Waffle House is unable to take advantage of shared parking from adjacent properties and must provide for it on its own site. While the uniqueness of this restaurant model is certainly worthy of consideration, Staff believes that the peculiar shape and location of this lot is a greater justification for supporting this variance.
Recommendation: Staff recommends approval of the parking variance with the following condition:
1. Approval is for the plan as submitted.

Summary of discussion:

Ben Request noted the receipt of a letter from the public recommending denial.

Commissioner Riddell stated that the reasoning that people drive to meet at the business is not compelling as people drive to meet at every restaurant.

Approve subject to staff conditions

Commissioners Freeman, Rigby, Murphy, King, and Hyneman voting yes
Commissioner Riddell voting no

Move: Marvin King Second: J.R. Rigby Status: Passed

8. Public Hearing for Case #2721 – Steve McDavid has filed a request for an appeal of staff's interpretation that a deck is considered an accessory amenity that may be located in a 'front yard' for property located

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at 515 & 523 North 11th Street. (PPIN #5869) **(WITHDRAWN)**

9. Public Hearing for Case #2722 – City of Oxford has filed a request for modifications to the Land Development Code. **(POSTPONED)**

10. Motion to Adjourn

    Move: Marvin King Second: J.R. Rigby Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission Special Meeting
Wednesday, March 24, 2021, 10:00 am - 10:30 am
City Hall Courtroom and Youtube.com

In-Person Attendance

Benjamin Requet; Gray Parker; Joseph Murphy; Kate Kenwright; Mollie Woodhouse; Paul Watkins; Robert Baxter

Remote Attendance

Bill Freeman; Brian Hyneman; J.R. Rigby; Judy Riddell; Marvin King

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

A. March Special Planning Commission Meeting Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Marvin King Second: Judy Riddell Status: Passed

B. **Public Hearings**

1. Public Hearing for Case #2716 – Griffin Tanner has filed a request for a Variance from Section 3.2.8 Fences, Walls, and Hedges for property located at 1210 Harrison Avenue. (PPINs #6270 & #6271) **Tabled from March 8, 2021**

   Planning Comments: This case is continued from the March 8, 2020 public hearing. At that time, Planning Staff presented a report based on a misunderstanding of the nature of the applicant's variance request.
   The subject property is located just east of the Square and is the site of the recently approved site plan for Harrison Yard (Case #2671-A). This request is to exceed the four-foot maximum for fences located in a front yard. The applicant wishes to enclose the patron area of Harrison Yard with a six-foot, black, vinyl-coated, chain-link fence on the north, east, and south sides.
   The applicant states that due to the nature of the use, a six-foot fence is necessary to maintain the safety and security of the patron area. A four-foot fence is too easily hopped either from inside out or outside in. Inside out presents the potential for patrons to exit down onto Tyler Avenue. Outside in creates the potential for the breach of ABC regulations. Additionally, the applicant will install evergreen shrubs on the public facing side of the portion of the fence to provide a good neighbor facing.
   After completion of two additional site visits, Staff is of the opinion that only the southern section of the proposed fencing requires a variance. The northern section is behind the front building line and therefore is not in a front yard. The eastern section is the boundary of a side yard and the gravel staging area which functions as a separate lot. In both of these instances, a six-foot fence is allowed by right.
   The southern section is in-line with the southern wall of the bank of bathrooms, which could be argued to serve as a building front, but as there is some uncertainty, staff believes a variance request for this particular instance is the best solution for resolution. Additionally, the proposed fence would be recessed approximately five feet from the existing retaining wall which would remove the need to measure the fence from the base of the retaining wall, in this instance. Therefore, the request becomes for two additional feet of fence height for the section of fencing along Tyler Avenue on the south side of the patron area.

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Staff believes that this is a reasonable request. The peculiar nature of the use and the property present a hardship for the applicant. This property is double fronted and the building layout makes establishing the boundaries of any yard extremely difficult. Regardless, the need to provide for the safety and security of patrons still exists. The reduced effectiveness of a four-foot fence to control the flow of patrons in and out of the patron area would deprive the applicant of the use of the patron area.
Recommendation: Staff believes that sufficient hardship exists to grant a variance to allow for the construction of a six-foot fence along the patron area perimeter with the following condition:
1. Approval is for the plan as submitted.

Summary of Discussion:

Commissioner Freeman asked if there will there be a sidewalk on the south side that continues from the west.
Griffin Tanner stated that they have only been asked to run a sidewalk closest to Harrison Square Condos for 8 feet into a handicap ramp.
Commissioner Freeman asked what will happen with the retaining wall.
Griffin Tanner said the existing retaining wall will have landscaping around it. When they apply for the second phase they would probably match the height and carry the wall across.

Commissioner King asked if there was a requirement to install sidewalks.
Ben Requet said that his project went through site plan review and there was no requirement to extend sidewalk all the way around property. This might be considered in an additional phase. It was only determined necessary to tie into the emergency access.
Commissioner King recommended looking into additional sidewalks for future phases.

Motion to approve subject to staff conditions.

Move: Bill Freeman Second: Marvin King Status: Passed

2. Motion to Adjourn

   Move: Bill Freeman Second: Marvin King 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)

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, April 12, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and YouTube.com

In-Person Attendance

Benjamin Requet; Brian Hyneman; Duncan Gray; Gray Parker; Hollis Green; J.R. Rigby; Judy Riddell; Kate Kenwright; Marvin King; Mollie Woodhouse; Paul Watkins; Robert Baxter

Remote Attendance

Bill Freeman; Reanna Mayoral

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

A. April Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Duncan Gray Second: J.R. Rigby Status: Passed

3. Approval of minutes from the March 7, 2021 Meeting and March 24, 2021 Special Meeting

   Move: J.R. Rigby Second: Marvin King Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Public Hearings**

1. Public Hearing for Case #2723 – Coach and Eartha Smith have filed a request for a Special Exception as provided in Section 3.5.6 for an Accessory Dwelling Unit for the purposes of rental for property located at 325 Pegues Road. (PPIN #14301)

   Planning Comments: The subject property is an approximately +/- 1.9-acre property located at the end of Pegues Road. The site currently has a +/- 2,244 sf detached residence. The applicant is proposing an accessory dwelling unit for rental. Accessory dwelling units are allowed by Special Exception in Neighborhood Residential districts if they meet the following 12 additional standards:
   a) The accessory dwelling unit cannot exceed 50% of the gross floor area of the principal dwelling or 1,000sf (whichever is less) or contain more than two bedrooms.
   – The provided plans call for a 789-sf accessory dwelling unit, which is under 50% of the gross floor area of the primary structure.
   b) The accessory dwelling must be a complete living space with kitchen and bathroom facilities.
   – The provided plans detail a complete living space with both kitchen and bathroom facilities.
   c) No more than two persons may reside in an accessory dwelling unit.
   – The applicant has acknowledged this requirement. Enforcement of this provision is left to Code Enforcement.
   d) The accessory dwelling may be accessory only to a detached single-family dwelling or townhouse and not more than one such dwelling shall be allowed per principal dwelling.
   – This requirement is satisfied with this proposal.

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e) All accessory dwelling units (ADU) shall conform to the applicable side and rear setback requirements of this code for accessory structures. They shall also conform to all use, de¬sign and landscaping standards applicable to the primary dwelling and structure except that where accessed by an alley, the structure may be located 15 feet from the rear property line. When an existing legal and conforming accessory structure is being converted into an ADU, the new ADU must meet all applicable building and fire code requirements.
– The proposed ADU will meet all setback requirements. Building and fire codes will be enforced by the Building Department.
f) The design of the accessory dwelling shall be in harmony with the principal dwelling regarding massing, materials, and location.
– The proposed design is essentially to convert and add to the existing garage. The proposed design is consistent with the massing, materials, and location of the principal unit.
g) The lot must be over 10,000 square feet. The use may be proposed on a lot of 5,000 to 10,000 square feet by Special Exception.
– The lot is well in excess of 10,000 sf.
h) The accessory dwelling shall not be separately metered unless required by the electric utility provider.
– The applicant has acknowledged this requirement.
i) The primary dwelling must be owner occupied and evidence must be presented such as a homestead exemption certificate that the dwelling is the primary residence of the owner.
– A homestead exemption exists that shows the applicant to reside in the primary unit.
j) For approval as a Special Use the application requires a restrictive covenant registered with the Chancery Clerk stating that the use will comply with all standards in Section 3.5.6 of the Code, that the primary dwelling on the property will be owner occupied, and that the accessory dwelling will be used only for family members, guests, or employees (such as caretakers), not for rentals.
– This requirement is not applicable.
k) For approval as a Special Exception the application requires a restrictive covenant registered with the Chancery Clerk stating that the use will comply with all standards in Section 3.5.6 of the Code, and that the primary dwelling on the property will be owner occupied.
– Covenants are ready, but must be filed after approval. Receipt of these covenants will be a condition of approval.
l) The Planning Department shall keep a record of all approved Accessory Dwelling Unit permits.
– The Planning Department does.
Recommendation: As this proposal meets all requirements of the use, Staff recommends approval of the requested Special Exception with the following conditions:
1. Approval is for the plan as submitted.
2. Approval is contingent upon Staff receiving a copy of the required restrictive covenants filed with the Chancery Clerk.

Move: Marvin King Second: J.R. Rigby Status: Passed

2. Public Hearing for Case #2724 – Pinelake Church, Inc. has filed a request for A) a Special Exception as provided in Section 3.6.9.5 (b) Large Religious Assembly Uses, and B) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Building Height for property located at Pat Patterson Parkway. (PPIN #38562)

Planning Comments: The subject property is located on Pat Patterson Parkway approximately 500 feet northeast of Old Sardis Road, across from an entrance to M-Trade Park. The applicant is proposing to build an approximately 60,000 sf church on +/- 12 acres. The site plan for this proposal is currently under review.
A) Special Exception for Large Religious Assembly
The first special exception request is for the use of a "Large Religious Assembly Use" defined in the LDC to be providing seating in excess of 600 people. The proposed church will have seating for approximately 900 people. The LDC requires that these uses have direct access to a major thoroughfare, in this instance Pat Patterson Parkway. As of now Engineering is not requiring a traffic impact study as the primary hours of usage are non-peak. Should the church begin to conduct services/other operations that generate large volumes of traffic during peak hours or large volumes consistently throughout the day, a traffic impact study and possible mitigation will be

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required. Additionally, the Church will hire local officers to direct traffic at peak hours on Sundays.
Recommendation: As the additional standards in the LDC are adequately addressed, Staff recommends approval of the requested Special Exception.
B) Special Exception for a single-story structure in a TNB district
The second special exception request is for a single-story structure in a TNB district. The LDC requires that a second story consist of at least 51% of the building footprint as functional space. The submitted plans indicate that the ground floor will include several uses including the main worship hall, adult study space and preschool/nursery space. All total, the ground floor will be +/- 45,663 sf. The proposed second story indicates additional education space of +/- 14,062 sf., approximately 31% of the ground floor.
The elevations included with the site plan indicate that the main worship hall will reach approximately 32 feet. If that volume of space, 4,679 sf., is included into the second-floor square footage calculations, then the proposed structure would have an effective second story of 41% of the building footprint. Additionally, the applicant has provided second phase plans that would add new second-floor square footage and would bring the second story to 54% of the first-floor footprint.
Staff is supportive of this request because it generally achieves the purpose of the TNB district. The building has two-story massing from the front and with the elevation gain from the street, it is only enhanced. This exception also may only be temporary if the church expands into its second phase.
Recommendation: For the reasons stated above, Staff recommends approval of this Special Exception request.

Summary of Discussion:
Commissioner Riddell asked about the traffic impact study. Because of the location across from M-Trade, would Sundays during ball games be peak hours.
Reanna Mayoral stated that even with the church and mtrade park traffic all at the same time, there's a very limited pinpoint amount of time. This is consistent with other traffic studies related to other churches in town. It's not affecting the normal Monday to Friday commuting peak.

Commissioner King asked the applicant to speak to the second phase of development.
Mitch Harding stated that the second phase would be 5-10 years out. The second phase would be second story expansions and would generally not increase the footprint of the buildings.

2724 A 1st Commissioner Gray, 2nd Commissioner King. Approved

2724 B 1st Commissioner Gray, 2nd Commissioner Rigby. Approved

Move: Duncan Gray Second: Marvin King Status: Passed

3. Public Hearing for Case #2725 – Pinelake Church, Inc. has filed a request for A) a Variance from Section 2.6.7 Traditional Neighborhood Business: Front Yard Build-to Line, Maximum, and B) a Variance from Section 4.9.1.1 Additional Parking for property located at Pat Patterson Parkway. (PPIN #38562)

   Planning Comments: The subject property is located on Pat Patterson Parkway approximately 500 feet northeast of Old Sardis Road, across from an entrance to M-Trade Park. The applicant is proposing to build an approximately 60,000 sf church on +/- 12 acres. The site plan for this proposal is currently under review.
   A) Variance from Front Yard Build-to Line Maximum
   The front yard build-to line in TNB districts is set at 58 feet. The applicant is requesting the ability to build at 179 feet, a variance of 121 feet. The property currently slopes from east to west, with the elevation falling about 35 feet from the highest points down to Pat Patterson Parkway.
   The applicant states that the topography of the land lends itself towards placing the stormwater detention on the west side of the property where the front yard is located. Due to the size of the proposed development, stormwater detention requirements will be quite large. As currently designed, the detention pond is approximately 60 feet wide and is recessed between 35 and 45 feet from the property line. Additionally, multiple retaining walls are proposed to make up the difference in elevation and must be spaced at least 10 feet apart. The applicant contends that if the variance is not granted, storm water management would be forced to be handled in ways that are contrary to working with the natural terrain and features of the property which would create

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practical difficulties and unnecessary hardship by compromising the use of the property and undermining their attempts at creating large, useable, open spaces.
Staff finds this reasoning compelling. However, as currently designed, the pond does not comply with the dimensional requirements as stated in the Stormwater Ordinance. As this variance is to accommodate the retention pond, Staff recommends a condition of approval be that a variance from Sec 98-118 (n) (8) is granted.
Otherwise, staff finds that there exist special conditions that are peculiar to this lot and that strict conformity with the standards of the LDC would place undue burden on the applicant.
Recommendation: Staff recommends approval of the requested variance with the following conditions:
1. The approval is for the plan as submitted.
2. The applicant will receive a variance from Sec 98-118 (n) (8) for the shape of the pond.

Summary of Discussion:

Robert Baxter stated that regarding the B part of the request, Planning staff has received information about uses in the facility that make the parking variance no longer necessary.
Paul Watkins stated that the applicant could withdraw the request for Portion B.
The variance request regarding parking was withdrawn by the applicant.

Commissioner Rigby asked Reanna about the reasoning for the aspect ratio requirement in the Stormwater Ordinance.
Reanna Mayoral stated that the City wants to avoid thin strips of retention ponds.

Chairman Hyneman asked about the withdrawn parking variance and how staff calculations for required parking were made.
Ben Request stated that required was parking based on when the church would have classes, Sunday school and other classes throughout the week.
Commissioner King asked if classes are happening throughout the week does that change how we look at travel times.
Ben Request stated that the classes would be incidental to the main assembly for parking.

Commissioner Riddell stated that we don't need a traffic impact study now but that may change. If we have classes later in the week and there's increased traffic, who's responsible for a study later on when traffic increases?
Reanna Mayoral stated that more information on volumes and hours would be good to know. The initial assumption was that the traffic would occur at traditional church hours. If we don't require improvements now, it would come down to the City to make those improvements at at later time. Engineering will probably need more information.

Paul Koshenina stated that there is still the opportunity to consider traffic impacts with the site plan review process. New road is well designed and has a roundabout, a major thoroughfare and that's part of why church wanted this site.
Commissioner King stated that his concern is at what point do we need additional info based on uses.
Chairman Hyneman stated that old Sardis is more of his concern.

Jody Schmelzer, pastor stated that 90% of building usage will be Sunday mornings. College gatherings are on Wednesday nights and there are some bible studies Tuesday and Thursday mornings. These would have minimal traffic.

2725 A - Approve Commissioner King, 2nd Commissioner Rigby. Approved.
2725 B - Withdrawn

Move: Marvin King Second: J.R. Rigby Status: Passed

4. Public Hearing for Case #2726 – Andrew Callicutt has filed a request for Site Plan Approval for 'Jefferson Davis Storage' for property located at S. Lamar Boulevard. (PPINs #8852 & #8853)

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Planning Comments: The subject property is located on South Lamar Boulevard near Phillips Grocery. The property is zoned Traditional Neighborhood Business, it measures approximately +/- 2.27 acres and is currently developed with 5 one-story self-storage buildings. This site is situated between three City streets (South Lamar Boulevard, Belk Boulevard, and Jeff Davis Extended), and a substantial grade change exists from South Lamar towards Jeff Davis Extended.
The applicant received a Special Exception for this use in December 2020. The applicant proposed a three-story building with interior climate-controlled storage that also includes a sales office at the ground floor and another office with reception and conference areas on the third floor.
Use Requirements – A Self-Storage Facility is allowed by Special Exception as part of a mixed-use commercial building. A Special Exception for the use of a Self-Storage Facility in a TNB district was approved in December of 2020 (Case 2699).
Parking – The Code requires four parking spaces to be provided near the leasing office. Additionally, the office area on the third floor requires two additional parking spaces and six have been provided on the site.
Other Review Elements
• Landscaping – The proposed site plan includes foundation plantings around the proposed building. The parking lot and frontage trees proposed comply with the regulations of the land development code.
• Building Height – The proposed building includes three-stories with a basement, and the building height is 39'11", which complies with the regulations of the land development code.
• Building Materials – The north and west elevations present attractive façades that will provide a storefront on the northwest corner of the building. The proposed materials for these façades will be a combination of brick, fiber cement siding, stucco and metal panel canopies. The south and east elevations provide modest detailing with a brick and stucco wall that incorporates windows, a small portion of fiber cement siding and what appears to be an emergency exit in the southwest and northeast corner of the building.
Engineering Comments
Water and Sewer Utilities
Sewer will be private and tie to an existing City sewer line located along Jeff Davis Extended. Water service will be City owned with the 6" water line for fire service located within a dedicated 20' easement. All water lines beyond the domestic meter will be privately owned.
Traffic/Access
The site will have two points of access via privately owned drives that connect to Jeff Davis Extended. Jeff Davis Extended will be widened in front of the building to accommodate a new fire lane. The area immediately north of this site plan on Sheet 3.2 indicates additional access points on South Lamar and Jeff Davis which are not associated with this site plan and have not been approved. Staff has told the design engineer that access from South Lamar in that area would be permitted for a bank similar to the First National Bank further north but that would have to be considered as part of a separate site plan.
Sidewalks
Sidewalks will be constructed along the property's frontage with Jeff Davis Extended. Sidewalks were not required along South Lamar in consideration that there is no planned work on the South Lamar side, the desire by the owner to leave the existing steep slopes undisturbed and to not have to build retaining walls for the sole purpose of a sidewalk, and in consideration of the impacts of COVID in our community.
Stormwater Management
An underground detention system will be used for stormwater management. The proposed discharge point for the stormwater management system connects to an existing pipe located in the right-of-way of Belk Boulevard that was abandoned as part of the new Belk/South Lamar roundabout construction. Engineering staff has requested additional information to confirm that the routing of this existing pipe is feasible, an explanation on how the trash rack will be accessed for maintenance and cleaning, and explanation of the inclusion of a gabion basket retaining wall detail in the plans (which are not allowed).
Recommendation: Staff recommends approval of the Jefferson Davis Storage site plan with the following conditions:
1. The Approval is for the plan as submitted with any required changes by Staff. (Planning)
2. Approval is contingent on approval of the Stormwater Management Plan. Specifically, address the routing of the existing pipes that the stormwater management system will tie to, and the practicality of the proposed trash rack from a maintenance standpoint. (Engineering)
3. An executed easement to the dimensions shown in the construction drawings for the proposed

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fire line is to be delivered to the city by April 30, 2021. (Engineering)

Summary of Discussion:

Commissioner Freeman asked Engineering to speak more to the effect of COVID on sidewalk determinations.
Reanna Mayoral stated that discussions began at the height of COVID. The City determined that sidewalk installation was too large a burden for site not being touched on that side at all.
Commissioner Freeman asked if Staff were making determinations as to the economic viability of projects.
Reanna Mayoral stated that was not what the City was doing. As this is a redevelopment with a similar use, staff determined that sidewalks at this location would be a disproportionate amount of site work when compared to the redevelopment.

Commissioner King asked if we usually require sidewalks with renovations.
Reanna Mayoral stated that we do, and sidewalks are being constructed on the Jeff Davis side, but this particular property has such major challenges on the South Lamar side.
Commissioner King stated that is seems like an opportunity for completing sidewalks down South Lamar.

Joey Moore stated that the first thing discussed with this project was sidewalks. The topography is very steep and would need a large retaining wall. A large amount of utilities including fiber cable is located there and would be extremely expensive to relocate. Cutting in to the slope may lead to erosion.

Commissioner King asked why not locate a sidewalk on the other side of South Lamar.
Reanna Mayoral stated that pedestrian safety and connectivity to the rest of the sidewalk system made that a non-option. The recommendation against requiring sidewalks is not easy decision. Due to the pandemic we're trying to keep development occurring in Oxford.
Ben Requet stated that when the rest of the site comes for redevelopment, there may be potential for connectivity through the site.

Approve subject to staff conditions

Move: Marvin King Second: J.R. Rigby Status: Passed

5. Public Hearing for Case #2727 – Harrison Square (Steve Bryan) has filed a request for a Special Exception as provided in Section 2.6.12 Historic Urban Center: First Floor Residential for property located at 1200 Harrison Avenue. (PPIN #6061)

Planning Comments: The subject property is located between Harrison and Tyler Avenues and behind the buildings that contain Insomnia Cookies, Amy Head Cosmetics, Moe's BBQ, Olive Juice Gifts, and Cicada Boutique. The site measures approximately +/- .3 acres, and it is zoned (HUCN) Historic Urban Center. Additionally, the site is located within the Courthouse Square Historic Preservation Commission district.
The subject property has an extensive history with the City of Oxford Planning Commission and the Courthouse Square Historic Preservation Commission. An original special exception request for a mixed-use building with residential on the upper floors was originally approved in August 2003, followed by subsequent but similar requests in 2004, 2012, and in 2015. Ultimately, Harrison Square was constructed which consists of 22 residential units and 2 commercial units with 28 parking spaces in a garage.
The applicant is requesting the ability to turn the two commercial units, that total approximately 3,000 sq/ft, into residential units. Mr. Bryan notes in the application that the commercial spaces have been on the market since September 2016. Through a variety of marketing efforts including using Mark Cleary as a real estate broker, soliciting other local real estate people and brokers, utilizing multiple media formats such as their website, signage, print publications and the internet, they have not been successful in securing a tenant or purchaser of the spaces.
Mr. Bryan also cites the impacts of the COVID-19 virus on the retail and commercial businesses throughout Oxford, the state, and the Country. He goes on to explain that COVID-19 has further impacted their ability to secure a tenant or purchaser of this space. And because these properties

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continue to sit vacant, he expresses concerns that there is the potential for life safety issues with the unoccupied space in the building being located around college bars.
The City has been steadfast in protecting its commercial districts, but it made it easier for mixed-use developments that incorporated residential on the upper floors easier through Vision 2037. But allowing residential on the ground floor is a rare request, especially in the HUCN. And while this location is a bit more challenging because it is situated a block from South Lamar and it is facing the rear of buildings on two fronts, though the commercial spaces are positioned at the most visible portions of the building.
COVID-19 certainly has impacted our communities in more ways than our physical health. During the pandemic, businesses found ways to become more efficient through remote working and virtual meetings. Every community throughout the country is grappling with this concern, and time will tell how the market will adapt. Will there be less need for commercial space (i.e. office, retail, service, etc.) because of teleworking? Perhaps, but it is more likely that the concept of commercial space as we knew it before COVID-19 will evolve.
The Harrison Square building totals approximately 33,000 sq/ft with 4 floors. And the entire Harrison Square mixed-use development (and its predecessors that date back to 2004) was predicated on just that, mixed-use. While Staff does agree that it would be beneficial to have these two spaces utilized by a use, it does not seem unreasonable for approximately 10% or +/- 3,000 sq/ft of this building to be utilized for a use other than residential.
Should the Commission consider granting the requested Special Exception, there appears to be sufficient parking available for the additional residential units. The applicant supplied residential covenants that indicate that each residential unit is entitled to one parking space in the parking structure.
Recommendation: Staff recommends denial of the requested Special Exception. Should the Commission consider granting the Special Exception for two ground floor residential units, Staff requests the following conditions of approval:
1. Granting of the Special Exception will not adversely affect the public interest.
2. If no permits are issued after 18 months, the Special Exception will expire.
3. A Site Plan Amendment is required for this change.

Summary of Discussion:

Chairman Hyneman asked what the current residential occupancy is.
Steve Bryan stated that there are 22 units currently.
Chairman Hyneman asked about the process of converting the commercial space to residential.
Steve Bryan stated that the footprint remains the same, no changes to outside. Interior renovations only.

Commissioner King stated that the rule is in place for a reason and that he supported the staff recommendation to deny.

Commissioner Gray stated prior to 2017 plan there were talks about how important mixed use with first floor commercial is. He asked if the units are for sale.
Steve Bryan stated that the units are for sale not for lease.He has been unsuccessful in selling the units despite all best efforts.
Commissioner Gray asked what is it about this property that limits commercial appeal.
Conversations prior to 2017 plan state how important the mixed use aspect in the downtown is.

Chairman Hyneman stated that the conflict is the development pattern the city wants versus the harm of perpetually unoccupied space. He see parallels to Uncommon Oxford.
Ben Requet stated 50% of Uncommon Oxford is occupied.
Chairman Hyneman asked if there has been talk about the competing interest between occupied space versus unoccupied space.
Ben Requet stated that this is not a problem that is unique to Oxford. Staff is currently observing and trying to determine what's the appropriate mix. This site is right on the rear of another building. It's a unique situation.

Commissioner Riddell stated that she was torn on this. The location is unique. It's not a great place for a business. Not looking for an answer, but is it being priced correctly. Don't want empty buildings.

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Steve Bryan stated that he's been in real estate business for long time and has done everything in his power to try and market this space. People are afraid of space remaining vacant. They know that it can be occupied with residential use.

Commissioner Gray stated if current tenants are complaining about the businesses down the road, won't the ground floor residents as well.
Commissioner Riddell asked if the possibility of interactions with intoxicated patrons make it unattractive to potential tenants.
Steve Bryan stated that he had received interest in people using the spaces residentially.

JW McCurdy came forward to voice his support for the request Special Exception.

Commissioner King stated that it would be helpful if there was a process to determine what persistently unoccupied space means to the City. Would be worth to have a plan to deal with unoccupied spaces.
Commissioner Riddell stated that many unoccupied spaces are so because they are priced too high but that the market would sort itself out.

Motion to approve subject to staff conditions

King and Gray opposed

Chairman Hyneman voting to approve due to its location in the Historic Urban Center.

Move: Bill Freeman Second: J.R. Rigby Status: Passed

6. Public Hearing for Case #2728 – SRM, LLC dba The Isom Place has filed a request for a Special Exception as provided in Section 3.9.1.2 Event Space or Banquet/Reception Hall, for property located at 1003 Jefferson Avenue. (PPIN #5858)

Planning Comments: This property is located on the north side of Jefferson Avenue, across from the recently constructed parking garage. The site is zoned Historic Urban Center, it is located in the North Lamar Historic District, and it measures +/- .65 acres. The Isom Place is located on this property, which was recently acquired by the applicant from the University Foundation. Currently, Invitation Magazines, LLC. occupies the upstairs office space.
The applicant is requesting a Special Exception to use the Isom Place as an event space for receptions, weddings and other similar celebrations. There are several additional standards for this particular use that deal with the hours of operation and limitations of the quantity of patrons when this use is proposed adjacent to residential uses, and this use is also subject to the requirements of the City of Oxford Sound Ordinance. The applicant acknowledges these requirements and intends to comply with all of them.
Also, when proposed in the Historic Urban Center, a parking plan is required and has been supplied by the applicant. The applicant notes that on-site parking can accommodate 8 vehicles to be used by employees of Invitation Magazine during non-event days and hours, however, when an event is scheduled, those spaces will be reserved for Isom Place clients. Additionally, this location is ideal for this use because it is located directly across the street from the Oxford parking structure.
The parking plan standards for this use do also require a contingency plan. In the event that the Oxford parking structure is unavailable, the applicant notes that arrangements have been made on a per event basis with the Baker Building (located at 440 North Lamar), approximately two blocks away from the Isom Place.
Similar to the Shaw House, the Isom Place has been on the market for several years. In fact, the Planning & Historic Preservation Commissions have considered other proposals for this site to be used as a commercial space but due to the pandemic those approvals were not pursued. Larger historic homes like the Isom Place can be challenging to market because of the costs associated with acquisition and property maintenance. The applicant's proposal seems to be a great way to preserve this historic structure and make it accessible to the community as a venue.
Recommendation: Staff recommends approval of the requested Special Exception with the following conditions:
1. Granting of the Special Exception will not adversely affect the public interest.
2. If no permits are issued after 18 months, the Special Exception will expire.

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Summary of Discussion:

Ben Requet noted a letter from Bridge Properties that raised concerns about overflow parking and noise from the Isom Place.

Approve subject to staff conditions

Move: Bill Freeman Second: J.R. Rigby Status: Passed

7. Public Hearing for Case #2729 – Mike Fudge has filed a request for a Preliminary and Final Plat Approval for 'The Nola Subdivision' for property located west of Heritage Drive and North of West Jackson Avenue. (PPIN #27675 & #19072)

Planning Comments: The subject property is +/- 1.73 acres located between Heritage Road and the Lexington Pointe Apartments. The applicant is requesting Preliminary and Final Plat approval for a single lot subdivision to comply with the conditions of Site Plan approval from Planning Commission Case #2508. The applicant is proposing to carve off +/- 0.09 acres of Lot 6 of the Heritage Subdivision to gain frontage on Heritage Drive. An amendment to the Heritage Subdivision is the subject of Case #2730.
The applicant has provided for a shared parking easement on the plat, as a portion of the Heritage Lot 6 parking will now be inside the Nola Subdivision.
Engineering Comments: The NOLA Subdivision is located adjacent and north of the property occupied by Chipotle and Five Guys, adjacent to and west of Heritage Centre Lots 5 and 6, and adjacent to and east of the Lexington Pointe development. The creation of a subdivision is a requirement for construction of the NOLA site plan as this property was subdivided and sold from a parcel property that had already been divided before. This case is directly related to the Heritage Center Lot 6 amendment (Case 2730) and many comments will overlap.
Of particular interest in this review was the determination of right-of-way of Lexington Pointe Drive. The beginning of this drive appears to be platted to the City with the original plat for Heritage Center. Subsequently, a site plan for Lexington Pointe was submitted that includes a modified cul-de-sac at the entrance. The cul-de-sac exists today. Staff has determined that the City did not accept maintenance of Lexington Point Drive, though part of the roadway appears to be dedicated by plat to the City in the original Heritage Centre plat. This portion of the roadway was not constructed at the same time as Heritage Drive and therefore was not included when the City accepted Heritage Drive. There are no additional records of the City accepting the roadway and the cul-de-sac is not built to City standards. The City will not object to the roadway being shown as private on the proposed plat.
The removal of the strip from the Heritage Center lot 6 has the result of creating an otherwise unusable strip between Lexington Pointe Drive and the Heritage Center Lot. It also completely cuts off any access to the Heritage Center lot 6 without use of an access easement from adjacent lots. The strip has been cut off from Heritage Lot 6 in order to provide a street access to the NOLA lot.
Access - The subdivision will not have direct access to any public right-of-way. To the south, access to West Jackson Avenue is provided across the aforementioned Chipotle property by perpetual easement granted by the warranty deed recorded as instrument 201703698. It is intended for NOLA subdivision to have primary access to Heritage Drive east across Lots 5 and 6 of Heritage Centre Subdivision or Lexington Pointe Drive and secondary access to Jackson Avenue. Access is not permitted directly to Heritage Drive through the strip that connects to this roadway directly.
Water - The property will be served by the City of Oxford. A utility easement for this purpose is indicated on the plat.
Sewer - Interior sewer is private, despite the plans showing contrary to this fact. The property will convey its sanitary sewer to existing City of Oxford infrastructure. All sanitary sewer facilities located inside the site will be owned and maintained by the owner of NOLA Subdivision. A utility easement for sanitary sewer is indicated on the plat in error and is to be removed before a final plat will be recorded.
Storm water - Storm water improvements on the site have not yet been finalized and will be subject to review by the City of Oxford before future site plan approvals are granted. A site plan was previously included for this site which included stormwater management but may have expired.
Recommendation: Staff recommends approval of the requested one lot subdivision for 'The Nola Subdivision' with the following conditions:
1. Approval by the Mayor and Board of Aldermen is required. (Planning)

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2. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants for this subdivision shall be provided to the Planning Department. (Planning)
3. Lexington Pointe Drive is to be shown as private on the plat. (Engineering)
4. Cross access easements for ingress / egress / parking are required from Lots 5 and 6 of Heritage Centre. The easements should be noted on the plat and a copy of the recorded easements submitted to the City Engineer's office. (Engineering)
5. Utility easement for sanitary sewer as shown on the preliminary plat is to be removed as all interior sewer facilities will be owned and maintained by the owner of NOLA Subdivision and should be noted as such on the plat. (Engineering)
6. No direct access to Heritage Drive will be approved by the City of Oxford. This is to be indicated on the plat with a separate note. (Engineering)
7. Indicate on the plat the dimension of the most-narrow point of the property in the north. (Engineering)

Summary of Discussion:

Commissioner Gray asked Reanna what is the current level of service on Heritage and how will this impact that.
Reanna Mayoral stated that without a traffic study, the best estimate is a "B" most of the day. Jackson and Heritage gets a little tough in peak hours. Has a high level of service most of the day. I don't see this development having negative impact on Heritage.
Commissioner Gray stated that he typically sits through two traffic lights there.
Reanna Mayoral stated that that could be a timing issue, but that Engineering can look into that.

Jeff Williams stated that this is a clarification process for the site plan. Traffic really isn't a part of this discussion.

Approve subject to staff conditions

Move: Marvin King Second: Duncan Gray Status: Passed

8. Public Hearing for Case #2730 – Mike Fudge has filed a request for an amendment to the Final Plat for Lot 6 of 'The Heritage Centre Subdivision' for property located west of Heritage Drive and North of West Jackson Avenue. (PPIN #19072)

Planning Comments: The subject property is +/- .93 acres located on Heritage Road, east of the Lexington Pointe Apartments. The applicant is requesting an amendment to the Final Plat to transfer a section of Heritage Centre, Lot 6 to 'The Nola Subdivision,' a single-lot subdivision. The applicant is proposing to carve off +/- 0.09 acres of Lot 6 of the Heritage Subdivision to gain frontage on Heritage Drive. The Nola Subdivision is the subject of Case #2729.
The applicant has provided for a shared parking easement on the plat, as a portion of the Heritage Lot 6 parking will now be inside the Nola Subdivision.
Engineering Comments: This amendment proposes to modify the dimensions of Lot 6 of Heritage Centre Subdivision as originally platted to accommodate the proposed NOLA Subdivision, which is being heard as a separate case (2729) in the same meeting. The lot is currently occupied by various professional business offices and has an access point to the north at Lexington Pointe Drive. The lot has access to Heritage Drive to the south across Lot 5 of Heritage Centre.
While the Lot 6 property fronts the right-of-way of Heritage Drive, the City of Oxford will not approve any future connections to Heritage Drive along the frontage of this property. As such, cross access easements in favor of the newly amended Lot 6 will need to be granted from the NOLA subdivision to the north and west as shown on the new plat. A cross access easement from Lot 5 is required as well if one does not already exist.
As noted in the case report for the NOLA subdivision, there were a number of questions regarding the ownership of Lexington Pointe Drive. Staff has determined that the City did not accept maintenance of Lexington Point Drive, though part of the roadway appears to be dedicated by plat to the City in the original Heritage Centre plat. This portion of the roadway was not constructed at the same time as Heritage Drive and therefore was not included when the City accepted Heritage Drive. There are no additional records of the City accepting the roadway and the cul-de-sac is not built to City standards. The City will not object to the roadway being shown as private on the proposed plat.
Recommendation: Staff recommends approval of the requested Final Plat Amendment for

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'Heritage Centre, Lot 6' with the following conditions:
1. Approval by the Mayor and Board of Aldermen is required. (Planning)
2. Cross access easements are required from the NOLA subdivision to the north and west. The easements are to be noted on the plat and a copy of the recorded easements submitted to the City Engineer's office. (Engineering)
3. A cross access easement from Lot 5 of Heritage Centre to the south is required if one does not already exist. This easement needs to be noted on the plat and a copy of the recorded easement submitted to the City Engineer's office. (Engineering)
4. No future connection to Heritage Drive will be approved by the City of Oxford along the frontage of Lot 6. The plat should clearly indicate this with a separate note. (Engineering)
5. The plat should note Lexington Pointe Drive as private. (Engineering)

Motion to approve subject to staff conditions

Move: J.R. Rigby Second: Duncan Gray Status: Passed

9. Public Hearing for Case #2731 - Mississippi Federal Credit Union has filed a request for a Variance from Section 3.11.1.5 (c) Accessory Uses or Structures: Additional Standards for property located at 2301 South Lamar Boulevard. (PPIN #8810)

Planning Comments: The subject property is located at the corner of S. Lamar Boulevard and Belk Boulevard and is referred to as the University of Mississippi South Oxford Center. The property measures approximately 15 acres. The Mississippi Federal Credit Union branch located inside the South Oxford Center is planning for an ATM kiosk and drive-thru lane along the S. Lamar Boulevard side of the property.
The applicant would like to construct an approximately 19.4 ft. tall metal ATM canopy and single drive-thru lane in the front yard along S. Lamar Boulevard. Two sides of the canopy proposal include an 8.16 ft. x 3 ft. "MSFCU" sign imbedded into the structure. These letters would be backlit. Lighting will also be downlit under the kiosk canopy and within an LED strip in the horizontal portion of the canopy.
Section 3.11.1 Accessory Uses or Structures states that accessory structures must be located 5 ft. from any other structure or property line and must be located within a rear yard. The structure will be located approximately 17.7 ft. from any property line or other structure. The back curb of the drive-thru will be 4'2" at its closest point from the western property line. The proposed kiosk will largely be screened by tree plantings proposed on the east and west sides of the drive-thru lane.
The applicant's hardship is that their lot has two front yards, at the corner of S. Lamar Boulevard and Belk Boulevard. The applicant states that due to development changes that are planned for the site, along with utility locations, there are no appropriate locations for an ATM structure in the side yards. Staff has discussed several concerns with the applicant's architect related to the location, proposed canopy structure height, signage, and landscaping.
Location Concerns:
Staff is not supportive of the ATM location in the front yard close to S. Lamar Boulevard. The approximately 19 ft. tall structure is proposed in the middle of the existing parking lot, and does not contribute to any streetscape or urban form along this growing corridor of South Lamar. After site visits to all other banks in town, nearly every drive-thru ATM structure is located in a side yard and adjacent to the existing building. The only exception Staff found was Regions Bank at the corner of W. Jackson Avenue and Heritage Drive, an infill project that worked with constraints from an abandoned Applebee's and an existing TVA easement that prohibited structures from being constructed in it.
This request is the first one Staff has received for a free-standing ATM structure. Staff believes other locations on the large South Oxford Center site should be considered. It appears that the overarching reason for the size and location of the structure is marketing.
Canopy Height and Signage Concerns:
The canopy structure is proposed as an approximately 19 ft. tall structure, less than 20 ft. from the front yard property line along S. Lamar Boulevard. The applicant is also proposing two approximately 25 sq. ft. vertical "MSFCU" signs imbedded into the column of the structure. The sign is attached to the top of the support structure for the ATM canopy. The sign is functioning like a pole sign, which are not allowed in the City.
Staff discussed the potential of a monument sign with the architect. Businesses are allowed a total of three exterior signs. The applicant's elevation drawings indicate two "MSFCU" vertical signs on

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the canopy and signs on the ATM machines. Signage permits are not part of the Planning Commission decision and will be reviewed for compliance from Staff before they are approved.
Landscaping Concerns:
The landscape plan indicates trees proposed over the property line and plant species have not been determined. Staff would like to see a mix of landscaping that includes an increase in canopy coverage along this stretch of S. Lamar Boulevard, while also incorporating evergreen plantings that screen the drive-thru and ATM kiosk. The applicant's architect was receptive to landscaping concerns and has a landscape architect working on an updated plan.
Recommendation: Staff agrees that a hardship may exist in the ability to locate the structure in a strategic spot for the function of the applicant's ATM structure within the corner lot, but there are many pressing concerns related to the location, canopy structure height, signage, and landscaping that remain unresolved. Staff recommends denial of the variance as proposed.
Should the Commission approve the variance, Staff recommends the following conditions approval:
1. The variance is for a structure to be constructed no taller than the horizontal roof of the structure and of similar materials presented, and without the attached vertical "MSFCU" signs and column.
2. Signage for MSFCU will require a separate permit and approval by the Planning Department.
3. An updated landscaping plan must be approved by Staff prior to the issuance of building permits.

Summary of Discussion:

Gray Parker stated that Late Friday afternoon the architect for Mississippi Federal Credit Union sent updated drawings for the variance at the University's South Oxford Center addressing some of Staff's concerns related to signage and landscaping. Staff's recommendation has not changed.

Chairman Hyneman asked if the belief that the marketing was due to height of monument and now that the tall monument is removed would the applicant be returning during the sign approval process for similar signage.
Matthew Buchanan stated that the Credit Union cut the top off to work within the City's restrictions. They originally wanted the ATM closer to building, but an OUT bus path is in the way. Locating the ATM inside is not feasible because the building is only open during business hours. Other locations on the property are not feasible. The University gave the location.
Commissioner Riddell asked if the City has regulatory authority over University property.
Ben Requet stated that all property inside of City is subject to City regulations. The original land grant is outside of City authority.

Commissioner King asked for clarification about which parking lot would be closed.
Ben Requet stated that it was the interior lot between the garage and the building.

Chairman Hyneman asked that if it were a wide open lot the ideal location would not be in the middle of the lot, but next to the building.
Matthew Buchanan stated that was correct.
Chairman Hyneman asked if there was an access road to be built or if it would be created when the curbing was laid.
Matthew Buchanan stated that it would be built within the confines of the existing lot.

Chairman Hyneman asked when staff received materials in regards to landscaping.
Gray Parker stated that the materials were not received until Friday afternoon and not when the original report was written.

Commissioner Gray asked if this is a full service ATM.
Matthew Buchanan stated that it will not be full service, only a dispenser.

Motion to deny

Commissioners Rigby, Riddell, King, Gray, Freeman and Murphy in favor
Commissioner Hyneman against

Move: J.R. Rigby Second: Judy Riddell Status: Passed

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10. Public Hearing for Case #2732 – JW McCurdy has filed a request for a Variance from Section 5.8.4.4 Neighborhood Conservation District: Yard Standards, Front Yard for property located at 515 & 523 N. 11th Street. (PPIN #5869)

Planning Comments: The subject property is located in the North Lamar Historic District, west of N. 11th Street. The lot size is approximately 1.34 acres and is a flag lot, making it a legal non-conformity. A flag lot is defined as a parcel of land that is situated behind a lot or multiple lots that front a public street and are accessed by a driveway. The driveway is often referred to as the "staff" of the flag lot. The underlying Traditional Suburban Residential zoning district standards require a minimum of 35 ft. of street frontage for new lots. This lot has approximately 35.7 ft. of street frontage.

Vehicular access is taken from the west side of N. 11th Street onto two narrow driveways along the northeast and southeast points of the property. The lot contains six single-story duplexes built in 1971. Two existing single-family houses border the subject property's east property line along N. 11th Street between the two vehicular access points.

This lot is located within the Neighborhood Conservation Overlay, and the front yard setbacks within this district are determined by the Planning Director based on the unique characteristics of the street and the established pattern of setbacks in the neighborhood. Staff has interpreted this eastern property line as a "front yard" based on this side being the side that both points of vehicular access to N. 11th Street are taken from. It is a unique front setback determination because the subject property is a flag lot, with two separate driveways, and is an outlier in relation to other lots on the street. Further complicating the situation is that this duplex complex is an existing development with the rear of the structures facing the determined "front yard" property line.

The applicant received building permits for interior re-models for each residential unit in August 2020. After renovations began, Staff was made aware that the applicant had constructed four back porches attached to the two duplexes nearest the east property line. The porches had been constructed structurally integrated into the two duplex buildings through extensions of each of the building's rooflines. One of the porches on the building in the northeast corner of the lot is 6.09 ft. from the east property line at its closest point and a porch on the building in the southeast corner of the lot is 7.22 ft. from the east property line at its closest point. The adjacent property owner, Mr. Stephan McDavid, objected to the requested variance, and the Planning Commission denied the request in February 2021.

The applicant has returned with a modified proposal for covered back porches for four of the units on the eastern sides of the duplexes (front yard). These porches will be half the size of the previously proposed additions. The four porches were 10 ft. long, and will now be 5 ft. long with a 5 ft. patio space and be 15 ft. in width (10'x15'). The porch overhangs that were already constructed will be shortened to be 5 ft. off the structures and the patios will be unobstructed. Lot coverage in the Traditional Suburban Residential zoning district is 50% and the proposed lot coverage with the porches will be 40.2%.

The applicant states their hardship relates to the duplexes not having any outdoor space along the east side and that the yard areas on this side are "confined, claustrophobic, and unusable" due to their proximity to an existing fence along the neighboring properties. The units have been inhabited since the early 1970s without any porches or functioning outdoor space on this side.

The majority of the houses along this portion of N. 11th Street are single-family homes. To the south, there is another multi-unit development, but at least two of the units are along the street, and those units have similar front yard build-to lines to the properties to the north, which are directly east of the lot in question. The duplex property is an outlier in relation to other lots on the street with the rear of the structures facing the determined "front yard" along the eastern property line. The front where these porches are proposed has no rhythm or streetscape characteristics in relation to the neighboring properties. The porches are in line with the back yard garden of the property to the north, and the front yard build-to line of the multi-unit development to the south is perpendicular to the porches. With no consistent streetscape for this unique property, Staff has determined that the porches are appropriate in this instance.

The neighbor directly east of the proposal, Mr. McDavid, has provided a letter of support for the porch modifications, and a copy of his letter of support is included in the staff report.

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

1. The variance is for the plan as submitted for the four 10 ft. x 15 ft. porch/patio additions.
2. The porches and patios will require approval by the Historic Preservation Commission.

Motion to approve subject to staff conditions

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Move: J.R. Rigby Second: Marvin King Status: Passed

11. Public Hearing for Case #2733 – Evergreens 314, LLC (Larry McAlexander) has filed a request for a Variance from Section 98-118, Part L.1 of the Stormwater Management Ordinance for 'Evergreens, Ph. 2' for property located at Dylan Avenue. (PPINs #39405 & #39498)

Planning Comments: This property was annexed into the City Limits of Oxford in 2018. It went before the Planning Commission for a Final Plat Approval (Case #2393) to create a two-lot subdivision, which was approved in November 2018. A site plan for Burns First United Methodist Church was approved and constructed on Lot 3. In June 2020, the applicant received an amendment to the subdivision to include common space that incorporates the detention pond and to indicate the access drive in the location that it was constructed (Case #2632). In August 2020, the Mayor and Board of Aldermen approved a revocation of the plat amendment from June. The current amendment proposes vacating Lot 4, Revising Lot 3 (Burns First UMC), and to define the location, ownership, and maintenance of the stormwater detention.
Engineering Comments:
Stormwater Management
The variance request is for relief from two items in the City of Oxford's Stormwater Management Ordinance: Section 98-118.L.
1. The maximum designed depth of stormwater stored shall not exceed eight (8) feet. A minimum of one (1) foot of freeboard shall be provided, measured from the top of the peak water surface elevation for the 100-year storm event to the lowest point on the top of the pond, excluding the emergency spillway invert.
And
8. Emergency spillway/overflow facilities shall be provided to pass runoff more than the 100-year storm event, up to the 500-year storm event unless positive measures are installed to control the inflow so as not to exceed the safe capacity of the basin. Emergency spillways shall be protected with concrete or grouted riprap.
The root cause for this variance request is that the stormwater management facility was not constructed per the site plan (Case #2250) that was approved by the Planning Commission. This case is also related to Case 2734, plat amendment for Evergreens Phase 2. A substantial portion of the unapproved stormwater management facility had been constructed prior to staff becoming aware of the deviation from the original site plan and plat. Staff has worked with the design engineer to resolve the issues that have arisen from this deviation from the approved site plan. The resolution process has been hampered by the COVID-19 pandemic.
As part of the resolution process, the design perimeters were reviewed as they related to the as-built stormwater facility and site grading. The drainage basin area was enlarged and the stormwater model adjusted to accurately reflect the surrounding topography and drainage area. The revised stormwater model indicated that the 30-inch diameter pipe located in the ROW of Dylan Avenue would now control (serve as the restriction point) all storm events in excess of the 25-year storm and there would be issues with compliance with the code as a result. To comply with the City's stormwater ordinance, modifications to the unapproved stormwater management facility would be needed. These modifications would consist of resizing the orifices on the control structure and raising the top of pond elevation. The modifications to the control structure were relatively easy to implement. However, raising the top elevation of the pond to meet the minimum freeboard and prevent use of the emergency spillway for smaller storm events would require the addition of material on the sides of the pond as well as the top. In regards to erosion and cover, the pond is currently stabilized. The disturbance to the soil surface of the pond that would be required to raise the elevation would put it back into a state of instability and require additional stabilization efforts.
As an alternative to raising the top elevation of the pond, the design engineer is proposing to allow flow during storm events in excess of the 25-year storm to pass through the emergency spillway. The City ordinance only allows flow to pass through the emergency spillway during storm events in excess of the 100-year storm. This alternative would minimize disturbance of the existing (as-built) pond berm and facilitate closure of the project. Now, flow exiting the pond through the emergency spillway will be directed into Dylan Avenue, which slopes to the southwest towards State Highway 314. The flow in Dylan Avenue would then be directed to the ditch along State Highway 314. The 30-inch storm drain pipes in the Dylan Avenue ROW discharge to this same ditch so there is no change to the path of the water as a result of any use of the emergency spillway. Flow from the pond though emergency spillway should not threaten the integrity of the Dylan Avenue's road

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surface, utilities, or neighboring properties as it will be contained with an existing street with curb and gutter.
Recommendation: Staff supports the request for variance due to the unique circumstances of the site, the impact of COVID on this development and the confidence that there will be no negative impact to City infrastructure as a result of any approvals granted.

Commissioner Rigby asked Engineering where the emergency spillway was.
Reanna Mayoral stated that it was adjacent to Dylan Avenue.
Commissioner Rigby asked if the gutters downstream on Dylan would be sufficient to handle a flood event or will it overflow 314.
Paul Koshenina stated that he was not concerned about overflow on 314.
Reanna Mayoral also stated that she was not concerned about overflow on 314.

Commissioner Rigby asked if the 25 year event engages the spillway
Paul Koshenina stated that the metrics were for the 2, 10, 25 and 100 and that the spillway should engage closer to the 100 year than the 25 year.

Commissioner Freeman asked for clarification about the 30-inch outlet.
Paul Koshenina stated that that was the existing structure prior to construction.

Motion to approve

Move: J.R. Rigby Second: Marvin King Status: Passed

12. Public Hearing for Case #2734 – Evergreens 314, LLC (Larry McAlexander) has filed a request for Final Plat Approval (Amended) for 'Evergreens, Ph. 2' for property located at Dylan Avenue. (PPINs #39405 & #39498)

Planning Comments: This property was annexed into the City Limits of Oxford in 2018. It went before the Planning Commission for a Final Plat Approval (Case #2393) to create a two-lot subdivision, which was approved in November 2018. A site plan for Burns First United Methodist Church was approved and constructed on Lot 3. In June 2020, the applicant received an amendment to the subdivision to include common space that incorporates the detention pond and to indicate the access drive in the location that it was constructed (Case #2632). In August 2020, the Mayor and Board of Aldermen approved a revocation of the plat amendment from June. The current amendment proposes vacating Lot 4, Revising Lot 3 (Burns First UMC), and to define the location, ownership, and maintenance of the stormwater detention.
Engineering Comments: The proposed plat amendment changes the location and ownership of the area originally dedicated for an access drive and a detention pond to serve the Burns United Methodist Church. The plat was most recently amended in 2020 with Case 2632 and this report is nearly identical. Changes to the plat are necessary based on changes to the approved construction plans made in the field without Staff approval. Specifically, the pond and driveway locations were changed. Following the amendment by Case 2632, City Staff were notified that the plat was changed without permissions from all property owners. Board of Aldermen action was taken to address that error and a new plat was required, and is now under consideration. The pond is now proposed to be owned by the owner of the large tract of land adjacent and behind Lot 3, which was previously platted as Lot 4. Compliance with the City's Stormwater Management Ordinance is accomplished through the use of an off-site regional stormwater management facility that the site will have access to through a drainage easement. Burns United Methodist Church will have no ownership interest or maintenance responsibility for the stormwater management facility. With this plat amendment, the stormwater management facility (pond) is wholly owned by Evergreens 3114, LLC. and is not on property that is part of any platted lot.
Future development of the property shown as Vacated Lot 4 will require a new subdivision and the ownership of the pond will be considered. The pond will always be connected to a tract of land that is large enough to ensure that it will not be abandoned for taxes and will therefore be maintained. The pond meets requirements for stormwater management for the Burns United Methodist Church provided a stormwater variance is approved in Case 2733, also being heard at this same meeting. The plat notes that the pond may be terminated, vacated, and rescinded at some point in the future and replaced with a pond in a different locations. Staff has no objection to this provided that the Lot 3 maintains use by easement, which the note on the plat indicates would be the case.
The Board of Alderman accepted infrastructure for Evergreen Phase 1, which includes the

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roadway in front of Lot 3, at the January 5, 2021 meeting and has a warranty bond in place. Engineering has no conditions associated with any approval granted for this plat amendment. Recommendation: Staff recommends approval of the proposed Final Plat Amendment with the following condition:
1. Approval of the Final Plat (Amended) for 'Evergreens Subdivision, Phase 2' by the Mayor and Board of Aldermen.

Summary of Discussion:
Commissioner Freeman asked about the statement that the pond being connected to a tract of land large enough to ensure that it will not be abandoned. Does there need to be a condition to that effect.
Reanna Mayoral stated that the Commission could always choose to make that a condition.
Paul Watkins stated that the necessary wording to deal with all possible scenarios would be extremely difficult for a condition.
Ben Requet stated that if someone wanted to try to carve off the detention, it would require a subdivision per the Code.

Approve subject to Staff conditions

Move: Bill Freeman Second: J.R. Rigby Status: Passed

13. Public Hearing for Case #2722 – City of Oxford has filed a request for modifications to the Land Development Code. **(Postponed from March)**

Summary of Discussion:

Article 2
Update language about the last adjustment of the Oxford Commons PUD from 2015 to 2019.

Article 3
Update Recreational Uses, Commercial - Indoor and Outdoor, Restaurants, and Theaters language to reflect new sound ordinance.
Clarify standards and definitions surrounding Accessory Uses and Accessory Amenities.

Article 4
Add language to allow for a phased parking plan by special exception

Commissioner King asked if this give the Commission more flexibility.
Ben Requet Stated that that was the intent.
Commissioner Rigby asked what's to stop someone from requesting more parking and then never building the phases.
Ben Requet stated that that is a risk, but the Commission would have to decide on a case by case basis what would be a merited request.
Commissioner Rigby stated that the applicant would need stormwater regardless.

Article 7
Add language to allow for monument signs along highway corridors to be taller.

Article 9
Adjust language around publishing notice in newspapers to align with State law.

Ben Requet stated that it is becoming extremely hard to get published notices in the physical newspapers due to the Eagle running reduced circulation.
Commissioner Gray asked if the law distinguishes between physical and digital print.
Paul Watkins stated that there is no provision for digital print.

Adjust language around posting of notice on properties to align with State law.

Commissioner Rigby stated that he receives more informal questions due to signs than anything else. Would rather delay cases than not be bound by the posting requirements. He expressed concern with how the public would receive this change.

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Paul Watkins the questions received are not if someone is being given proper notice, but if the sign that is posted is technically correct. Not an effort at being less transparent.
Commissioner Riddell stated her belief in the importance of the current signage.
Commissioner Gray stated that he would like to maintain that two-week window as much as possible for people to be able to see the signs.
Ben Request stated that Staff would withdraw this proposed change and try to find an alternate solution to the problems around posting notice.

Article 10
Adjust definition of Accessory Amenity to reflect changes in Article 3.
Adjust definition of Yard, rear and Yard, side to reflect how rear and side yard are currently administered.

Commissioner Freeman proposed adding a sketch for clarification to the yard definitions.

Commissioner King has left
Removing changes to 9.7.4.2 notice requirements
Adding sketch for yard definitions

Motion to approve as amended

Move: J.R. Rigby Second: Judy Riddell Status: Passed

14. Motion to Adjourn

Move: Duncan Gray Second: J.R. Rigby 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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, May 10, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Benjamin Requet; Bill Freeman; Brian Hyneman; Duncan Gray; Gray Parker; Hollis Green; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Marvin King; Mollie Woodhouse; Paul Watkins; Robert Baxter

Remote Attendance

Reanna Mayoral

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

A. May Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Duncan Gray Second: Marvin King Status: Passed

3. Approval of minutes from the April 12, 2021 Meeting

   Move: Bill Freeman Second: Marvin King Status: Passed

4. Staff Report

   Ben Requet announced that this will be the final meeting for Mollie Woodhouse. The Planning Commission shared their thanks to Mollie for her work as Planning Staff.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2735-A – JW McCurdy has filed a request for a variance from Section 2.6.4 Suburban Residential: Side Yard Setback Line, Minimum for property located at 712 South 18th Street. (PPIN #8682)

C. Consent Agenda

Motion to approve consent agenda

Move: Marvin King Second: J.R. Rigby Status: Passed

1. Public Hearing for Case #2736 – Hugh Balthrop has filed a request for a Special Exception as provided in Section 7.3.1.2.c Regarding Sign Requirements in Historic Districts for property located at 1102 Van Buren Avenue. (PPIN #5938)

   Planning Comments: The subject property is located on the south side of Van Buren at the intersection of South 10th in the same building that Greenline Salads is located. The applicant is requesting the ability to install a second projecting sign at this location to advertise his business. The Land Development Code limits businesses to one wall or projecting sign per public entrance in

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historic districts with the ability to request a second by special exception. This provision exists to help reduce visual clutter in the historic districts while maintaining flexibility to allow for additional signage where needed.

This location already has a projecting sign that advertises Greenline Salads. The applicant's gelato business will be completely separate from Greenline, but located in the same space. A second sign at this location would allow the applicant to distinguish and advertise his business and allow for proper wayfinding. This type of situation is what this provision of the LDC envisioned in allowing for flexibility. The proposed signage will meet the dimensional requirements for projecting signs in historic districts and Historic Preservation staff has stated that the proposal meets the standards in the Historic Design Guidelines. Exact material and placement details will be the purview of a Certificate of Appropriateness request.

Recommendation: For the reasons stated above, Staff recommends approval of this Special Exception request.

2. Public Hearing for Case #2737 – Chris Newman has filed a request for a Special Exception as provided in Section 7.3.1.2.c Regarding Sign Requirements in Historic Districts for property located at 203 North Lamar Boulevard. (PPIN #5802)

   Planning Comments: The subject property is located on North Lamar at the northwest corner of Monroe Ave. The applicant is requesting the ability to add a second projecting sign to his business. The LDC limits businesses to one wall or projecting sign per public entrance in historic districts with the ability to request a second by special exception. This provision exists to help reduce visual clutter in the historic districts while maintaining flexibility to allow for additional signage where needed.

   A projecting sign was permitted and granted a COA for the business front facing N. Lamar in early April 2021. This request is for a second sign on the rear of the building that would match the signage on the front. Staff believes that this signage would not add visual clutter and would generally be in harmony with the surrounding area. The proposed signage will meet the size requirements for projecting signs in historic districts and Historic Preservation staff has stated that the proposal meets the standards in the Historic Design Guidelines. Exact material and placement details will be the purview of a Certificate of Appropriateness request.

   Recommendation: For the reasons stated above, Staff recommends approval of this Special Exception request.

3. Public Hearing for Case #2738 – Pinelake Church, Inc. has filed a request for a Special Exception as provided in Section 5.6.1.8.a Appropriate Façade for property located at Pat Patterson Parkway. (PPIN #38562)

   Planning Comments: The subject property is located on Pat Patterson Parkway approximately 500 feet northeast of Old Sardis Road, across from an entrance to M-Trade Park. The applicant is proposing to build an approximately 60,000 sf church on +/- 12 acres. The site plan for this proposal is currently under review.

   This request is for the use of metal siding as accent materials on each side of the exterior façade. According to Section 5.6.1.8(a) of the LDC, any use of metal surface as an exterior siding may be considered by special exception. The proposed paneling is a high-quality architectural metal surface which is consistent with the intent of the LDC.

   Recommendation: Staff recommends approval of the requested Special Exception.

4. Public Hearing for Case #2740 – William Kennon has filed a request for a Special Exception as provided in Section 5.6.1.8.a Appropriate Façade for property located at 84 Highway 30 East. (PPIN #4710)

   Planning Comments: The subject property is located on approximately 3.83 acres on the south side of Highway 30 East. The property is the site of Highway 30 Collision Repair and it was annexed into the City of Oxford in 2018. The applicant has submitted a site plan to construct a +/- 2,900 sq. ft. single-story metal addition to the southwest side of the existing building. According to

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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.

Approximately 23 ft. of the proposed addition will face Highway 30 East, but it will be 53 ft. behind the existing building front build-to line. The front build-to line of the existing building is approximately 130 ft. south of the access drive to the site at Highway 30 East. The metal material will match the existing siding on the current building and contribute to a consistent design. The site plan is currently under administrative review. At this time, no major concerns have arisen per Planning and Engineering Department preliminary reviews.

Recommendation: Considering that only a small portion of the addition fronts Highway 30 East from approximately 183 ft. from the road, Staff believes that the metal addition will be far enough off the highway to largely go unnoticed by the general public driving by. Staff recommends approval of the requested special exception.

D. **Public Hearings**

1. Public Hearing for Case #2739 – Pinelake Church, Inc. has filed a request for a Variance from Sec 98-118(n)(8) of the Stormwater Ordinance for property located at Pat Patterson Parkway. (PPIN #38562) (WITHDRAWN)

2. Public Hearing for Case #2741 – Scott Lewis has filed a request for a Special Exception as provided in Section 3.8.2.2 Bed and Breakfast Establishments, Districts Permitted for property located at 1003 South Lamar Blvd. (PPIN #8322)

   Planning Comments: The subject property is located on South Lamar Boulevard, just north of Johnson Avenue. The property measures approximately 1.3 acres, it is zoned Traditional Estate Residential and it is located in the South Lamar Historic District. Scott and Brandi Lewis are requesting a Special Exception to utilize this house as a Bed and Breakfast.

   The house contains 7 bedrooms and 9 bathrooms with nearly 13,000 square feet of livable space. It has been on the real estate market for several years, likely due to the size of the home. The applicants believe that through the granting of a Special Exception for use as a Bed and Breakfast for this location, it is a mechanism to preserve this contributing historic home. The applicants intend to using the existing driveway on the south side of the home for most of their parking needs but there is an additional parking spot along South 13th Street.

   A request for a Bed and Breakfast list several additional standards for consideration which are as follows:

   a. Bed and Breakfast Establishments are allowed only in an Oxford Historic District or in homes on lots of one acre or more.
   This property is located in the South Lamar Historic District and it is on property in excess of one acre.

   b. Bed and Breakfast Establishments must be managed by and serve as the primary resi¬dence of the owner of the property.
   The Lewis' application states that this property will serve as their primary residence and that they will also manage the establishment.

   c. Breakfast may be provided to registered guests, but no other full meals.
   The Lewis' application states that they will comply with this provision of the ordinance.

   d. Bed and Breakfast Establishments shall contain no more than five bedrooms lettable to guests at any one location or premises.
   While this home contains 7 bedrooms, the application indicates that only five of them will be used for the guests.

   e. No cooking facilities shall be permitted in guest rooms.
   The Lewis' application states that they will comply with this provision of the ordinance.

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f. A Bed and Breakfast may have one sign meeting the following standards and any other applicable requirements of Article 7. A sign of not more than four square feet may be mounted on the wall of the home.
The Lewis' application states that they will comply with this provision of the ordinance.

g. Parties, meetings, receptions or other unrelated activities shall be prohibited.
The Lewis' application states that they will comply with this provision of the ordinance.

h. Only one Bed and Breakfast Establishment shall be allowed on the face of each city block or within 500 feet of another Bed and Breakfast Establishment.
The proposed establishment would be the only Bed and Breakfast on this city block and the nearest existing establishment (The Z Bed and Breakfast) is over 500 feet away.

As previously discussed with the Shaw House and the Isom Place, larger historic homes like the subject property can be challenging to market because of the costs associated with acquisition and property maintenance costs associated with them. The applicant's proposal seems to be a great way to preserve this historic structure and while also adding another family to the community.

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

1. Granting of the Special Exception will not adversely affect the public interest.

2. If no permits are issued after 18 months, the Special Exception will expire.

3. The applicants shall file and record a restrictive covenant that states that this property will serve as their primary residence in accordance with the provisions in Section 3.8.2.

Summary of discussion:

Ben Request stated the receipt of a letter of support from Lele Gillespie.

Commissioner Riddell asked if any other letters for or against have been received by staff.
Ben Request stated that no additional letters have been received.

Commissioner Hyneman stated that the Lowes are present and have expressed their support for the request.

Commissioner Gray asked if modifications to the property would go before the Historic Preservation Commission.
Ben Request stated that they would.

Motion to approve subject to staff conditions:

Move: Duncan Gray Second: J.R. Rigby Status: Passed

3. Public Hearing for Case #2742 – Blake Barnes has filed a request for Final Plat Approval (Amended) for 'Lots 1-6 of The Williamsburg Subdivision' for property located at Williamsburg Cove. (PPINs #8858, #32963, #32964, #32965, #32966, & #32968)

Planning Comments: This report pertains to a request to amend lot lines of six contiguous lots of a subdivision plat originally recorded in 2009. The subdivision contains six single-family houses. The subject properties are located in the Williamsburg Subdivision, along Williamsburg Cove, a cul-de-sac west of Jefferson Davis Extended. A Special Exception for six zero-lot line units and a preliminary plat was approved by the City in 2006 (Case #1307 & Case #1307A).

The current lot sizes range from .145 of an acre to .197 of an acre. When construction began, the property was zoned RB (Two-Unit Residential) that allowed for 20 ft. front yard setbacks, 10 ft. setbacks on one side, and 10 ft. rear yard setbacks. Currently, three houses extend over property lines. The applicant is requesting the plat amendment so that each house would be within its own property lines. The applicant is also requesting a setback variance that correlates with the

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proposed amendment (Case #2743).

When the preliminary plat was approved in 2006 as a zero-lot line development, a 5 ft. front yard setback variance, from 20 ft. to 15 ft., was granted for Lots 2, 3, 4, and 5 (Case #1324).

The lots are currently zoned Suburban Residential and the front yard build-to lines are 20-50 ft., side yard setbacks are 10 ft. on both sides, and 20 ft. on the rear yard setbacks. The applicant is proposing front setbacks for each lot to be 5 ft., side yard setbacks to be between 0 ft. and 3 ft., and rear setbacks for Lot 1 (8 ft.), Lots 2, 3 ,4, & 6 (10 ft.), and Lot 5 (5 ft.). The amendment would create gaps in the widths between each lot, essentially eliminating the subdivision as a zero-lot line development, but also not adhering to current zoning district setback standards. The lot size minimum in the zoning district is 7,200 sq. ft. Lots 1, 2, 5, and 6 dimensions would be smaller than allowed in the district.

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

As of the date of this report, Planning Staff has not received any questions or complaints from the public.

Engineering Comments:
A review of plans for Williamsburg Subdivision indicate that City sewer line is located within the dedicated street right-of-way for this subdivision. There are no plans that include water service lines though Board of Alderman records indicate the City accepted the water, streets and sewer in September 2007. From aerial imagery, a fire hydrant may be located outside of the City's right-of-way and on lot 6. Imagery also indicate that some water meters are located outside of the City's right-of-way. In addition, a portion of the sidewalk along the frontage of lots 2, 3, and 4 is outside of the City's right-of-way. Staff has provided comments to the engineer requesting easements for all infrastructure outside of the originally designated right-of-way. Engineering Staff requests a statement be included on the amended plat to the effect that any existing and unidentified utilities are legally there, have a prescriptive easement at that this time, and be allowed to remain in their current locations. Stormwater management is not required for this plat amendment as this is a correction to lot lines locations relative to where the homes were actually constructed.

Recommendation: Staff understands the historical issues that exist related to this subdivision and its creation over a decade ago. Staff believes that it is necessarily to amend these lot lines so that each house exists solely on an individual lot. Staff recommends approval of the Final Plat (Amended) for 'Lots 1-6 of The Williamsburg Subdivision' with the following conditions:

1. Approval of the amended final plat by the Mayor and Board of Aldermen. (Planning)

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

3. Easements are shown on the plat and provided to the City for the water, sewer and street infrastructure outside of the right-of-way excluding any stormdrains that may exist between or on lots and would be considered private. (Engineering)

4. A statement be added to the plat affirming that any utilities installed prior to May 3, 2021 are legally located and have a prescriptive easement to remain in their current locations, including those not currently identified on the plat. (Engineering)

Summary of discussion:
Chairman Hyneman stated that this was just the correcting of mismanaged property lines.

Commissioner Freeman asked if with the smaller lots, do the houses then become non-conforming and does the Commission need to remedy this.

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Paul Watkins stated that these houses would be pre-existing non-conforming uses and can continue out into the future.

Motion to approve subject to staff conditions.

Move: Marvin King Second: Bill Freeman Status: Passed

4. Public Hearing for Case #2743 – Blake Barnes has filed a request for a Variance from Section 2.6.4 Suburban Residential: Front Yard Build-to Line, Minimum; Side Yard Setback, Minimum; and Rear Yard Setback, Minimum for property located at Williamsburg Cove. (PPINs #8858, #32963, #32964, #32965, #32966, & #32947)

   Planning Comments: This variance request correlates to a request to amend lot lines of six contiguous lots of a subdivision plat originally recorded in 2009. A plat amendment will also be heard at the May Planning Commission meeting (Case #2742). Each lot contains six single-family houses. The subject properties are located in the Williamsburg Subdivision, along Williamsburg Cove, a cul-de-sac west of Jefferson Davis Extended.

   The lot sizes range from .145 of an acre to .197 of an acre. When construction began, the property was zoned RB (Two-Unit Residential) that allowed for 20 ft. front yard setbacks, 10 ft. setbacks on one side, and 10 ft. rear yard setbacks. Currently, three houses extend over property lines. A variance to the front, side, and rear yard setbacks is necessary to modify the subdivision plat so that each house is solely on each individual lot.

   The preliminary plat approved in 2006 was approved as a zero-lot line development. A 5 ft. front yard setback variance, from 20 ft. to 15 ft., was granted for Lots 2, 3, 4, and 5 in 2006 (Case #1324).

   The lots are currently zoned Suburban Residential and the front yard build-to lines are 20-50 ft., side yard setbacks are 10 ft. on both sides, and 20 ft. on the rear yard setbacks. The applicant is proposing front setbacks for each lot to be 5 ft., side yard setbacks to be between 0 ft. and 3 ft., and rear setbacks for Lot 1 (8 ft.), Lots 2, 3 ,4, & 6 (10 ft.), and Lot 5 (5 ft.). The amendment would create setback gaps in between each lot, essentially no longer establishing a zero-lot line development, but also not adhering to current zoning district setback standards.

   Recommendation: Staff understands the historical issues that exist related to this subdivision and its creation over a decade ago. Staff believes that it is necessarily to allow the proposed setbacks on these lot lines so that each house exists solely on an individual lot. Staff recommends approval of the Variance from Section 2.6.4 Suburban Residential: Front Yard Build-to Line, Minimum; Side Yard Setback, Minimum; and Rear Yard Setback, Minimum with the following condition:

   1. Approval is for the setbacks indicated on the submitted plat amendment for 'Lots 1-6 of The Williamsburg Subdivision'.

   Motion to approve subject to staff conditions.

   Move: Duncan Gray Second: Joseph Murphy Status: Passed

5. Public Hearing for Case #2744 – Walker & Walker Enterprises and Marie Barksdale have filed a request for Final Plat Approval (Amended) for 'Grand Ridge Subdivision – Lot 22' for property located at 1078 Augusta Drive. (PPINs #25980 & #25902)

   Planning Comments: The subject property is located on Augusta Drive inside the Grand Oaks PUD. There are two properties in question: Lot 22 of the 'Grand Ridge Subdivision' and a +/- 6-acre tract of un-platted land to the north of that lot. The applicants propose to transfer a portion of the un-platted land to Lot 22 on the rear (west) of the lot and transfer a portion of Lot 22 to the un-platted land from the front (east) of the lot. The effect will be that Lot 22 will increase in size and generally become more rectangular, while the un-platted land will gain more road frontage.

   The applicants state that this is a mutually beneficial agreement between the landowners. Currently the patio on Lot 22 is built over the property line and this plat amendment would bring the patio back inside of the setbacks.

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The amended lot will meet all dimensional standards of the underlying zoning.

Engineering Comments
Engineering requests a few technical corrections on the proposed Plat Amendment for Lot 22. These include:
1. No setback is shown on the east property line, please add in accordance with the prescribed dimensions.
2. Add a note that setback areas are to be used for utility easements
3. Indicate on the plat by note and callout that the TVA ROW is a "no-build" area.
4. Note the conveyance means of the Walker & Walker property to the Barksdale owner (Deed dated ___, as recorded ____, for example).
5. Note the conveyance means of the Barksdale property to Walker & Walker.

As noted in Case 2747, Staff is not aware of a previous case where land has been removed from an existing subdivision without being designated into a new subdivision, but they may exist. Any existing utilities within the site prior to this date would have a prescriptive easement and would be permitted to remain as installed. Staff is not aware of any water or sewer utilities within the original setbacks.

Recommendation: Staff recommends approval of the Final Plat (Amended) for 'Grand Ridge Subdivision – Lot 22' with the following conditions:

1. Approval of the amended final plat by the Mayor and Board of Aldermen. (Planning)

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

3. Prior to the case being heard by the Board of Alderman, all technical corrections noted in items 1-5 above should be addressed on the plat. (Engineering)

Motion to approve subject to staff conditions.

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

6. Public Hearing for Case #2745 – Royal Group, LLC has filed a request for Preliminary and Final Plat Approval for 'Highway 30 Convenience Store Subdivision' for property located at 86 Hwy 30. (PPIN #36692)

Planning Comments: The subject property is located on a narrow one-acre parcel on the south side of Highway 30, directly east of Highway 30 Collision. The applicant received a special exception request to exceed the maximum front yard build-to line of 50 feet by 95.77 feet, a total of 145.77 feet from the property line in October 2020 (Case #2670). The Planning Commission approved the request with a condition made to require an evergreen buffer along the eastern border of this property and the adjacent residential use. A site plan is currently under review for a service station that will include a single-story building that has a convenient store (3,300 sq. ft.) and commercial space (1,500 sq. ft.). The site is currently flat with grass and is pad ready. The site will be accessed by an existing curb cut off of Highway 30. The proposed subdivision consists of a single, one-acre lot.

Engineering Comments:

Water and Sewer
The proposed subdivision will be served by Campground Water as it is located in their service territory and not the City of Oxford's territory. City sewer lines are not currently present. A privately owned onsite sewage treatment system is proposed to manage the sewer but has not received approval from the Department of Health at this time. The engineer has stated that they will submit for approval once they have site plan approval for a planned gas station on the site. This property was annexed in 2018 and the nearest City sanitary sewer line is approximately 1,700 feet away on Ed Perry Boulevard. The Code of Ordinances includes provisions for private sewer within the City limits as noted in Article V, Sewage Disposal.

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Sec. 114-146. - Connection to public sewer required.
The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer, is hereby required at no expense to the city to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so; provided that said public sewer is within 300 feet of the property line, that there is sufficient fall to provide gravity flow from said property to said sewerage system, and that the right-of-way can be secured.

The Code of ordinances includes provisions for the owner to connect to City sewer upon notice that service is available and this requirement is recommended as a condition of site plan and a note on the plat.

Sec. 114-180. - Abandoning private disposal facilities when public sewer becomes available. At such time as a public sewer becomes available to a property served by a private sewage disposal system, and upon 90 days' notice by the approving authority, a direct connection shall be made to the public sewer, in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

The City will request an easement from the property for a sewer line so that future sewer service can be provided in this annexed area.

As the City Engineer signature statement on the plat states that services are available, approval of the Final Plat by the Board of Alderman should be contingent on an approval for private sewer services from the Department of Health. Given the unknowns regarding the final design, Staff also recommends that the subdivision and/or Site Plan return to the Planning Commission for public comment regarding the final location of the proposed septic services prior to beginning construction of any building. It is anticipated that the discharge line for the sewer will be located away from adjacent property, but Staff feels that it is important for the public to have an opportunity to be aware of the final location and discharge point. The Planning Commission may have an alternate means of ensuring that interested parties are aware and able to comment on the private sewer layout other than a public hearing and Staff is agreeable to any recommendations.

Traffic/Access
The subdivision shall have a single connection to Highway 30 at frontage with MDOT right-of-way. This connection is under review by the Department of Transportation based on the proposed use. A cross-access easement is also required so that the adjacent property that this lot was cut from will also be able to share and use the same single access point.

Sidewalks
There is currently no sidewalk along the Highway 30 frontage though sidewalk will be required. In the event that sidewalk is not permitted on MDOT right-of-way, the sidewalk should be located on an easement on the property.

Stormwater Management
Stormwater management will be accomplished with a detention pond to be located in the southern section of the property, behind the proposed convenience store building. Staff have approved the stormwater management plan.

Recommendation: Staff recommends approval of the Preliminary and Final Plat for 'Highway 30 Convenience Store Subdivision' with the following conditions:

1. Approval of the Preliminary and Final Plat for 'Highway 30 Convenience Store Subdivision' by the Mayor and Board of Aldermen. (Planning)

2. Approval by the Board of Alderman for the Final Plat will be contingent on the site receiving approval from the Department of Health for a private sewer service on this lot. (Engineering)

3. The subdivision and/or site plan case(s) will return to the Planning Commission for public

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comment once the private sewer service is designed and the discharge point and details are known. (Engineering)

4. The owner shall agree, and the plat shall note, that all terms of Article V, Sewage Disposal, shall apply including Section 114-180 which states: Sec. 114-180. - Abandoning private disposal facilities when public sewer becomes available. At such time as a public sewer becomes available to a property served by a private sewage disposal system, and upon 90 days' notice by the approving authority, a direct connection shall be made to the public sewer, in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Engineering)

5. The plat shall note that water service is provided by Campground Water Association. (Engineering)

6. An easement for a City-owned sewer main will be provided to the City for future use and indicated on the plat. (Engineering)

Summary of discussion:

Chairman Hyneman stated that city sewer does not that go that far and asked if there is a timeline for running city services that direction.
Reanna Mayoral stated that there was not a timeline at this moment.
Chairman Hyneman asked if approval would then be contingent upon knowing where the sewer line would be run.
Reanna Mayoral approval is contingent upon MSDH approval. The concern is the proximity of where the sewer line would go relative to the adjacent property owner.
Jeff Williams asked the Commission for additional flexibility with the conditions so that he could work with city staff to resolve issues around the sewer.

Chairman Hyneman asked if we are holding up construction.
Reanna Mayoral stated that the proposed condition is to ensure that the adjacent property has an opportunity to comment on the proposed septic system.

Commissioner Rigby stated that the concern was about condition 6 and the lack of information about when the city would run a line.
Jeff Williams stated that a note that promised a future 20 foot wide sewer easement could be added to the plat.

Commissioner Rigby asked that for condition 3 if the septic issue could be determined during the site plan process.

Motion to approve subject to staff condition as amended

Remove condition 3. Condition 6 to a provide note in plat that an easement will be provided for city sewer.

Move: J.R. Rigby Second: Marvin King Status: Passed

7. Public Hearing for Case #2746 – Brian Hayden 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 1206 S 16th Street. (PPIN #8269)

Planning Comments: The subject property is located on the west side of South 16th Street, just north of Garfield Avenue. The property measures approximately .66 acres, on a deep lot that has one home located near the front of the lot. The property is zoned Traditional Suburban Residential, is also located in the Neighborhood Conservation Overlay District, and is in the South Lamar Historic District. The applicant is requesting a Special Exception to allow a Residential Common Interest Development that would allow two additional units to be constructed on the rear portion of this lot, behind the existing dwelling. The home on the property was built circa 1900 and is considered a contributing historic resource in the South Lamar district. This portion of South 16th

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and Garfield, however, has many properties used primarily for rental; include multiple dwellings on a single parcel or lot.

A Residential Common Interest Development (RCID) is a Special Exception when a property is located in an historic district, when a property is located in the Neighborhood Conservation Overlay District, and when it is located in an existing subdivision. In this instance, the property is located within the South Lamar Historic District and it is also in the NCO district.

The applicant is requesting the ability to construct two additional detached single-family homes on the rear portion of the site. Because the property is not able to comply with the Land Development Code requirements to subdivide this property, the only other mechanism that is available to facilitate this development proposal is the RCID.

The site slopes away from South 16th Street making the two proposed new units minimally visible from the street. The site plan that is currently under review the Site Plan Review Committee proposes a total of 12 parking spaces to be provided on-site. At the March 2021 Historic Preservation Commission meeting, the applicant requested a Certificate of Appropriateness from the Commission for the design of the proposed structures. A couple of Commissioners did express concerns of how this request and other similar requests could change the character of many historic neighborhoods, while another Commissioner appreciated that the proposal would not change the feel of the neighborhood because the new units would likely not be visible from the street. It was also noted that this portion of South 16th Street was primarily rental homes for students and on-street parking is heavily utilized. By providing parking on-site, it could assist with alleviating some of the parking pressures on the street. The COA was granted by the Commission, however, two Commissioners voted to deny the request (Commissioner Best & Commissioner Butler).

Vision 2037 contemplated the potential for infill developments to be created but it should be done in a way that ensures compatibility with the neighborhood and protects the community character. In this particular instance, the development proposal adequately addresses the three basic elements of a good infill development 1) access, 2) parking location, and 3) building placement and orientation. The proposal indicates two means of ingress/egress, parking will be provided on-site and located in the side or rear of the property, and the new buildings will be situated at the rear of the site, which minimizes the impact from the street.

Recommendation: For the reasons stated above, Staff finds the development proposal to be consistent with the existing character of the neighborhood, and the newly constructed homes will utilize the existing topography to minimize the visual impact from South 16th Street, and to provide necessary off-street parking facilities for residents. Staff recommends approval of the requested Special Exception with the following conditions:

1. Granting of the Special Exception will not adversely affect the public interest.

2. If no permits are issued after 18 months, the Special Exception will expire.

3. The applicant shall provide Planning Staff with a copy of the stamped recorded covenants prior to the issuance of a Certificate of Occupancy.

Summary of discussion:

Commissioner Riddell stated that the first condition requires a finding that granting the Special Exception will not adversely affect the public interest. South 16th is the the party street in Oxford. The addition of units will increase street parking regardless of the provided off-street parking.

Commissioner Gray stated that the 2037 Plan states that infill is generally inappropriate in traditional neighborhood place type. He asked where do we see infill occurring. Is it in the urban core, outside the core, in transitional spots. Where does staff see infill playing a role going forward. Ben Requet stated that the Affordable Housing Commission was looking for opportunities for infill. Closer to downtown has fewer opportunities. There are more opportunities in transitions and edge. In this instance the Historic Preservation Commission has reviewed the plans for appropriateness.

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Protecting established neighborhoods is also a goal of the 2037 plan.
Commissioner Gray stated that the relevant portion of Vision 2037 stated that infill will generally be in older neighborhoods outside historic districts near the transitional edges.Is this something that we're okay with in the historic district or is it on the outside of the historic district in the transition.
Commissioner Riddell stated that along this street are older houses some of which are not well taken care of. The addition of two more units brands it as rental property forever.

Commissioner Gray asked if it was in the historic district.
Ben Requet stated that it is the last property in the district. The next property to the south is outside the district.

Commissioner King asked how long this section of this neighborhood has been rental units.
Commissioner Riddell stated that it had been rental for a very long time.
Commissioner King stated that he was intrigued by the concept of how infill would take place in the City.
Commissioner Riddell stated that having students intermingled in the neighborhoods was a good thing but that having concentrations of only students would be detrimental.
Chairman Hyneman stated that South 16th is a disaster from the litter and garbage perspective.

Jeff Williams stated that there are other infill houses on that street. Upwards of 80% of units on that street are rental. There is a dilapidated garage that would be removed and off street parking that would be added. This would be adding traffic, but it's a better situation for the street as a whole. The units could be sold as a non rental.

Commissioner Rigby stated that in general, there's a desire in Vision 2037 to provide more diverse housing and more density. Who would be likely to occupy that residence.
Commissioner Riddell stated that every landlord along the street would be likely to make a similar request.
Chairman Hyneman asked if the primary structure is currently rental.
Ben Requet stated that it is.

Brian Hayden stated that he had done research as to which lots are homestead along that street and which lots have multiple structures. He stated that the majority of properties already had infill on them. He stated that he's trying to clean up the property and get cars off the street.

Motion to approve subject to Staff conditions.

Commissioners Murphy, Freeman, and King voting in favor.
Commissioners Hyneman, Gray, Riddell, and Rigby voting against.

Move: Marvin King Second: Joseph Murphy Status: Failed

8. Public Hearing for Case #2747 – Josh and Jennifer Samuels have filed a request for Final Plat Approval (Amended) for undesignated land in 'Woodland Hills Subdivision' and 'Ammadelle Subdivision' Lot 9 for property located at 100 Longest Road. (PPIN #5362)

Planning Comments: The subject property is located at the southwest corner of the Vivian Street and Longest Road intersection. The property measures approximately .39 acres (17,034 SF), it is zoned Traditional Suburban Residential, it is also located in the Neighborhood Conservation Overlay District. The property contains a single-family home on it that was constructed circa 1981.

The Ammedelle Subdivision was recorded in May of 1939 and the Woodland Hills Subdivision was recorded in June of 1953. This property was originally a part of Lot 9 of the Ammedelle Subdivision and the original Lot 9 property line extends through the middle of the house. The remainder of the property was originally a part of the Woodland Hills Subdivision, but it was not associated with any lot but it did include a 30' drainage easement on the property, which remains today although a portion of the house extends into the easement.

The applicants are requesting to amend both the Woodland Hills and Ammedelle Subdivisions to remove this property from each respective subdivision in order to create a new parcel. The applicants also have a subsequent request, Case #2748. a request to create a two-lot subdivision

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called The Vivian.

Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant. To date, Staff has fielded several phone calls with questions related to this request. The applicant's engineer informed Staff that he is actively speaking with those neighbors that they believe to be directly interested in or potentially adversely affected by this modification to both subdivisions. He also informed us that he intends to provide letters of approval by the time of the meeting from other owners in the subdivisions that the applicant has deemed potentially adversely affected or directly interested.

Engineering Comments:
Engineering staff has the following comments for Case 2747, for Final Plat Approval (Amended) for undesignated land in 'Woodland Hills Subdivision' and 'Ammadelle Subdivision' Lot 9, and Case 2748, The Vivian Subdivision, both of which are being heard at the same meeting.

Staff has reviewed the proposed amendments in context of the proposed creation of the Vivian Subdivision, Case 2748. Staff is unclear on the status of this case regarding the proposed amendment to these subdivision plats should the Vivian Subdivision fail to be created, either by choice of the owner or lack of approval from the Planning Commission and/or the Board of Alderman. As they are considered separately, it would seem that Case 2747 stands regardless of the status of Case 2748 unless noted otherwise.

Staff has provided extensive comments regarding the existing drainage easement shown in the undesignated land in Woodland Hills as part of Case 2748 for the Vivian Subdivision. Staff is not sure what happens to this property should the Vivian Subdivision not be created. Specifically, staff is concerned what happens to the notation of the easement for future reference and that it could be lost over time. As stated in the report for Case 2748, this easement is not to the City and the City does not own or maintain the suspected box culvert that is located along the front of the Woodland Hills property at a depth of approximately 7'-8'.

Staff is not aware of a previous case where land has been removed from an existing subdivision without being designated into a new subdivision, but they may exist. Staff defers to Planning, the Planning Commission and Legal Counsel on any additional considerations or conditions that should be made for this Case should the related Vivian Subdivision fail to develop.

Recommendation: While this request is quite unusual, Staff believes that neither property functions in their respective subdivision as originally intended. Because of these unusual circumstances, Staff recommends approval of the requested Final Plat Amendment to remove the respective property from both the Woodland Hills and Ammadelle Subdivisions in order to create a new parcel with the following conditions:

1. Approval by the Mayor and Board of Aldermen is required.

2. The existing drainage easement as indicated in the Woodland Hills Subdivision shall remain in place as originally indicated on the plat.

Additional Planners Comments: On May 10, 2021 at 3:03 p.m. the Planning Department staff received an email from Kevin McLeod on behalf the Jennifer and Josh Samuels. This email contained an introductory letter to the 19 property owners that were determined to be adversely affected by this modification, a map of those property owners, and a total of 7 response letters. The 7 responses include one signature of approval and six signatures of disapproval; responses from twelve property owners were not received.

Subsection 4 of Mississippi Code Ann. § 17-1-23. Subdivision regulation states that the failure to gain approval from the parties named shall prohibit the board of supervisors or governing authorities from altering or vacating the map or plat, or any part thereof. As a result of this newly provided information, Staff is changing its recommendation for Case #2747 to denial of the requested amendment.

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Summary of Discussion:
2747 and 2748 heard simultaneously

Kevin McCleod stated that to determine who could be affected he starts with adjacent lots and those in the sight line. 19 possible people that could be affected. Got 7 letters back, 1 approve, 6 against. There is confusion about the proposed two lot subdivision and how it relates to the plat amendments. The house has been there since the early 80s. Three main concerns from the interested parties. Desire for 1 house per lot, which is what the proposal is. There is concern about rentals. There are no plans to rent them. Cannot guarantee what future owners will do. the lots to the south and north are both rentals. There is concern that the creation of a two lot subdivision can have weaker covenants than the surrounding subdivisions. The proposed covenants will exceed what the Woodland Hills subdivision covenants state.

Commissioner Riddell asked why do we need a new subdivision. Why not put the lots in either Ammadelle or Woodland Hills.
Chairman Hyneman stated that it doesn't have to be. It could be in Ammadelle, or Woodland Hills. The applicant has chosen to ask for a new subdivision.
Ben Requet stated that the property could be in either subdivision, but it is not functioning how it was intended to in either subdivision. It may be easier and cleaner to put it into it's own subdivision.
Commissioner King asked for clarification about the comment that the property is not function like intended.
Ben Requet stated that the subdivisions did not contemplate house on this property. The southern portion of the property is the rear of lot 9 of Ammadelle. The northern portion is not even a lot in Woodland Hills. The circumstances have changed.
Chairman Hyneman stated that the existing house is in two subdivisions.

Commissioner Riddell asked what the minimum lot size is for the zoning.
Ben Requet stated that it is 7500 square feet.
Commissioner Riddell stated that if the new subdivision was created, both lots would fit the current zoning.

Chairman Hyneman stated that his reading of the relevant statute the word shall removes the ability for discretion. There is no approval from lots 18, 19, or 21.
Paul Watkins stated that shall means shall and implies a lack of discretion. There is limited case law surrounding this statute. Subsection 4 states that the applicant comes to you with names of the directly interested or adversely affected parties. The next step is that those people then give consent. One would assume that the immediately adjacent lots would be directly affected, but there is no law that states exactly who is an affected party. The Attorney General has stated that the determination of who is directly affected is a factual finding for the zoning authority. If a directly interested or adversely affected party does not give their support it becomes a jurisdictional bar and the Commission can't take up the issue.

Chairman Hyneman stated that he could not see how an adjoining lot owner would not be a directly interested party. The three directly adjoining lots at a bare minimum would be interested.
Paul Watkins stated that that was an eminently defensible position.

Commissioner Gray stated that this lot needs to get cleaned up. He asked if the dissent from the neighbors was about a new subdivision, two new homes or from modifying the plat.
Commissioner Rigby asked if the Commission could recommend that the plan go forward and let the Board address whether there is consent from the neighbors.
Paul Watkins stated that the Planning Commission would only be making a recommendation to the Board. Unless the applicant withdraws, the Board will hear it.
Commissioner Rigby asked if the 'shall' applies to the Commission.
Paul Watkins stated that the 'shall' applies to the City and that the final authority is the Mayor and Board of Aldermen. The Commission's recommendation is based on the same standards that the Board would consider.

Commissioner Rigby asked if a proposal to adopt the covenants of the Woodland Hills subdivision has been presented as an alternative.

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Paul Watkins stated that the southern portion of the lot is part of Lot 9 of Ammadelle and that the northern portion is undefined in the Woodland Hills Subdivision. If it was going to be placed into an existing subdivision it would make sense to put it in Ammadelle, except that it faces the wrong direction.

Kevin McLeod stated that the owner of Lot 19 stated that the rental tenants that live there currently would be the interested party.

Commissioner Murphy stated that the determination of who is an interested party should be the first step.
Paul Watkins stated that part of difficulty of determining who is an interested party is fact dependent. All the lots could be owned by the same owner, making the application sufficient. in the case of Windsor Falls involving a piece of common property, every lot would have an interest. It's tough to have any kind of rule to tell the Commission how to proceed.
Chairman Hyneman stated that at some point this property has got to be fixed regardless of how.
Commissioner King asked if we have ever had a case like this.
Ben Requet stated that there have been controversial subdivision amendment cases before. Typically subdivision amendments are making larger lots. The forms and process are the same as we are going through now. There may not be any comments returned in some cases, but the system for providing comments is the same each time.

Mari Kuhnle 346 Vivian Street. She stated that there may be a mistake on the zoning map. The neighborhood petitioned for Estate Residential zoning. 100 Longest should have been included in that request. Martha Elkins home has been a single family residence on one lot for 35 years. She suggested that the property be redrawn as a single lot in the Woodland Hills Subdivision. She is opposed to two lots in that space. No matter how pretty the potential new homes would be, they would look put of place in the context of the neighborhood. There would not be adequate room for yard space like the other lots in the neighborhood.

William Dunn 128 Vivian Street. The neighborhood currently has a single family character. He is opposed to dividing the property into two lots. He is opposed to a separate subdivision. He stated that have a large lot of their own. Jamie Legitt and Anne Fair merged lots 3 lots into 2. He asked what proportion of the property is in Ammadelle and in Woodland Hills.
Kevin McLeod stated that the larger portion of the property is in Ammadelle.

Commissioner King stated that no other lot inside the existing subdivision could just subdivide their lot.
Commissioner Rigby stated that this is two lots in one property currently. This proposal is reconfiguring the two lots.
Ben Requet stated that this is not two lots. The Woodland Hills portion is not a lot fraction of a lot. The Ammadelle portion is a fraction of Lot 9. that is the uniqueness of the particular instance.
Commissioner King asked if a subdivision could be created from a piece of property already inside a subdivision.
Ben Requet stated that this same process would have to happen to amend the existing subdivision, which allow for objectors.
Paul Watkins stated that no one is exactly sure what the Woodland Hills portion of the property is. The plat calls it as a drainage easement and a triangle of property titled Cullen Land. It's not numbered or designated.
Commissioner Gray asked for clarification about the subdivision and the covenants protecting from the scenario Commissioner King described.
Paul Watkins stated that is the covenants exist, they can protect against what or what not is in them. Older subdivisions get tricky as those covenants may not have been recorded.

Commissioner Rigby asked to address a few factual claims for the public. There is precedent for combining 2 lots into one. that is not the applicant's wish. The lots would total 17,000 square feet with one being 7,500 square feet and the other being a bit over 9,000 square feet. He asked staff to address the claim that the zoning was a mistake.
Ben Requet stated that it was not a mistake. It seemed to be more in Ammadelle so it got the same zoning. It was also put out for public comment.

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Commissioner Riddell asked if we know what the minimum lot size is in the Woodland Hills covenant.
Kevin McLeod stated that the covenant doesn't say, only that there will be one house per lot.

Chairman Hyneman stated that as the Commission is a recommending body, we need to provide a finding of fact as to who is an interested party.

Commissioner Freeman stated that as this is an entry lot it sets the tone for the neighborhood and many more may be interested.
Commissioner Murphy stated that a way to determine could be how a party is affected monetarily.

Paul Watkins stated that if the opinion of the Commission is that not all directly interested or adversely affected have not provided consent in writing to the amendment, a Commissioner should make a motion to deny on that basis.
Chairman Hyneman stated that at a minimum 21, 18 and 19 have either disapproved, or not explicitly approved.
Commissioner Rigby stated that there are interested parties in separate zoning district with different standards.

Commissioner Riddell asked if the potential property owner is interested in a single lot.
Josh Samuels stated that due to the economics, it would not be feasible for one lot.

Motion to deny

Commissioners Hyneman, Rigby, King, Riddell, Murphy, Freeman voting for.
Commissioner King voting against.

Chairman Hyneman stated the reason for denial because of lack of support from the adjoining neighbors and the lack of discretion allowed by statute.
Commissioner King stated reasoning that additional neighbors could have been contacted.
Commissioner Rigby encouraged the applicant to work with the neighbors before it was heard by the Board of Aldermen.

Move: J.R. Rigby Second: Bill Freeman Status: Passed

9. Public Hearing for Case #2748 – Josh and Jennifer Samuels have filed a request for Preliminary and Final Plat Approval for 'The Vivian Subdivision' for property located at 100 Longest Road. (PPIN #5362)

Planning Comments: The subject property is located at the southwest corner of the Vivian Street and Longest Road intersection. The property measures approximately .39 acres (17,034 SF), it is zoned Traditional Suburban Residential, it is also located in the Neighborhood Conservation Overlay District. The property contains a single-family home on it that was constructed circa 1981.

As mentioned in the Staff report for Case #2747, the Ammedelle Subdivision was recorded in May of 1939 and the Woodland Hills Subdivision was recorded in June of 1953. This property was originally a part of Lot 9 of the Ammedelle Subdivision and the original Lot 9 property line extends through the middle of the house. The remainder of the property was originally a part of the Woodland Hills Subdivision, but it was not associated with any lot but it did include a 30' drainage easement on the property, which remains today although a portion of the house extends into the easement. The applicants are requested to amend both the Woodland Hills and Ammedelle Subdivisions to remove this property from each respective subdivision.

In this request, the applicant is requesting two create a two-lot subdivision called The Vivian. Lot 1 will measure 7,500 square feet, and lot 2 will measure +/- 9,534 square feet; both lots comply with the minimum size requirements for the zoning. Lot 2 is located at the corner of Vivian Street and Longest Road resulting in two front yard setbacks with two side yard setbacks. The plat does indicate a 30' front yard setback on Longest Road, however, because of the existing drainage easement a structure will not be authorized to be constructed in this easement. Both lots comply with the lot width requirement of the Land Development Code. Covenants are required for any subdivision that is created but Staff has not received any proposed covenants. A stamped

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recorded copy of the covenants for the subdivision are to be submitted to the Planning Department prior to the issuance of any permits for construction.

Engineering Comments:
Development Services and other staff comments have not been provided to the design engineer at the time of this report, so they have not had an opportunity to review or provide a response. It is anticipated that the design engineer can provide responses to some items at the Planning Commission meeting.

Water and Sewer
Water and Sewer services will be provided through new connections on Longest. The water service will require all of Longest to be cut and the Sewer connection will require half of Longest to be cut.

Stormwater and Grading
Stormwater management will be required for this proposed subdivision, though a design was not included in the project submittal. This requirement is consistent with the application of the Stormwater requirements to other similar subdivisions of property including Lot 10 of Stone Subdivision, Cedar Bend, Southwood, and Porch View. While the addition of a single home at this location is not anticipated to create substantial drainage impacts should no stormwater be provided, the cumulative impact in the City will be substantial as more owners choose to subdivide larger lots and the impervious coverage increases. Further, the current trend is that new homes are substantially larger than the home that was demolished meaning that the stormwater contribution of two homes and related pervious infrastructure where there was one home is likely far more than double the contribution of the single home that exists now.

Staff understands that there are some time constraints regarding the resolution of these cases and will leave it to the Planning Commission and the Director of Development Services to determine when the stormwater management plan must be received and approved. Specifically, Staff would typically state that this case should not be considered by the Board until the stormwater management plan has been approved by Engineering but this may not be appropriate for this case. Staff does feel strongly that the requirement for stormwater management and the ownership responsibilities must be clearly noted on the plat before the Board considers the plat.

A grading plan was not provided with the plans but is necessary to ensure that water is not draining onto adjacent properties in a new location or manner. Staff would request the same condition for the grading plan as for the stormwater management plan.

Access, Sidewalk and Drainage Easements
Staff has asked if the two lots proposed in the Vivian Subdivision can share a driveway. If not, the final location of the drives will require approval from staff. Staff is concerned about having a driveway any closer to the intersection than the existing driveway. The driveway widths should also be the same as in the existing subdivision. This issue can be resolved with ease.

Sidewalk will be required along the frontage of the subdivision.

Staff has noted in comments to the design engineer that there are concerns regarding the existing 30' drainage easement shown on the Woodland Hills Plat in the lot that was not designated as a lot. This easement is not to the City and the City does not maintain drainage structures outside of the right-of-way. Following a quick visual inspection, Staff believes that there is a concrete box culvert within this drainage easement approximately 7' – 8' deep. Staff believes this culvert conveys water from the open ditch on the east under Vivian and continuing through a box that continues through the rear of the lots in the subdivision until it eventually discharges into an open ditch. As has been noted in the past, the developer of a subdivision often chooses to convey water in structure such as a pipe or box culvert in order to avoid having an open ditch on lots and in order to provide a larger, more useable yard space. The fact that this water at some point may also pass under the right-of-way does not convey ownership or maintenance responsibilities for the entire drainage route to the City.

Staff is concerned that the setbacks for a future home encroach on this easement and mav

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somehow give the false impression that it is recommended or supported to construct a structure within the easement. There are multiple instances in town where an owner has chosen to build their home over a drainage structure and then sold the property to an unsuspecting buyer. Engineering does not administer the establishment or placement of setbacks and this issue is only noted for Planning and the Commissions benefit and consideration. The culvert should be noted on the plat regardless of the setbacks.

There are some technical corrections that Staff has noted for the design engineer regarding the drainage easements which should be corrected on the plat prior to it being heard by the Board of Alderman.

Recommendation: Staff recommends approval of the requested Preliminary and Final Plat for The Vivian with the following conditions:

1. Approval by the Mayor and Board of Aldermen is required.

2. This case is contingent upon the approval of the Case #2747, a Plat amendment for the Ammadelle and Woodland Hills Subdivisions by the Mayor and Board of Aldermen.

3. A stamped recorded copy of the covenants for the subdivision are to be submitted to the Planning Department prior to the issuance of any permits for construction.

4. Structures along Longest Road will not be allowed to be constructed into the drainage easement as shown on the Woodland Hills Subdivision Plat.

5. Technical corrections regarding the location of the easements shown on the Vivian Subdivision plat will be made prior to the Board of Alderman's consideration of the case.

6. The setback relative to the drainage easements shall be as determined appropriate by Planning Staff and the Planning Commission.

7. The box culvert shall be shown on the plat in its approximate location.

8. A stormwater management plan shall be provided and approved by Engineering staff within the constraints established by the Planning Commission and the Director of Development Services.

9. The requirement for stormwater management and ownership responsibilities must be clearly noted on the plat before the Board of Alderman considers the request for a Final Plat.

10. A grading plan is required within the constraints established by the Planning Commission and the Director of Development Services.

Motion to deny

Move: J.R. Rigby Second: Bill Freeman Status: Passed

10. Motion to Adjourn

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

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THE CITY OF OXFORD

MINUTES

City of Oxford
Planning Commission
Planning Commission
Monday, June 14, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In Attendance

Angie Gragson; Benjamin Requet; Bill Freeman; Brian Hyneman; Duncan Gray; Gray Parker; Hollis Green; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Marvin King; Paul Watkins; Robert Baxter

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

A. June Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Bill Freeman Second: J.R. Rigby Status: Passed

3. Approval of minutes from the May 10, 2021 Meeting

   Move: Duncan Gray Second: Bill Freeman Status: Passed

4. Staff Report

   Ben Requet introduced Angie Gragson to the Commission and thanked Chairman Hyneman for his service on the Planning Commission.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2749-A - David VanLandeghem has filed a request for Site Plan Approval for '2411 South Lamar Addition' for property located at 2411 South Lamar Boulevard. (PPIN #8849) **POSTPONED**

C. **Consent Agenda**

Motion to approve Consent Agenda.

Move: J.R. Rigby Second: Marvin King Status: Passed

1. Public Hearing for Case #2750 - Lance Forsdick has filed a request for a Special Exception as provided in Section 2.6.8 Suburban Corridor District: Front Yard Build-To Line, Maximum for property located at the intersection of Ed Perry Boulevard and Commonwealth Boulevard. (PPINs #27719 & #38132)
2. Public Hearing for Case #2751 - Oxford Commons Homeowners Association, Inc. has filed a request for a Special Exception as provided in Section 3.7.4 Recreational Club or Facility (Private) for property located Northeast of Sisk Avenue and F.D. Buddy East Parkway Intersection. (PPIN #4502) **POSTPONED**

D. **Public Hearings**

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1. Public Hearing for Case #2752 - Pinelake Church, Inc. has filed a request for Site Plan Approval for 'Pinelake Church' for property located at Pat Patterson Parkway. (PPIN #38562)

Planning Comments: The subject property is located on Pat Patterson Parkway approximately 500 feet northeast of Old Sardis Road, across from an entrance to M-Trade Park. The applicant is proposing to build an approximately 60,000 sf church on +/- 12 acres.
Use Requirements – Religious assembly uses with more than 600 seats are classified as Large Religious Assembly Uses and require a Special Exception. A Special Exception for the use was granted at the April 12, 2021 Planning Commission meeting (Case #2724).
Parking – One space for every four seats in the main assembly hall is required for Religious Assembly Uses. For the 900 seats that are planned, 225 spaces would be required. Additional uses exist in the facility including 3,600 sf of administration space (1 space per 300sf = 12 spaces), 18 Preschool/Elementary education classrooms (1.5 spaces per classroom plus 1 space per staff = 63 spaces), 80 seats of High School education space (1 space per every 4 seats plus 1 per staff = 22), and 80 seats of Post-Secondary education space (1 space per every 2 seats plus .75 per staff = 42 spaces). Required parking for all total uses is 364 spaces. With the 25% parking allowance the maximum allowed is 455. The applicant plans for 400 spaces.
Coverage, Height, and Setback Requirements – Uses in the TNB district are limited to 80% lot coverage. The proposed development has 48.6% coverage.
Buildings in the TNB are required to be at least two stories, though a single story may be requested by Special Exception. The proposed building has the appearance of a two-story but has a second story area of 31% of the first floor. A Special Exception for use of a single-story building was granted at the April 12, 2021 Planning Commission meeting (Case #2724).
Setbacks for the front, side, and rear in TNB districts are set at between 0 and 58 feet, 10 feet on one side and 25 feet respectively. Side and rear setbacks are met with this proposal and a variance for the front build-to line was granted at the April 12, 2021 Planning Commission meeting to accommodate the stormwater facilities (Case #2725).
Other Review Elements
• Landscaping and Tree Mitigation - The landscaping plan includes plans for foundation plantings, parking lot trees, frontage trees, and screening of the stormwater facilities. The landscaping plan meets the requirements of the LDC. No mitigation trees are required for this site.
• Lighting – A photometric study has been provided that meets the requirements of the LDC.
• Access – This site will take primary access off of Pat Patterson Parkway. Future access may be provided through two access point on the eastern boundary of the property in concert with a potential new road.
• Building Materials – A Special Exception for the use of metal paneling was granted at the May 10, 2021 Planning Commission meeting (Case #2738). All other proposed materials conform to the standards set in the LDC.
• Signage - The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
Engineering Comments:
Access: The site will access the George "Pat" Patterson Parkway just north of its intersection with MS Highway 314 in near vicinity to MTrade Park. As part of this project curb and gutter along with a concrete sidewalk are proposed along the roadway frontage of the site and Patterson Parkway will be restriped to accommodate a dedicated left turn lane into the property.
A traffic impact study has not been required at this time due to the non-peak hours associated with the normal operations of the church. Should the church begin to conduct services/other operations that generate large volumes of traffic during peak hours or large volumes consistently throughout a normal weekday, a traffic impact study and possible mitigation may be required. The church has stated they plan to hire an officer to direct traffic in and out of the site during times of peak operation. Staff has consulted with Brad Freeman, Director of mTrade Park, regarding any negative impacts regarding traffic during tournament play at the park. He has stated that teams arrive sporadically between 7:00 AM and 10:30 AM and does not anticipate a conflict with traffic from the church.
Water and Sewer: Water for the site will be obtained via a 12" City of Oxford water main in Patterson Parkway. The wet tap into the main will be performed by others and will be an 8" tap. An 8" water main is proposed to traverse the site terminating at a proposed fire hydrant on the south side of the church facility. A utility easement is proposed to be granted to the City of Oxford for access to the 8" water main and associated fire hydrants. All proposed water distribution improvements along Patterson Parkway that supply this site are being performed by others and will

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inspected and tested to City of Oxford requirements prior to acceptance and activation.
Sewer from the site will be collected into a privately owned and maintained system that will empty into a proposed manhole at the right-of-way of Patterson Parkway. All proposed public sanitary sewer improvements are being performed by others and will inspected and tested to City of Oxford requirements prior to acceptance.
Storm water: The Pinelake Church project's storm water management facility consist of a detention basin (dry pond) located in the front of the property and divided by the entrance drive. Runoff will be conveyed to the storm water management facility by surface flow and a drainage pipe network connected to inlets in the parking lot. The storm water management facility will discharge through a control structure located in the southwest corner of the property to ditch in the right of way of George Patterson Parkway. The direction of flow within this ditch is southwesterly towards the roundabout at Highway 314.
Staff have not approved the storm water management plan. For the third submission of the plans for staff review, the design was changed from a retention basin (wet pond) to a detention basin (dry pond). This change elicited additional comments from staff regarding the elements of the modeling and the storm water management facility. At the time this case report was written, staff had not received response to these comments. Staff anticipates that all comments can be satisfactorily addressed.
Other Departments: All other departments have reviewed this site plan and have recommended approval.
Recommendation: Staff recommends approval of the requested Site Plan with the following conditions:
1. Approval is for the Site Plan as submitted. (Planning)
2. Provide a written statement from the church that it intends to hire an officer for traffic control at the site during peak operational hours. The City of Oxford reserves the right to require a traffic impact study and possible mitigation should the church begin to conduct services/other operations that generate large volumes of traffic during peak hours or large volumes consistently throughout a normal weekday. (Engineering)
3. Provide an executed permanent utility easement for the 8" water main being installed on the site. (Engineering)
4. Final staff approval of Storm Water report along with Operation, Inspection and Maintenance Plan. No permits shall be issued until outstanding storm water comments have been addressed. (Engineering)

Summary of Discussion:
Commissioner Rigby stated that the stormwater is in northern and southern sections. He noted that on the southern section the last inlet takes a hard left and the diameter goes down substantially.
Derek Tutor stated that there was a mistake on the plans and the plans have been updated to reflect that the pipe is 36 inch and that the hard left no longer exists.

Commissioner Freeman asked if all stormwater comments been addressed per most recent submittal.
Steve Brunton stated that he had not received them at the time the report was written and does not believe that he had received them as of the meeting. Condition four will address those concerns.

Motion to approve subject to staff conditions.

Move: J.R. Rigby Second: Bill Freeman Status: Passed

2. Public Hearing for Case #2753 - Drew Joiner has filed a request for Site Plan Approval for 'Waffle House' for property located at Ed Perry Boulevard. (PPIN #26627)

Planning Comments: This site plan is less than 5,000 sq. ft., and would ordinarily be approved administratively. The previously granted parking variance and special exception for the build-to line were appealed to the Mayor and Board of Aldermen by several Oxford Commons residents. The Mayor and Board upheld the Commission's decision, however, the Board determined that due to the public's interest in this particular development, it was necessary for the Planning Commission to hear this item as a public hearing in order to provide the neighborhood with the opportunity to review the plans and provide any commentary in a public forum.
The subject property is located at the northeast corner of the roundabout at Sisk Avenue and Ed

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Perry Boulevard in the Oxford Commons Planned Unit Development. The property is adjacent to Highway 7 on the west side. The applicant is proposing a Waffle House restaurant. A Special Exception to the front yard build-to line maximum (Case #2719) and a parking variance (Case #2720) were granted for this project at the March 2021 Planning Commission meeting.
The property measures approximately +/- .576 of an acre and is undeveloped. The lot is isolated, separated by three roads from the remainder of the Oxford Commons Development. The proposal indicates the building will measure approximately +/- 1,820 sq. ft.
Other Review Elements
• Building Facade and Materials – The building will have a brick facade on all four sides. Storefront glass windows will be framed with an architectural treatment and goose neck lighting will be attached to the facade. A raised parapet lines the entire roof, shielding all rooftop mounted equipment.
• Complete Streets – Planning Staff is satisfied with the proposed complete streets plan. A crosswalk is proposed at the northeast corner of the property. This crosswalk spans to Ed Perry Boulevard and connects with the sidewalk adjacent to Tru Hotel, while an existing crosswalk at the southeast corner of the lot spans Ed Perry Boulevard and connects to the sidewalk in front of El Charro Restaurant.
• Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot, perimeter edge, foundation planting and frontage tree requirements. No tree mitigation was required for this site.
• Lighting – The photometric lighting plan provided has been reviewed and approved by Planning Staff. The parking lot lighting poles indicated on the lighting diagram depict all luminaries being shielded and shaded with light projecting downward.
• Open Space / Impervious Coverage – The proposed impervious coverage is 59% and the zoning district allows up to 80% coverage.
• Parking – Twenty-nine (29) parking spaces are provided as approved in the variance request for Case #2720.
• Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
Engineering Comments:
Access: The site will access Ed Perry Blvd just north of its intersection with Sisk Avenue via one 30 foot driveway. The property is bounded to the west and the north by MS Highway 7 right-of-way. Pedestrians will have access to the site on the north and south by a proposed sidewalk running along the frontage of the property. A pedestrian easement will be required on the south end of the site where the sidewalk leaves public right-of-way and traverses across private property.
All traffic impact requirements are fulfilled by the TIF agreement between the City and Oxford Commons, LLC with the completion of the Sisk Avenue-Highway 7 roundabouts, the extension of Sisk Avenue, and the completion of F.D. "Buddy" East Parkway to Highway 6.
Staff received a comment from a citizen requesting consideration of a right-in right-out driveway at this location in light of their perceived hazards to the public associated with the Waffle House driveway. Staff does not support a right-in right out driveway as they typically create more problems than they solve and have not been observed to function as intended in Oxford. The driveway location was selected with safety in consideration and is aligned directly across from the shared driveway of the future El Charro and in use Tru Hilton hotel. The driveway is located over 150' from the roundabout which is more than adequate space for cars to queue outside of the roundabout. This is approximately the same distance as the FNB Bank on South Lamar is located from the roundabout at Highway 6 for a sense of scale.
There is not sufficient volume of traffic on Sisk or Ed Perry to create a sustained delay for left-turns into Waffle House or extended queue into the intersection. Staff does not feel that traffic associated with the Waffle House will have any negative impact on the safe operation of the roundabout at Sisk Avenue. In consideration of the citizen comment and request, Staff will include a condition that a left turn lane or other solution as approved by Engineering will be constructed at the expense of Waffle House in the event that City staff determines there is a conflict with traffic associated with entering or exiting the Waffle House site.
Water and Sewer: Water for the site will be obtained via a City of Oxford water in the southbound lane of Ed Perry Blvd. The tap into the water main will be made by City of Oxford forces who will run the service line under Ed Perry Blvd to the right-of-way as shown on the plans.
Sewer from the site will be collected into a privately owned and maintained system that will empty into an existing manhole in the median of Ed Perry Blvd. The tap into the sewer manhole will be

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made by City of Oxford forces who will run the service line under Ed Perry Blvd to the right-of-way. Stormwater: The Waffle House project's storm water management facility consist of an underground basin located in the northern half of the parking lot/drive. The underground basin consists of four (4) rows of 48-inch diameter corrugated metal pipe, 54 feet in length, and connected by two (2) manifolds. A minor basin is located in the southwest corner of the property for runoff collect and does not provide detention. Runoff will be conveyed to the storm water management facility by surface flow and a drainage pipe network connected to inlets in the parking lot. The storm water management facility will discharge through a control structure located in the northeast corner of the underground basin connected to a 15-inch diameter HDPE discharge pipe. This pipe will connect to a new (relocated) curb inlet in the right of way of Ed Perry Boulevard. Staff have not approved the storm water management plan. At the time this case report was written, staff had not received response to additional comments regarding elements of the storm water management design. These comments are minor and technical in nature related to calculations regarding the trench drain and the addition of a trash rack and second access point to the detention system. Staff anticipates that all comments can be satisfactorily addressed. Recommendation: Staff recommends approval of the site plan for 'Waffle House at Oxford Commons' with the following conditions:
1. Approval is for the plan as submitted. (Planning)
2. Provide a signed pedestrian easement for the section of sidewalk at the south end of the site that leaves the right-of-way and enters the Waffle House property. (Engineering)
3. The owner, or owner's representative, will be responsible for providing traffic control devices and/or personnel while the work to complete the water and sewer taps is being done. (Engineering)
4. Final staff approval of Storm Water report along with Operation, Inspection and Maintenance Plan. (Engineering)
5. Waffle House will be required to construct a left turn lane or other solution approved by City Engineering staff upon determination by City staff that traffic entering or exiting the Waffle House is negatively impacting the safe operation of the roundabout or Ed Perry Boulevard. (Engineering)

Summary of Discussion:

Chairman Hyneman asked what the striped area at the northern part of property was.
Gray Parker stated that it was a fire lane.
Chairman Hyneman asked if it would accommodate parking.
Gray Parker stated that it would not.

Commissioner Gray asked if condition 5 would be in perpetuity.
Ben Requet stated that the event that the turn lane is necessary would be unlikely. This condition allows for a mechanism in the event that circumstances change.If something happens as Oxford Commons develops, we'll be able to take a look and determine what is necessary.
Commissioner Gray asked if the condition will run with the property.
Ben Requet stated that we would have to determine circumstances at that time. The site doesn't lend itself towards a drive through. A new building would require a new site plan. A modification would require a site plan amendment. There would be additional evaluations to how new development impacts the roundabout.

Motion to approve subject to staff conditions.

Move: Joseph Murphy Second: Bill Freeman Status: Passed

3. Public Hearing for Case #2754 - Tim Smith has filed a request for a Variance from Section 2.6.12 Historic Urban Center: Density Maximum for property located at 208 South Lamar Boulevard. (PPIN #6046)

Planning Comments: The subject property is located at the northwest corner of the South Lamar Boulevard and Harrison Avenue intersection. The property is measures approximately 2,000 sq/ft, it is zoned Historic Urban Center, and it is located in the Courthouse Square Historic Preservation Commission. The applicant is requesting a variance from the Floor Area Ratio standards of the HUCN district.

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Floor Area Ratio is a term that expresses the relationship between the amount of usable floor area permitted in a building and the area of the lot on which the building stands. The FAR standard in the HUCN is limited to 2.5, meaning that a development build on the entire site 2.5 times. Buildings in the HUCN that do not face the Lafayette County Courthouse may be constructed to 3 stories that do not exceed 40' in height, but with a 2.5 FAR, it is not likely that a full third story could be constructed.
In this instance, the building that was previously constructed at 208 South Lamar was determined to be a safety concern by the Building Official. As a result of that determination, the Courthouse Square Historic Preservation Commission granted an emergency COA to demolish the building in February 2020. A few weeks after this building was granted the COA, the COVID-19 pandemic swept the nation, resulting in the developer pausing on the redevelopment plans for this site. Since that time, the applicant has worked with his architect and the Courthouse Square HPC to propose a new building that complies with the Oxford Historic Preservation Design Guidelines. After multiple iterations of the building design with considerable feedback by Commissioners, the Commission approved this design at the April 2021 meeting.
The proposed design by the applicant and his architect intend to provide commercial uses at the ground and second floor; a residential use will be on the third floor. The design does limit the building's mass by providing a recessed third floor and careful consideration has been paid to the building height of the adjacent Square Books building and the roof line presented to the South Lamar elevation. Therefore, the applicant is requesting a .2 FAR variance that would allow approximately 400 additional square feet to be constructed at this site.
Recommendation: Staff recommends approval of the requested variance with the following conditions:
1. Approval is for the plans as submitted.

Summary of Discussion

Commissioner Riddell asked what the hardship is for this site.
Corey Alger stated that they are proposing a .2 variance. The LDC does not distinguish between large or small lots. If the .2 FAR was removed, the upper floor would not be usable. Minimum that could be usable for the property.
Commissioner Riddell stated that the property is the size it is when it was bought. Does that constitute a hardship.

Commissioner Gray asked if the hardship is that there couldn't be a third floor.
Corey Alger stated that the hardship is the size of the property. The LDC does not explain why 2.5 FAR is the number chosen. This is the minimum ask for a viable building.
Commissioner Gray stated that the variance is essentially for the residential piece. Could it be used as a commercial space without a variance hardship
Corey Alger stated that they could put 1000 sf of residential without a variance. Asking for 1400 sf of residential.
Commissioner Riddell asked for confirmation that there could be 1000 sf of residential without a variance. FAR is for the whole building, so a carveout in one of the two other floors would lower the overall FAR.
Ben Requet stated that was correct.

Commissioner Gray asked about the basement and storage.
Corey Alger stated that the basement would be below grade.
Commissioner Riddell asked if that was counted in the FAR
Ben Requet stated that it was not.

Commissioner Gray asked what would a 1000 sf unit look like. Would it be a one bedroom apartment.
Corey Alger stated that it depends on how you carve out the living room and kitchen.

Commissioner Gray asked why do we need a variance when there is space for residential already.
Corey Alger stated there was a difference between usable space and residential by designation and the size of apartments around the Square generally.
Commissioner King asked what the size of apartments on the Square is.
Commissioner Gray asked what the difference between usable and unusable is.

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Corey Alger stated 400 square feet.
Commissioner Gray asked if there is a technical definition.
Corey Alger did not respond.

Tim Smith stated that the third floor could be commercial if a potential tenant desired that. They want flexibility to make the building business viable.
Commissioner Gray asked if it would be more desirable to have commercial space.
Tim Smith stated that office space would be preferable.
Ben Requet stated that the plans that staff reviewed are for residential and the staff recommendation is for those plans. Should the plans change the variance would not be applicable.
Tim Smith stated that the intent is for top floor residential and two floors of commercial.

Commissioner Gray stated the preference would be to do without the variance.
Tim Smith stated that his analysis is that residential is best use for the space. There has been zero commercial interest for that space.

Corey Alger stated that numerous properties on the Square are over 2.5 FAR. This is a tiny property. This request is a minimum.

Chairman Hyneman stated that the property has been vacant for a while. 400 sf is not a huge request.
Commissioner Riddell stated that is probably is more marketable as residential. Tired of looking at the hole but that is not a reason for a variance. One bedroom apartment is also marketable, but not our purview.

Corey Alger stated that the variance is about the size of the real estate.

Motion to approve subject to staff conditions.
Commissioners Murphy, freeman, Hyneman, and Gray voting in favor.
Commissioners King, Riddell, and Rigby voting against.

Move: Joseph Murphy Second: Bill Freeman Status: Passed

4. Public Hearing for Case #2755 - Don Newcomb has filed a request for a Variance from Section 2.6.7 Traditional Neighborhood Business: Front Yard Build-To Line, Maximum for property located at 1615 University Avenue. (PPIN #8009)

   Planning Comments: The subject property is currently vacant and located on the north side of University Avenue between Provision Oxford and Community Donuts. There is a 10-foot retaining wall located approximately 100 feet into the northern portion of the property. The applicant wishes to use the grade differential on the site to his advantage to allow for at-grade access at both the first and second floors for a potential restaurant.

   This request is for a 25.5-foot variance from the build-to line maximum for the front. The applicant states that this request is the minimum variance required to allow the functional use of the property, given its topography and proposed use. The applicant has also attached two alternate site plans for the proposed building. Site plan "A" shows the applicant's preferred building location. Site plan "B" shows where the building would need to be located to stay within the build-to line. The plans indicate that in plan "A," there is a 1.5-foot gap from sidewalk to the second-story floor on the north side. On the "B" plan this gap increases to 4.5 feet. Precedent imagery of new developments is also included.

   Staff is not supportive of this variance request. In the submitted materials, the applicant has provided a layout that would work within the setback requirements of the LDC. If the fill material that is shown in plan "A" was used in "B" the same 1.5-foot gap from sidewalk to second floor level could exist. The precedent imagery included is not especially applicable except in that each of these developments two rows of parking exists in front of the building. The first two images are of developments designed and built previous to the adoption of the current LDC. The final three are of locations not in a TNB district, and therefore not subject to the same build-to requirements.

   A more relevant comparison would be the recently approved site plan for Origin Bank, which will be

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constructed at 52 feet from the property line and facilitate a single row of parking. The intent of both the LDC and the Vision 2037 Plan is, in the traditional neighborhood locations, to move buildings closer to the road and at most to facilitate a single row of parking in the front.

Staff commends the applicant for using creative design to work with the existing topography, but staff sees no hardship in this instance.

Recommendation: Staff recommends denial of the requested Variance.

Summary of Discussion:
Chairman Hyneman asked if in Section A they will cut down the slope and then back fill?

Corey Alger stated that TNB and suburban corridor are different but similar zones. Neither are allowed to be within 0-58 ft without an SE or variance. Given existing examples of TNB properties. Because they existed prior to the current LDC, it doesn't take the precedent away. Many have two rows of parking in front. As LDC has evolved, many properties grandfathered in but doesn't make them go away. Double rows of parking approved in SCO tonight. We want the same kind of approval for our 8 parking spaces in the front to allow access from back and front. Moving upper egress further down the hill increases slope on the lot. Topography is a hardship. Want ingress and egress as easy as possible.

Chairman Hyneman asked if in Section A they will cut down the slope and then back fill?
Corey Alger stated that in Section A, the red line is exactly what we plan to do. We will haul the dirt away. On Section B bringing dirt in.
Commissioner Rigby asked if they were going to be bringing in dirt regardless.
Corey Alger stated that S 17th Street is driving the contours. Transitioning curb cut from one high side to one low side makes this complicating. It's just math. Haven't done soil bores done.

Ben Request stated that they could bring in more fill.
Corey Alger stated that the curb cut is driving it. See C.1.1 contours. Steeper on S 17th Street.

Commissioner Riddell asked if there is any in-between solution.
Corey Alger stated that topography and this site is unlike others. We need need double front parking in front. Could move up a little.

Ben Request stated that the TNB allows for one row of parking. SCO allows for more big box and allows for larger setbacks. We didn't want developers to automatically do that. Was stated time and again that wasn't desirable for oxford by public and interest groups. Pre existing development should not set a precedent going forward with new rules. Don't agree that restaurants in SCO are the same as those in TNB. Origin Bank on university complies with TNB zoning and is new.

Commissioner Gray asked what kind of a restaurant this is.
Corey Alger stated that he doesn't know the type of restaurant.
Commissioner Riddell asked if the side parking would change.
Corey Alger stated that it is just moving 8 spaces from front to back. Delivery up on upper floor and dine in parking on first floor.

Ben Request stated that the current design calls for more than twice the parking that would be allowed. Showing 50 spaces and code would only allow 25 spaces even with the additional 25% allowance.

Corey Alger stated that the concept is to have delivery services on the top floors with the kitchen.
Commissioner Riddell asked if it was too much of a burden for door dash to go up 3-4 steps?
Corey Alger stated that is not desirable.

Commissioner King stated that the 2037 Plan wants to move toward front parking in TNB and want to stick to that. Convenience isn't in the Commission's purview.

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Motion to Deny.

Move: J.R. Rigby Second: Joseph Murphy Status: Failed

5. Public Hearing for Case #2756 - Savannah Square Oxford, LLC. has filed a request for a Variance from Section 2.6.4 Suburban Residential: Front Yard Build-To Line, Minimum for property located at Pleasant Drive. (PPIN #38714) **POSTPONED**

6. Public Hearing for Case #2757 - Clint Boutwell has filed a request for a Special Exception as provided in Section 3.11.9 Use of Unenclosed Rooftops for property located at 1107 East Jackson Avenue. (PPIN #5813)

   Planning Comments: This property is located on the north side of East Jackson Avenue situated between the former St. Leo's restaurant and the Renasant Bank location. The site is zoned Historic Urban Center, it is located in the Courthouse Square Historic Preservation Commission, and the property measures approximately +/- .06 acres. The applicant is requesting a Special Exception to allow an Unenclosed Rooftop for the Julep.
   The existing building has a second-floor addition on the rear portion of the building, and the HVAC/mechanical equipment for the building is located on the front half of the building. Initial conversations with the applicant and his architect, Edye Conkerton, indicated that Mr. Boutwell would like to utilize the front half of the building for rooftop dining. To make that possible, Mr. Boutwell proposed several modifications to the building including the addition of a staircase, a purlin, new columns and a railing to the front portion of the second-floor, and proposed the installation of new full glass doors to the existing addition.
   Subsequent conversations with the applicant and his architect have resulted in the design that is presented with this request. This request has not yet been presented to the Courthouse Square Historic Preservation Commission for complimentary review or for a request for a Certificate of Appropriateness. The requested use has several additional standards that are required to be met in order for the Special Exception to be granted. They are as follows:
   a. Barriers. Physical barriers shall be located six feet inside the perimeter of any unenclosed rooftop in such a manner that individuals cannot stand within six feet from the edge of the rooftop. Such barriers shall not be visible from the ground.
   The submittal indicates planters and a seat wall that creates the six-foot separation from the edge of the rooftop along the East Jackson Avenue façade.
   b. Non-breakable materials. All food and drink served or consumed on an unenclosed roof-top shall be served on or in non-breakable items.
   The submittal does not acknowledge this requirement but if the request is granted, it will be a condition of approval.
   c. Distribution. All food and alcohol served must be prepared for consumption within the interior of the building, but, once so prepared, may be transported to the unenclosed rooftop by either a patron or employee of the retailer.
   The submittal does not acknowledge this requirement but if the request is granted, it will be a condition of approval.
   d. Seating requirement. On any unenclosed rooftop, there must be seating available for all persons present on said unenclosed rooftop, and the number of patrons shall not at any time exceed the number of available seats. The number of patrons present shall be compliant in all respects and at all times with the International Building Code and all other applicable laws.
   The submittal does not provide any seating schematics nor does it acknowledge this requirement but if the request is granted, it will be a condition of approval.
   e. Building age. The commercial use of unenclosed rooftops shall not be permitted on structures 50 years or older.
   The plans provided with this request only indicate the rooftop proposal, but the applicant informed Staff that they intend to construct a new structure that will exist within the building and the roof will sit on top of that structure. Therefore, the applicant contends that the proposed use will exist on a new structure that is surrounded by facades that are 50 years or older.
   f. Existing commercial use of unenclosed rooftops. Any commercial use of an unenclosed rooftop existing at the time of the adoption of this Code shall be considered a non-conforming use and shall comply with all regulations for nonconforming uses. Furthermore, the unenclosed nonconforming use will meet all requirements for a Nonconforming Structure.
   This provision is not applicable in this situation.
   g. Additional building permit prerequisites. In addition to the other requirements and conditions

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imposed elsewhere in the land development code, no building permit shall be issued for a building containing the commercial use of rooftop space unless all the following criteria are met:
i. The applicant submits structural plans, with all loads listed, bearing an original stamp of a licensed engineer.
ii. If, in the building official's sole discretion, the building official deems it appropriate to retain a special inspector to supervise and or/inspect construction, said special inspector is retained at the developer's expense
The first iteration of this project was reviewed at the April 5, 2021 meeting of the Courthouse Square Historic Preservation Commission as a Complimentary Review—a request by the applicant for feedback from the Commission with no vote. At this time, Staff reported that the applicant was aware of the challenges to the proposed plan with both the Land Development Code and the Oxford Design Guidelines. The applicant proposed a new steel structure that would sit over the existing rooftop and would not rely on a party wall, or put the existing building at-risk structurally. The Commission discussed the placement of the proposed columns all the way forward on the rooftop of the structure, directly behind the existing parapet wall.
There was discussion of the Land Development Code and the prohibition of rooftop uses on structures older than fifty years—that it was put in place because of concerns about compromising the structural integrity of such buildings with expanded and new uses. Ultimately, the Commission was not accepting of the concept of columns and the proposed purlin pushing forward all the way to the front façade of the building, but indicated that a railing behind the parapet might be acceptable if allowable under the Land Development Code. There was also discussion about staking or flagging the proposed stair enclosure for the Commission to view and determine its appropriateness once the applicant's plans for the project were more solidified. There was no discussion about structural issues with the building.
Since this request was submitted, Staff was called to a meeting at the site with the City Engineer, Edye Conkerton, John Lewis (engineer), the applicant's attorney Hiram Eastland and Clint Boutwell. As part of the ongoing sidewalk improvement project on East Jackson Avenue, the foundation of the building was uncovered. It is clear that the foundation needs repointing, as does the rest of the building's front façade.
At the meeting the applicant and architect indicated that they plan to propose demolition of the building. Staff has not received any documents or structural reports indicating that the building is unstable or in need of anything other than routine maintenance and repair typical of a building of its age. Staff is concerned of the potential damage or unstable conditions to this structure and adjacent structures caused by the plans to build a new structure within the existing walls of the building.
The provisions in the ordinance to not allow the commercial use on unenclosed rooftops was to ensure not only that the uses on those buildings will be safe for patrons, but also to preserve the historic structures in the historic Courthouse Square. Staff believes that the applicant's interpretation is beyond the spirit of the ordinance. Also, the application that was submitted lacks the specific details that the applicant intends to build. Specifically, Staff will need acknowledgement of the applicant's intent to comply with all of the provisions of the ordinance, and the structural plans that demonstrate how they plan to construct a new structure within the walls of the existing building. Finally, if the applicant intends to submit a proposal for the demolition of the existing building and the plans for new construction, Staff believes that the Courthouse Square Historic Preservation Commission should approve that COA before the Planning Commission grants a Special Exception for the commercial use of an unenclosed rooftop.
Recommendation: Staff recommends denial of the requested Special Exception. Should the Commission grant the requested Special Exception, Staff requests the following conditions of approval:
1. The applicant's approval shall be subject to the compliance with the additional standards of Section 3.11.9.
2. The Special Exception is contingent on the granting of a Certificate of Appropriateness from the Courthouse Square Historic Preservation Commission.
3. If no permits are issued after 18 months, the Special Exception shall expire.

Summary of Discussion:

Commissioner Freeman asked if the comment about exceeding the spirit of the code was in reference to the Building Age section.
Ben Requet stated that it was.

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Chairman Hyneman if this has not been approved by Courthouse Square Historic Preservation Commission would we be giving approval on something that may be a completely different design.
Edye Conkerton stated that it would not because what is being asked is for the ability to use an unenclosed rooftop.
Chairman Hyneman stated that the plan is basically to build another building inside the existing structure and all the load from the roof is on those braces.
Edye Conkerton stated that the plan is to take 6x6 steel beams with metal joists to create a skeleton to maintain what is there as well as the scale and size.
Chairman Hyneman asked staff if this would have to pass inspection and load requirements.
Ben Requet stated that item 'g' is a catch all for everything else needed for inspection.
Edye Conkerton stated that they are already working with Chris Carter.

Commissioner Rigby stated that this is either a rooftop on building over 50 or its a secondary structure on the property. It's a very tall patio.
Edye Conkerton stated that the new rooftop would be lower that what currently exists.

Commissioner Riddell asked what will be enclosed on the rooftop. Is it what is currently enclosed.
Edye Conkerton responded that it was. This does not need to be a two story building.
Commissioner Riddell stated that CSHPC probably wouldn't let that happen.
Edye Conkerton stated that the exterior of the building will not look any different outside of the fenestration in the back where an enclose already exists and the stair enclosure. We're here for use of a unenclosed rooftop

Commissioner Riddell asked why does that wall need to be that tall.
Edye Conkerton stated that it doesn't and that wall is already existing. Equipment on the roof needs to be shielded and will go further back on the roof.
Commissioner Freeman asked where the rooftop equipment is currently.
Edye Conkerton stated that the equipment is currently sitting unenclosed on front of the roof.

Commissioner Gray asked if there was any idea about the the integrity of building other than the foundation.
Ben Requet stated that the applicant's structural engineer was currently evaluating the integrity of the structure. There is no official structural report as of now.
Edye Conkerton stated that the applicant knows there is work to be done including tuck pointing. When the sidewalk was ripped out there was sand that used to brick and mortar. There are ways of remediating this.

Commissioner Gray asked if there was something that the steel beams would attach to.
Edye Conkerton stated that the steel beams will be supported on their own with a separate foundation.

Commissioner Gray stated the worry about another 208 situation.
Edye Conkerton stated that demolition is not their intent.

Chairman Hyneman asked if anyone has done something like this in Oxford.
Edye Conkerton stated that it has been done in New Orleans. Currently the structure is supporting the HVAC equipment. This will take load off the existing structure.

Commissioner Riddell asked if the Commission has anything to do with what goes on in the interior. That seems like it's between the Building Department and the applicant.
Edye Conkerton stated that was where the Structural Engineer and her licenses come into play.

Commissioner Rigby stated that superficially this fails the criteria for a Special Exception as it is a building over 50 years. In getting around that criteria it becomes a separate structure.
Edye Conkerton stated that the Commission should think of it that "it's a building in so much as you have bones and skin. We're redoing the bones but the skin is staying."
Commissioner Rigby stated that was getting around the spirit of the ordinance. The provision is to protect the overall integrity of the older buildings.
Edye Conkerton stated they don't want to take down what's there.

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Commissioner Riddell Stated that many of the old building on the Square would need an endoskeleton built or they will go the way of 208.
Commissioner Rigby stated that if the code stated that you can't use a rooftop on a 50 year old building unless it's improved that would be different.

Motion to deny by Commissioner Freeman, 2nd Commissioner Rigby
Edye Conkerton asked what the reasoning behind the denial motion was.
Commissioner Freeman stated that it was premature in the process and the unresolved question as to whether this in a 50 year old building or a new structure, needed to be answered.
Edye Conkerton asked if it could be tabled and brought back with answers.
Withdrawn Motion and Second
Motion to Table

Move: Duncan Gray Second: Judy Riddell Status: Passed

7. Public Hearing for Case #2758 - Updraft Investments, LLC has filed a request for a Variance from Section 3.2.18 Retaining Walls for property located at The Lamar - TND. (PPIN #5067)

Planning Comments: The subject property is Phase 4 of the Lamar TND. This phase will connect Chickasaw Road to the existing Phase 2 of the Lamar TND and will be a mix of attached and detached residential. This property is currently under review for a preliminary plat. The applicant is requesting the ability to construct retaining walls of up to 12 feet in the side and rear yards to address the challenges of topography on the property. The LDC limits retaining walls in detached residential developments to 6 feet in side and rear yards. The applicant states as a hardship the extreme topography that exists on this property. Of the 12 retaining walls proposed by the applicant, 4 would have sections of wall in excess of 6 feet. Additionally, the applicant states that allowing these retaining walls will allow them to build to the density that is envisioned by the TND plan. This property is a mixed development containing attached and detached residential in this phase, and also commercial elements in other phases. The unique nature of the TND sets this development apart from traditional single-family developments in multiple ways. TND developments come with their own set of standards to ensure that the goals of the TND are achieved. This configuration of retaining walls saves a significant amount of space on the North and South portions of the property and allows for rear loading of lots from alleys. Staff agrees that the topography on this land is extremely challenging and believes that this solution is a good balance between the retaining wall requirements of the LDC and the intent of the TND provisions. This will allow for rear loading lots and the face of the proposed walls will be towards the new construction, meaning that prospective homebuyers will be aware of the retaining walls when they purchase the property. Staff would like to ensure that these walls are properly screened and would request a condition of approval to that effect.
Recommendation: Staff recommends approval of the requested Variance with the following conditions:
1. The variance is for the plan as submitted.
2. An evergreen buffer will screen all portions of retaining wall in excess of six feet in accordance with Section 3.2.18.5

Summary of discussion
Commissioner Brian Hyneman asked if the rear loading drive would be put in if the variance was approved.
Robert Baxter indicated that it would.

Motion to approve subject to staff conditions.

Move: Marvin King Second: Bill Freeman Status: Passed

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8. Motion to Adjourn

   Move: J.R. Rigby Second: Marvin King 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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, July 12, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; Bill Freeman; Duncan Gray; Gray Parker; Hollis Green; J.R. Rigby; Judy Riddell; Kate Kenwright; Marvin King; Paul Watkins; Robert Baxter

Remote Attendance

Reanna Mayoral

Not In Attendance

Joseph Murphy

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

A. **July Planning Commission Memorandum**

1. Call to Order
2. Approval of the Agenda

   Move: Duncan Gray Second: Marvin King Status: Passed

3. Approval of minutes from the June 14, 2021 Meeting

   Move: Bill Freeman Second: Marvin King Status: Passed

4. Staff Report

   Ben Requet noted the changes to the Commission and the new Chairman, JR Rigby. He noted that this is the final meeting for Commissioner Duncan Gray, and Commissioner Marvin King. He thanked the Commissioners for their years of service to the City.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2749-A – David VanLandeghem has filed a request for Site Plan Approval for '2411 South Lamar Addition' for property located at 2411 South Lamar Boulevard. (PPIN #8849) **(Postponed from June)**

C. **Consent Agenda**

Move: Bill Freeman Second: Marvin King Status: Passed

1. Public Hearing for Case #2759 – Updraft Investments, Inc has filed a request for a Special Exception as provided in Section 98-118.N.6 of the Stormwater Management Ordinance for property located at the Lamar TND. (PPIN# 5067)

   Planning Comments: The subject property is Phase 4 of The Lamar Traditional Neighborhood Development. This phase will connect Chickasaw Road to the existing Phase 2 of The Lamar TND

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and will be a mix of attached and detached residential units. A preliminary plat approval is the subject of Case #2763.

This request is for the use of interior vertical walls inside the detention pond which is allowed by special exception.

Engineering Comments: This is a request for a special exception to use vertical interior walls for the proposed stormwater management facility located in the southwest corner of the Lamar Phase 4 development. The purpose of this special exception is to maximize the storage capacity within a given pond footprint that is restricted in size due to the nature of the developments topography.

The special exception is an option available under Section 98-118.L.5 (detention basin) and Section 98-118.N.6 (retention basin) of stormwater management ordinance. The current submittal for the proposed stormwater management facility is for a retention (wet) basin but the Developer's Engineer has indicated that he will be updating the design to a detention (dry) basin. The special exception if valid for either basin type.

The current design does, and any revised design shall, conform to the requirement of the stormwater management ordinance limiting the maximum vertical wall height to eight (8) feet. Additionally, the stormwater ordinance requires that the wall will be divided into two (2), four (4) foot high vertical sections with a three (3) foot wide horizontal safety ledge separating the divide.

Recommendation: Staff recommends approval of the requested Special Exception as provided in Section 98-118.N.6 of the Stormwater Ordinance.

2. Public Hearing for Case #2760 – First Baptist Church has filed a request for a Special Exception as provided in Section 3.6.9.5 Religious Assembly Uses: Additional Standards for property located at 800 Van Buren Avenue. (PPIN #5975)

   Planning Comments: First Baptist Church owns property on the north and south sides of Van Buren Avenue. The subject property is a single-story brick building on the north side of Van Buren Avenue, directly west of First Baptist's surface parking lot. The building neighbors a law office to the west, however, there are several residential properties along both this portion of Van Buren Avenue. This annex building was formerly the church's office.

   The Church is requesting a Special Exception to allow two apartments within the single-story annex building. The Church plans to use the apartments for temporary missionary housing and no exterior changes are currently proposed. Section 3.6.9.5 Religious Assembly Uses: Additional Standards allows communal residential living for religious assembly uses by Special Exception. It is not uncommon for churches to provide on-campus housing to fulfill its mission to the community. In fact, there are several examples of this throughout Oxford including the Wesley Foundation on Jackson Avenue.

   Recommendation: Given the special circumstances of this proposal, Staff finds the residential units to be appropriate for this portion of Van Buren Avenue. Staff recommends approval of the Special Exception as provided in Section 3.6.9.5 of the Land Development Code with the following conditions:

   1. The apartments are solely for the use of church missionary housing and not to become rental property to the general public.

   2. If no permits are issued after 18 months, the Special Exception shall expire.

D. **Public Hearings**

1. Public Hearing for Case #2756 – Savannah Square Oxford, LLC has filed a request for a Variance from Section 2.6.4 Suburban Residential: Front Yard Build-to Line, Minimum for property located at Pleasant Drive. (PPIN #38714) **(Postponed from June)**

   Planning Comments: The original site plan for this property was approved in May of 2018. The

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subject property is comprised of four parcels on approximately 10 acres and it is located along the east side of N. Lamar just north of Williams Avenue up to a northern access off Ivy Road. The approved development consists of two mixed-use buildings on 1.82 acres in the TNB (Traditional Neighborhood Business) zoning district (combining first floor non-residential uses with two upper floors of apartments) and 40 single-family detached dwellings in the SR and TNR districts (Suburban Residential and Traditional Neighborhood Residential).
The applicant came back for an amended site plan in January 2019 to reduce the size of the "Building A" mixed-use structure, and consequently reduce the number of multi-family dwelling units. Also, while the structure count of the detached dwellings did not change, the number of bedrooms proposed decreased. A more recent modification was considered and approved to modify the layout and parking for the several cottages.
The applicant is now requesting a front yard build-to line variance for four units (Units 9, 10, 11 & 12) along the entry to the development on Pleasant Drive. The request varies by each unit with the closest building to the street being 10' from the property line, while the furthest building from the street will be 18 feet. The applicant has requested this variance to allow the homes to be constructed a similar distance as the other homes in the development. This portion of Pleasant Drive does have grade issues but the granting of this variance will allow for these four homes to be constructed a slightly higher in elevation and closer to the street to mitigate these grade issues.
As previously mentioned, there are multiple zoning districts with multiple setback requirements for this development. The requested variance will allow for buildings to be constructed that are consistent with the other homes in the development and they will also be at a minimum 10' from the property line while the proposed building on the other side of the Pleasant Drive will be constructed on the front property line. Due to the topography issues in this portion of Pleasant Drive, and to allow for homes to be constructed in a consistent rhythm in the development, Staff does not have an issue with the granting of this variance.
Recommendation: Staff recommends approval of this variance request with the following conditions of approval:
1. Confirmation that the new location for these units will not conflict with any utilities.

Summary of Discussion:

Chairman Rigby stated that this development is in three different zoning districts. The particular portion that this variance is for is in Suburban Residential. The requested setbacks are consistent with Traditional Neighborhood Business.
Ben Requet stated that the requested setbacks are more comparable to Traditional Neighborhood Business in that you can build to the property line in that district.

Motion to approval subject to staff conditions.

Move: Bill Freeman Second: Duncan Gray Status: Passed

2. Public Hearing for Case #2757 – Clint Boutwell has filed a request for a Special Exception as provided in Section 3.11.9 Use of Unenclosed Rooftops for property located at 1107 East Jackson Avenue. (PPIN #5813) **(Tabled from June)** POSTPONED

3. Public Hearing for Case #2761 – Paxton Manning Farese has filed a request for a Variance from Section 2.6.4 Suburban Residential: Side Yard Setback, minimum for property located at 605 S 8th Street. (PPIN #8453)

Planning Comments: The subject property is located in the South Lamar Historic District on the east side of S. 8th Street. The lot size is approximately .14 of an acre. In April, City Building Official, Chris Carter, discovered that a porch addition was under construction without the required approvals and permits and issued a stop work order. Since the property is located in a Historic Preservation District, the addition required the approval of a Certificate of Appropriateness from the Historic Preservation Commission. After the stop work order was issued, the applicant's representative provided Staff with plans that indicated that a setback variance would also be necessary for this addition.

The porch has been constructed 5'5" off the north property line and extends 4.58 ft. over the 10 ft. side yard setback established in the Neighborhood Conservation Overlay. The screened in porch addition measures approximately 210 sq. ft. The houses along this portion of S. 8th Street are

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single-family houses. To the north is a single-family house that had major renovations completed in 2018. A 5 ft. side yard (south) setback variance was approved in September 2018 (Case #2352). That request was considered an after-the-fact variance to permit an outdoor deck/carport that had a footprint that was constructed from previous owners and was already within the side yard setback.
In this instance, the applicant states their hardship relates to increased runoff from the renovated house to the north and that this addition will divert excess water from the north that is currently damaging the home's foundation and basement during significant rain events.
The City's Building Official requires 10 ft. of separation for new construction between two primary structures. The neighbor to the north's existing carport and the applicant's screened porch addition are within 10 ft. of each other, but they are offset, and the Building Official believes there is adequate separation between the structures.
Distance requirements per the Planning Department require that additions to primary structures adhere to the zoning district setback standards, but detached accessory structures have slightly different rules. If this screened porch were structurally modified so that it was detached from the building as a deck or as a separate porch structure, Staff would interpret the proposal as an accessory structure. Accessory structures may be located in the front or side yard upon approval by the Director of Planning and can be located at least 5 ft. off of any property line.
At the June 2021 Historic Preservation Commission meeting, Commissioners approved the design and materials of the screened porch. It was noted by the Commission that the addition would be minimally visible from the street.
Recommendation: There are no health and safety violations related to the proposed porch addition. The addition will largely be screened by an existing wooden fence. The issues are not related to any existing non-conformities on the lot, but are based on the applicant's decision to begin construction without Building Department permits, which resulted in a side yard setback violation. If the Planning Commission wishes to approve the request, Staff recommends the following condition:
1. The variance is for the plan as submitted.

Summary of Discussion:
Ben Requet stated that the Building Official has concerns with how portions of the existing addition have been constructed. Portions may have to be removed even if the variance is granted.

Chairman Rigby asked what went before HPC with this project.
Ben Requet stated that the architectural design was considered.
Chairman Rigby asked if it is consistent with what is existing.
Kate Kenwright stated that the siding is different. There was a condition that a variance be obtained.

Commissioner Riddell asked if Staff has received anything from neighbors.
Gray Parker stated that Staff had not.

Commissioner Gray asked what the recommendation from Planning Staff is.
Gray Parker stated based on the fact there are no safety issues and that it is behind the existing fence, Staff recommends approval, with some condition that the applicant work with the Building official to make sure no additional issues arise.

Chairman Rigby stated that the reluctance to make a recommendation is understandable, there was a stop work order. It puts the City in an awkward position.

Ben Requet stated that if this was a deck it would be in compliance. It's a small addition hidden behind an existing fence and is minimally visible. The Building Official determined there was no fire issue.

Commissioner King stated that he saw this as a process issue. Permits should have been obtained. Granting a variance would be inverting the approval process.

Commissioner Freeman asked the applicant why did they not get permits.
Suzanne Farese stated that she couldn't answer that question. The builder did not have a MS license. He didn't think it was a big issue to build a screen porch.

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Commissioner King asked if the applicant thought it was a big issue.
Suzanne Farese stated that she did not hire the builder and was just there on behalf of the homeowner.

Chairman Rigby asked staff if code requires licensure.
Ben Requet stated that it does and the there will have to be an evaluation as to whether the existing structure can remain or if portions or all must be removed.

Commissioner Freeman asked the applicant how this structure will affect water drainage.
Suzanne Farese stated that the elevation of brick patio will be raised to create a barrier to redirect the water. Construction next door created water problems. They are looking to hire a licensed builder to work with the City.

Chairman Rigby asked staff if the Commission approved the variance could there be a recommendation for a citation for failure to follow the process.
Ben Requet stated that there could be such a recommendation.
Paul Watkins stated that after such a citation it would be processed by the Municipal Court.

Commissioner Gray stated that even if the Commission granted the variance, the Building Official would still have to evaluate the existing structure and portions or all may have to be removed to be rebuilt to meet the Code.

Motion to approve subject to staff conditions with the additional recommendation that code enforcement takes all appropriate actions to meet City code requirements.
Commissioners Freeman, Gray, Rigby and Riddell in favor.
Commissioner King opposed.

Move: Duncan Gray Second: Bill Freeman Status: Passed

4. Public Hearing for Case #2762 – Basil Richmond has filed a request for a Variance from Section 2.6.4 Suburban Residential: Side Yard Setback, minimum for property located at 1012 S 11th Street. (PPIN #8402)

Planning Comments: The subject property is located in the South Lamar Historic District on the west side of S. 11th Street. The narrow lot is approximately .28 of an acre. The house was constructed in 1950, prior to the establishment of zoning in the City of Oxford. The side yard (north) setback has remained 5 ft. off the property line since the house was built. The applicant plans to construct a 256 sq. ft. screened porch addition in the rear (west) yard, that will extend the width of the house. The applicant's desire to maintain the existing building line will result in a portion of the porch extending into the side yard (north) setback of this very narrow lot. The addition is to the rear of the historic house and will not protrude any further into the side yard (north) setback than the existing building line, and the porch will not be visible from the street.
The applicant has received letters of support from neighbors to the north and south of the subject property. These letters have been attached with this report. The applicant received administrative approval from the City's Historic Preservation Specialist in June 2021.
Recommendation: The applicant's house has existed within the side yard (north) setback line since before the establishment of zoning and the porch proposal does not protrude any further into the setback. Staff recommends approval of the variance with the following condition:
1. The variance is for the plan as submitted.

Summary of Discussion:
Chairman Rigby asked for clarification that the house was built into the setback before zoning. The proposal is to build an addition that is inline with the existing structure.
Basil Richmond stated that the addition will be slightly recessed from the house away from the setback line.

Motion to approve subject to staff conditions

Move: Duncan Gray Second: Marvin King Status: Passed

5. Public Hearing for Case #2763 – Updraft Investments, LLC has filed a request for Preliminary Plat

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Approval for 'The Lamar – Phase 4' for property located at The Lamar – TND. (PPIN #5067)

Planning Comments: The applicant is requesting Preliminary Plat approval for Phase 4 of The Lamar Traditional Neighborhood Development. This phase is +/- 20.06 acres and will connect Chickasaw Road to the existing Phase 2 of The Lamar TND. The most recent land use allocation for The Lamar indicates areas of Single-Family Detached, Single-Family Attached/Detached, Civic Space and Green Space in this phase. 90 lots are planned for this phase, 82 of which are residential. The Single-Family Detached residential lots will measure between 10,273 sf and 3,458 sf with an average size of +/- 5,376 sf. The Single-Family Attached/Detached residential lots will measure between 5,369 sf and 3,325 sf with an average size of +/- 4,158 sf. There will be 201,176 sf of Open Space, portions of which will act as stormwater detention and 42,430 sf of Civic Space. Tree mitigation will be required for portions of this phase. Originally, TNDs were exempt from tree mitigation requirements. A change to the Land Development Code in 2019 (Sec 2.6.13.13.I.i) made TNDs subject to tree mitigation requirements. The sections of The Lamar that were disturbed previous to the LDC change are exempt from mitigation requirements, while the remaining will require mitigation. As of the writing of this report, Staff is still reviewing and having dialogue with the applicant in regards to the required mitigation for this site.

Engineering Comments: Comments were provided on June 28, 2021 and the design engineer provided a narrative of responses on July 2nd. Additional review will continue for the technical items noted in staff comments. These corrections are not anticipated to influence the shape, use or other feature of the lots or dedicated right-of-way. Changes will primarily relate to adjustments to the water, sewer, and storm drain lines and adjustments to grades as needed. As this is a case for a preliminary plat, there is both time and opportunity to finalize these details prior to beginning installation of any infrastructure.

Lamar Phase 4 will include the extension of Cincinnatus Boulevard to Chickasaw, Baldwin Court and Sumner Avenue along with construction of multiple private access alleys. The street types and widths are considered by Planning Department for appropriateness. As has been previously discussed, the narrower street types will limit the availability for on-street parking on one or both sides and it will be important that appropriate parking be provided for each residence.

Improvements will also be made to Chickasaw as part of this phase of the Lamar.

Retaining Walls: The construction plans note multiple retaining walls throughout. These retaining walls are to be owned and maintained by the Homeowners Association per the design engineer's response to comments. This shall be clearly noted on the plat and construction plans. The walls will have swales to prevent water from overtopping the wall or appropriate protection at the base of the wall.

Water and Sewer: Staff has requested minor changes to the water and sewer layout for maintenance purposes. The water and sewer lines shall be labeled as public or private.

Stormwater Drainage: Staff has requested reconsideration of the storm drain plans due to the depths of the lines in excess of 8 feet. As has been previously noted, Staff has observed deformities in pipes laid at depths in excess of 8 feet and is concerned that improper construction methods may be the cause. The Engineer has previously stated for other phases of development that the applicant has agreed to meet the manufacturer's recommendations for compaction, work to have a manufacturer representative on-site during construction of this portion, and provide additional testing reports for this area. The plans call for the use of ADS HP Storm and with exception of re-enforced concrete pipe (RCP) at select locations.

Staff and the Engineer have agreed to review the plans and determine what changes can be made for ease of maintenance. Otherwise, an additional drainage easement is required for this same section of pipe due to the narrow right-of-way and the depth of pipe. This easement will extend into the front yards of private lots and the common open space in areas. The easement will be for the sole purpose of maintenance of the drainage pipe located on right-of-way in this area.

All storm drain pipes shall be labeled as either public or private and the City will only maintain the storm drain located within the right-of-way.

Stormwater System Ownership: The stormwater management facilities will be located in Common Open space that will serve all phases of the Lamar. As the final lot layout for all phases has not been determined and will not be known for some time, it is impossible to determine the exact percentage that each lot owner will be responsible for. An issue like this was most recently addressed in the Final Plat for the Lamar Phase 2 and in Case 2280 for Oakmont Phase 5 and Case 2258 for Briarwood Phase 1. With the help of the City's Legal Counsel, appropriate language and mechanisms for this type of ownership were established during the review and approval of Lamar Phase 2. These mechanisms ensure that the HOA (or combination of HOA's, whether

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commercial, condominium, or residential) owns and maintains the stormwater management facilities with a provision that ownership reverts to the individual lot owners in the event the HOA fails. This development is more complicated as it includes a mixture of uses with various size lots, so the means of determining how the percentages are allocated could be complex. However, it will be up to the developer to determine fair and equitable allocations.
Stormwater Management Facilities: Stormwater management for Phase 4 will be accomplished using multiple permanent and temporary stormwater management facilities. An approximately 0.86-acre permanent detention (dry) basin will be located in the southwest corner of the development. The perimeter of the basin will be irregularly shaped and have vertical interior walls. Use of vertical walls is a special exception. The design was originally submitted and reviewed as a retention (wet) basin. The Engineer is currently revising the stormwater management plans to reflect the change in the design of the stormwater management facility.
A permanent bio-retention basin will be located in the central portion of the development, west of the amenity facilities. The purpose of this stormwater management facility is to function as an intermediate step to reduce the overall amount of runoff. The bio-retention basin is designed to have limited storage capacity and drain by infiltration. The bio-retention basin will have a control structure to pass overflow to the permanent detention basin.
There are two (2) temporary detention basins, northwest and northeast central, that provide detention for areas of mass grading that are outside of this phase of development. The northeast central temporary detention basin discharges to the storm drain pipe network that drains to the permanent detention basin. The northwestern temporary detention basin discharges to the northwest and does not connect to the Phase 4 stormwater management facilities at this time.
At the time of this case report, Staff have not approved the stormwater management plan for the Lamar Phase 4.
Street Construction: Staff notes the need to ensure that the striping plan meets the requests of the Pathways Commission regarding pedestrian crossings.
Traffic Issues: The traffic impact study is under staff review for any recommendations to be implemented because of this phase of development. The Board of Alderman has approved a Tax Increment Financing Plan and agreement with the developer that includes improvements to Chickasaw, South Lamar and a roundabout at Chickasaw and Molly Barr to address traffic issues related to the development of all phases of the Lamar. As this is a preliminary plat, there will not be any additional traffic at this time. The approval of the Final Plat will be the point that homes can be sold and occupied, thus generating additional traffic.
Recommendation: Staff recommends approval of the Preliminary Plat for 'The Lamar Phase 4' with the following conditions:
1. Approval by the Mayor and Board of Aldermen is required. (Planning)
2. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants for this subdivision shall be provided to the Planning Department. (Planning)
3. Prior to permitting, mitigation trees must be provided to the satisfaction of staff or payment must be made to the Tree Escrow Account for the appropriate number of trees. (Planning)
4. Approval is contingent on Staff approval of the construction and stormwater management plans. (Engineering)
5. All technical corrections to the plat must be made prior to it being considered by the Board or there must be a note that further technical corrections are required prior to consideration of the Final Plat. (Engineering)
6. Installation of infrastructure to be owned and maintained by the City cannot begin until staff has approved the construction plans. (Engineering)

Summary of Discussion:
Commissioner Freeman asked if this is the first time we've seen road A/Cincinnatus connecting to Chickasaw.
Shane Cardwell stated that it was the first plan before the Commission that connects Cincinnatus directly to Chickasaw.
Commissioner King asked if there was a motivating reason to have it connect.
Shane Cardwell stated that it is a result of the latest lot layout. The original master plan had the connection to Chickasaw further to the south where the detention basin is. The basin had to be enlarged so that influenced it as well.
Commissioner King asked Engineering staff if there was any worry about additional traffic on Chickasaw.
Reanna Mayoral stated that the original master plan showed concept of connection to Chickasaw

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and was considered in the initial traffic study. The connection will have an impact on Chickasaw but staff believes that the connectivity is very important. Long range traffic plan on Molly Barr will mitigate any negative traffic impacts.
Commissioner King asked what the time horizon was for the roundabout.
Shane Cardwell stated that they were wrapping up roundabout plans within the next month.

Commissioner Freeman asked about the private drives that service rear access. What signage will be provided to prevent people from parking or storing equipment there, because those will be fire access as well.
Shane Cardwell stated that there were no plans to provide additional signage unless City staff deems it necessary. At the time of purchase each home owner will know what areas they are allowed to park in. There will be an architectural review board that will ensure that adequate parking is provided for each lot. Can add additional signage if it is needed.

Mary Kuhnle Vivian Street. Stated that behind our house is the drainage that comes from that area. During the recent storm with 10 inches of rain, the ditch was full. This plan is to add 82 more houses. Stormwater was approved by consent agenda. Asked what will the stormwater management be. There are already problems there.
Chairman Rigby stated that the consent agenda item was for the walls of the detention walls to be vertical which should allow for more capacity.

Shane Cardwell stated that the stormwater management plan will not increase flow rates. The detention basin will hold excess runoff.
Mary Kuhnle asked that the applicant be very careful. There are major stormwater issues nationally. We are already affected before the 82 new houses.
Shane Cardwell not exceeding the capacity of the existing box culvert. 100 year storm is provided for.
Chairman Rigby stated that the City has fairly stringent stormwater ordinance. Not a guarantee that there won't be problems, but it's everything the City can ask them to do.

Motion to approve subject to staff conditions

Move: Bill Freeman Second: Duncan Gray Status: Passed

6. Public Hearing for Case #2764 – Corr Properties, LLC has filed a requested a Variance from Section 3.2.18 Retaining Walls for property located at 530 Fazio Drive. (PPIN #37243)

Planning Comments: The applicant is requesting an after-the-fact variance to retaining wall height for a wall that was constructed in 2018. In a single-family residential neighborhood, retaining walls are limited to 6' in height. The application notes that prior to the purchase of the subject property, a retaining wall was built along the property boundary. It goes on to state that the retaining wall was intended to be constructed one foot below the maximum height allowable but it was unintentionally constructed in excess of the limits.
Portions of the retaining wall are found to be in compliance of the regulation, while some portions exceed the requirements by five feet. The tallest portion of the wall measures 11' according to the as-built survey that was provided by the applicant. The retaining wall is not visible from the street and this property is bordered by a wooded portion of NMRC and the applicant states that the retaining wall is crucial to the integrity of the improvements on the lot that have since been constructed.
It is also worth noting that the wall that is constructed is a Gabion Wall that contains cages that are filled with rocks to allow for drainage. Section 5.5.3.3 of the Land Development Code specifies that a retaining wall three feet or more in height shall only be constructed of split-faced concrete block or poured-in-place concrete with a decorative face and designed by an engineer or architect. But since the original building permit was issued in the Summer of 2017, this new code provision for retaining walls was not applicable at that time.
The submittal also includes a letter of support from the adjacent property owner (Nina Stubblefield Tollison), and an approval from the Architectural Review Committee from The Grove at Grand Oaks Association.
It is disappointing that the contractor did not inform the City when it decided to change the retaining wall heights to allow for options to be considered, which includes multiple retaining walls.
Recommendation: Staff regrettably recommends approval with the following condition of approval:

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1. A detailed landscaping plan that includes a planting schedule with size of plants listed shall be submitted to the Planning Department for review and approval. At a minimum, the landscaping plan should include evergreen shrubs that are appropriately spaced and that measure 4' in height at planting. Ground cover plants and grasses should be planted between the evergreen shrubs.

Summary of Discussion:

Commissioner Freeman asked who was the original contractor.
Ben Requet stated that it was Sam Creekmore.
Commissioner Freeman asked if he is licensed.
George Haymans stated that he is.
Commissioner Freeman asked what his explanation for this.
George Haymans stated that he does not represent the contractor. This is part of a long running lawsuit, the final step of which is the approval of this wall which was not discovered to be non-compliant until the discovery portion of the lawsuit. Neither the land owner nor the contractor knew that the wall was out of compliance.
Commissioner Freeman asked that the contractor did not know that the wall was five feet too tall.
George Haymans stated that the wall was build off the property line and that the lawsuit has been very expensive to work out. The neighbor has consented to approval based on the landscaping plan. Unfortunate situation for all involved. The contractor has been building in this area for many years and the retaining wall height varies from area to area. The wall behind Home Depot is massive, not making excuses for the contractor. The wall was constructed before the house was built. There were many opportunities for people to look at the wall. City Building and other engineers don't like the way it was built, but there is no need to relocate it at this point. The property lines have been adjusted through some easements and the landscaping plan is part of the settlement.

Motion to approve subject to staff conditions

Move: Duncan Gray Second: Marvin King Status: Passed

7. Public Hearing for Case #2765 – Lance Forsdick has filed a request for Site Plan Approval for 'The Spargo' for property located at the intersection of Ed Perry Boulevard and Commonwealth Boulevard. (PPINS #27719 & #38132) **POSTPONED**

8. Motion to Adjourn

   Move: Duncan Gray Second: Marvin King 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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, August 9, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In Attendance

Angie Gragson; Benjamin Requet; David Spragins; Gray Parker; Harry Alexander; Hollis Green; Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Paul Watkins; Reanna Mayoral; Robert Baxter

Not In Attendance

J.R. Rigby

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

A. August Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Harry Alexander Second: Judy Riddell Status: Passed

3. Approval of minutes from the July 12, 2021 Meeting

   Move: David Spragins Second: Michael Johnson Status: Passed

4. Staff Report

   Ben Requet thanked the new Commission members for serving the City.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2766-A – Updraft Investments, LLC has filed a request for Site Plan Approval for 'The Lamar Phase 1 Mass Grading Plan' for property located at the Lamar TND. (PPIN #5067)

C. Consent Agenda

Move: David Spragins Second: Harry Alexander Status: Passed

1. Public Hearing for Case #2767 – Will Belk has filed a request for a Special Exception as provided in Section 5.6.1.8 Appropriate Facade for property located at 447 Hwy 6 West. (PPIN# 14235)

   Planning Comments: The subject property is located on approximately 5.82 acres on the south side of Highway 6 West. The property is the site of Belk Ford car dealership. The applicant has submitted a site plan to construct a +/- 1,575 sq. ft. single-story metal addition to the southwest side of the existing building. The façade will be made of silver-colored ACM architectural metal panels that match the existing façade of the current building. The addition will be for vehicular maintenance and services and will include a glass garage door. 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.

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Approximately 35 ft. of the proposed addition will face Highway 6 West, but it will largely be screened to the public by the existing building to the east and a canopy of trees to the west. The metal material will match the existing siding on the current building and contribute to a consistent design. The site plan will be reviewed prior to the issuance of building permits. At this time, no major concerns have arisen per Planning Department preliminary reviews.

Recommendation: Considering that only a small portion of the addition fronts towards Highway 6 West, from over 300 ft. away from the road, Staff believes that the metal addition will be deep enough into the lot to largely go unnoticed by the general public driving by. The glass garage door will be facing north, leaving even less of the metal panels being exposed to the public as well. Staff recommends approval of the requested special exception.

2. Public Hearing for Case #2768 – The Commons Oxford, LLC has filed a request for a Special Exception as provided in Section 2.6.9 Suburban Center: Front Yard Build-to Line, Maximum for property located Northeast of Sisk Ave & Commonwealth Boulevard. (PPIN #26631)

   Planning Comments: The subject property is located northeast of the intersection of Sisk Ave and Commonwealth Boulevard. The applicant is proposing to build the second phase of The Commons development which will be two restaurants with outdoor space including a stage. This development is also the subject of Case #2773, a variance from the standards for retaining walls in front yards and Case #2774 Site Plan approval.

   This request is for the ability to exceed the 58-foot front yard build-to line maximum. On the south side of the property the request is to exceed the setback by 17 feet for a total of 75 feet and the request on the west side is to exceed the setback by 4 feet for a total of 62 feet.

   Staff is supportive of this request as on the south side as it maintains the rhythm of the existing buildings on the Commons site (81-foot setback). On the west side, the 4-foot request is minimal and allows for the necessary planting buffers, retaining walls, and access.

   Recommendation: Staff recommends approval of the requested special exception. As stated in the application and observable at Oxford Commons, this front yard build-to line reflects the standard building patterns for commercial properties in this planned unit development.

3. Public Hearing for Case #2769 – The Children's Academy of Oxford has filed a request for a Special Exception as provided in Section 3.6.2.2 (b) Districts Permitted: Care Centers for property located at 415 Galleria Drive. (PPIN #19073)

   Planning Comments: The subject property is located on approximately 2.25 acres at the end of the cul-de-sac of Galleria Drive. The property is the former site of Mother Goose Day Care, which closed earlier this year. The Children's Academy of Oxford is proposing a new day care operation for preschoolers within the former Mother Goose building. No exterior changes are proposed at this time. The business does not border any single-family zoning districts and vehicular pick-up will access the existing loop at the end of the cul-de-sac, providing adequate stacking for peak pick up times.

   Section 3.6.2.2 (b) of the Land Development Code states that care centers within the Traditional Neighborhood Business zoning district requires a special exception.

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

   1. The proposed use must meet all pertinent additional standards of care centers per the Land Development Code.

   2. Any newly proposed signage requires a separate approval and must be approved by Planning Staff.

D. **Public Hearings**

1. Public Hearing for Case #2757 – Clint Boutwell has filed a request for a Special Exception as

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provided in Section 3.11.9 Use of Unenclosed Rooftops for property located at 1107 East Jackson Avenue. (PPIN #5813) (Tabled from June)

Planning Comments: This property is located on the north side of East Jackson Avenue situated between the former St. Leo's restaurant and the Renasant Bank location. The site is zoned Historic Urban Center, it is located in the Courthouse Square Historic Preservation Commission, and the property measures approximately +/- .06 acres. The applicant is requesting a Special Exception to allow an Unenclosed Rooftop for the Julep.
The existing building has a second-floor addition on the rear portion of the building, and the HVAC/mechanical equipment for the building is located on the front half of the building. Initial conversations with the applicant and his architect, Edye Conkerton, indicated that Mr. Boutwell would like to utilize the front half of the building for rooftop dining. To make that possible, Mr. Boutwell proposed several modifications to the building including the addition of a staircase, a purlin, new columns and a railing to the front portion of the second-floor, and proposed the installation of new full glass doors to the existing addition.
Subsequent conversations with the applicant and his architect have resulted in the design that is presented with this request. The requested use has several additional standards that are required to be met in order for the Special Exception to be granted. They are as follows:
a. Barriers. Physical barriers shall be located six feet inside the perimeter of any unenclosed rooftop in such a manner that individuals cannot stand within six feet from the edge of the rooftop. Such barriers shall not be visible from the ground.
The submittal indicates planters and a seat wall that creates the six-foot separation from the edge of the rooftop along the East Jackson Avenue façade. The existing façade also provides a fall protection barrier that is at least 5'3" in height.
b. Non-breakable materials. All food and drink served or consumed on an unenclosed roof-top shall be served on or in non-breakable items.
The submittal acknowledges this requirement and that the owner will comply.
c. Distribution. All food and alcohol served must be prepared for consumption within the interior of the building, but, once so prepared, may be transported to the unenclosed rooftop by either a patron or employee of the retailer.
The submittal acknowledges this requirement. All preparation areas are located in the first and second floor interior and there will be no bar or cooking areas on the unenclosed rooftop.
d. Seating requirement. On any unenclosed rooftop, there must be seating available for all persons present on said unenclosed rooftop, and the number of patrons shall not at any time exceed the number of available seats. The number of patrons present shall be com¬pliant in all respects and at all times with the International Building Code and all other applicable laws.
The submittal does provide a maximum occupancy calculation of 55 people and the provided schematic indicates seating for all 55 people.
e. Building age. The commercial use of unenclosed rooftops shall not be permitted on structures 50 years or older.
The plans provided with this request indicate that a new structure that will brace the adjacent walls with support between those walls for full structural integrity inside of the space will be constructed. As a result, a new floor will be constructed on top of this new support structure that will provide for a consist level for the entirety of the second floor. As a result, the applicant contends that the unenclosed rooftop will be on a new structure, rather than on one that is 50 years or older.
f. Existing commercial use of unenclosed rooftops. Any commercial use of an unenclosed rooftop existing at the time of the adoption of this Code shall be considered a nonconforming use and shall comply with all regulations for nonconforming uses. Furthermore, the unenclosed nonconforming use will meet all requirements for a Nonconforming Structure.
This provision is not applicable in this situation.
g. Additional building permit prerequisites. In addition to the other requirements and conditions imposed elsewhere in the land development code, no building permit shall be issued for a building containing the commercial use of rooftop space unless all the following criteria are met:
i. The applicant submits structural plans, with all loads listed, bearing an original stamp of a licensed engineer.
ii. If, in the building official's sole discretion, the building official deems it appropriate to retain a special inspector to supervise and or/inspect construction, said special inspector is retained at the developer's expense
History
This project has been the subject of several conversations with Staff and both the Planning

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Commission and Courthouse Square Historic Preservation Commission. The first iteration of this project was reviewed at the April 5, 2021 meeting of the Courthouse Square Historic Preservation Commission as a Complimentary Review—a request by the applicant for feedback from the Commission with no vote. At this time, Staff reported that the applicant was aware of the challenges to the proposed plan with both the Land Development Code and the Oxford Design Guidelines. The applicant proposed a new steel structure that would sit over the existing rooftop and would not rely on a party wall, or put the existing building at-risk structurally. The Commission discussed the placement of the proposed columns all the way forward on the rooftop of the structure, directly behind the existing parapet wall.
There was discussion of the Land Development Code and the prohibition of rooftop uses on structures older than fifty years—that it was put in place because of concerns about compromising the structural integrity of such buildings with expanded and new uses. Ultimately, the Commission was not accepting of the concept of columns and the proposed purlin pushing forward all the way to the front façade of the building, but indicated that a railing behind the parapet might be acceptable if allowable under the Land Development Code. There was also discussion about staking or flagging the proposed stair enclosure for the Commission to view and determine its appropriateness once the applicant's plans for the project were more solidified. There was no discussion about structural issues with the building.
Since this request was submitted, Staff was called to a meeting at the site with the City Engineer, Edye Conkerton, John Lewis (engineer), the applicant's attorney Hiram Eastland and Clint Boutwell. As part of the ongoing sidewalk improvement project on East Jackson Avenue, the foundation of the building was uncovered. It is clear that the foundation needs repointing, as does the rest of the building's front façade.
At the meeting the applicant and architect indicated that they plan to propose demolition of the building. At that time, Staff had not received any documents or structural reports indicating that the building is unstable or in need of anything other than routine maintenance and repair typical of a building of its age. Staff expressed concerns of the potential damage or unstable conditions to this structure and adjacent structures caused by the plans to build a new structure within the existing walls of the building.
The request for a Special Exception for an unenclosed rooftop was heard by the Planning Commission at the June 14, 2021 meeting. At that meeting, the Commission tabled the request to allow the Courthouse Square Historic Preservation Commission time to consider the design elements of the request.
The Courthouse Square Historic Preservation Commission heard a request for a Certificate of Appropriateness (COA) at the August 2, 2021 meeting. After some discussion, the Commission unanimously approved the requested COA for the Unenclosed Rooftop for the Julep.
The provisions in the ordinance to not allow the commercial use on unenclosed rooftops was to ensure not only that the uses on those buildings will be safe for patrons, but also to preserve the historic structures in the historic Courthouse Square. The applicant's proposal is certainly creative but it does provide the necessary structural supports to create a safe unenclosed rooftop area for patrons to enjoy, while also providing a structural support that reenforces this historic building.
Recommendation: Staff recommends approval of the requested Special Exception with the following condition of approval:
1. If no permits are issued after 18 months, the Special Exception shall expire.

Summary of Discussion:
Commissioner Milam asked what is going be along the front of the second story.
Edye Conkerton stated that from the roof of the building to the top of the front wall was about eye level.

Commissioner Riddell stated that the plan is to lower the ceiling.
Edye Conkerton stated that they have lowered the floor. It appear the building was constructed over time. The second floor has multiple levels. Making it one constant level to allow for the unenclosed rooftop use.

Commissioner Alexander asked about the concrete wall indicated on the front elevation drawing.
Edye Conkerton indicated that those are existing concrete block walls and are not part what is being proposed with the walls.

Commissioner Riddell stated the the front elevation drawing is a straight on view, but that

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everything is so far back it is not visible from the street.

Ben Requet stated that as a part of the Courthouse Square Preservation Commission, the applicant provided a flag test. It is minimally visible from the street. It is only visible as far back as St. Leo's.
Edye Conkerton stated that you can only see a little bit of the staircase.

Commissioner Alexander asked if there was a timeframe for construction.
Edye Conkerton stated that construction would start as soon as possible. At the mercy of the availability of construction materials.

Commissioner Milam asked if the steel frame would be built up underneath the existing rear portion of the structure.
Edye Conkerton stated that they were going to have to take that out to put the new floor in. They would prefer to use metal studs instead of the steel frame.

Commissioner Johnson asked if it has been investigated how building a new structure on the inside will affect the existing structure.
Edye Conkerton stated that it had as best as possible without tearing out portions of the building. The floor of the existing structure is dirt. The front facade is going to get a new foundation. They will work closely with the City Building officials throughout the process.

Commissioner Milam raised concerns about the structural stability of the building with adding more patrons above.
Edye Conkerton stated that was why they have John Lewis as a structural engineer.

Commissioner Riddell stated her appreciation for the work the applicant is doing to save the building. There will need to be creative solutions to continue to save the buildings on Square.

Motion to approve subject to staff conditions.

Move: David Spragins Second: Michael Johnson Status: Passed

2. Public Hearing for Case #2770 – Britin Boatwright has filed a request for a Variance from Section 3.11.1.5 Accessory Uses or Structures: Additional Standards for property located at 604 S 8th Street. (PPIN #8464)

   Planning Comments: The subject property is located in the South Lamar Historic District on the west side of S. 8th Street. The lot size is approximately .09 of an acre. The applicant is planning to raise an existing deck that abuts the south and west property lines. The applicant recently purchased this property and in the southwest corner of the lot is a 3.5 ft. tall block wall along the south and west property lines that bonds a sunken wooden deck. The wall and deck were constructed by previous homeowners. The applicant is proposing to raise the deck 3.5 ft. to be at the same grade of an existing carport floor.

   The Land Development Code defines a deck as an accessory structure. Section 3.11.1.5 of the Code states that "no accessory structures may be erected within five feet of any other building or within five feet of a property line".

   The City's Building Official said that the proposed deck would not cause any building code violations because the proposal will not become an enclosed structure such as a screened porch. At the July 2021 Historic Preservation Commission meeting, Commissioners approved the design and materials of the deck.

   Recommendation: There are no health and safety violations related to the proposed deck and it will not be visible from any public street. Staff recommends the following condition:

   1. The variance is for the plan as submitted.

   Motion to approve

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Move: Kirk Milam Second: David Spragins Status: Passed

3. Public Hearing for Case #2771 – Brian Development, LLC has filed a request for a Special Exception as provided in Section 3.11.3 Gated Entries for property located at 2901 South Lamar Boulevard. (PPINs #10395 & #10396)

Planning Comments: The applicant is proposing a gated entry for a planned second phase of the Hooper Hill development. The new phase will require a site plan to be submitted to the City for review and approval, and the proposed gated entry requires approval by special exception. The application states that because the safety and security of the residents are of utmost importance, a gated entry is proposed to secure the complex. No specific reasons are stated as to why security is a concern at this location along South Lamar.

The application notes several residential developments that have had a gated entry approved, spanning many years of development in Oxford; the most recent being The Archive in the nearby Oxford Farms Development. Since the adoption of the current special exception requirement in 2017, 4 have been approved. It is also worth mentioning that most of these developments are purpose-built student housing developments (Campus Creek, The Connection, The Domain, etc.) with a critical mass of residents who are young people frequently not in Oxford (Fall, Winter & Spring Break, etc.). Additionally, in recent years, several developments have been engaged into long-term contracts with sororities and fraternities whose members occupy all or most units in a development.

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

a. Gates should be constructed of decorative, ornamental metal. – In this instance, the applicant states that the intended material for the gate is ornamental metal that would be consistent with the proposed structures in the development but should the Commission consider approval, Staff recommends a condition of approval.

b. Style and color of gates and other enclosures should be coordinated with nearby struc- tures. – The application notes that the style of this gate will be consistent with the proposed structures in the development but should the Commission consider approval, Staff recommends a condition of approval.

c. Gates should operate so that they do not obstruct sidewalks, streets, bike paths, parking spaces, and similar facilities. – This proposal complies with this provision.

d. Swing gates are encouraged. Gate hinges may be located on one or both sides of the driveway. – This proposal complies with this provision.

e. Sliding gates are discouraged. – This is not a sliding gate.

f. Unobstructed vertical clearance should be at least 13 feet six inches. – This proposal complies with this provision.

g. Gates shall be designed to allow vehicles to turn around in the driveway, without backing into the street (except on local streets). – This proposal complies with this provision.

h. Adequate stacking room should be provided between the gated entrance and the gate controller to avoid vehicular stacking across sidewalks, streets, bike paths, and similar facilities. – This proposal complies with this provision.

i. Gates shall be designed to provide 24-hour access by authorized maintenance and service providers (such as public works, utilities, mail and postal delivery). – This proposal complies with this provision.

j. Gate designs shall include emergency hardware to ensure proper emergency access to the

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satisfaction of the city fire, police, public works and utility departments. – This proposal complies with this provision.

k. One pedestrian access gate shall be provided at each gated driveway entrance. – The application states that one pedestrian access gate will be incorporated into the design, but it is not indicated on the plan. It is noteworthy that the property is not fenced, and anyone can walk around the gated entry. The applicant has not stated why limiting vehicle access is of more importance as a security feature than limiting pedestrian access. Staff considers this curious, but not necessarily critical to the request.

l. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited. – This proposal complies with this provision.

m. Protective covenants shall be established and recorded for the gated development. The protective covenants shall identify, and always keep in effect, a legal entity responsible for maintaining the gates and associated features. – The application notes that this is a condominium development (Common Interest Development) and that protective covenants will be established and/or revised to provide assurances that the gates and the hardware will be maintained at the expense of the owners.

n. The gate shall be activated by an emergency siren. – This proposal complies with this provision.

o. Gates and the emergency operation of the gates shall be maintained at all times. Two instances reported to the planning office within a 12-month period of inaccessible gates by the city police, fire or public works shall result in the revocation of the permit. – The applicant understands this provision.

p. Entrances must meet the following width requirements unless otherwise approved by the fire department. Dual gates should have an unobstructed clearance of least ten feet wide on each side; single gates should have an unobstructed clearance of least 20 feet wide. – This proposal complies with this provision; however, the applicant's engineer is still working with Staff (Engineering & Planning) to approve on the final design of the entrance to the development.

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

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

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

Principle #4 encourages a densely connected network of streets and roads that serve all users of the transportation network and gates can limit and even disrupt this connectivity. But, the roads for this development are privately owned and it is not likely that they will provide any additional connectivity. Most importantly, the requirements for gates do contemplate the impacts that gates present to the transportation system by providing a way for people to safely turn around should they make a wrong turn, and for providing adequate stacking space for vehicles entering the development. In this instance, the applicant's engineer has been working with Staff on the design for the entry into the development, which may be resolved prior to the meeting. In the event that it is

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not, Staff will have a condition of approval applicable to this concern should the Commission approve the request.

Recommendation: In this specific instance, staff believes that the concern about vehicle access to this development is legitimate since it has primarily been a residence for students who do not reside in these dwelling units year around. Staff therefore recommends approval of the requested special exception with the following finding and conditions:

1. Granting of the Special Exception will not adversely affect the public interest.

2. If no permits are issued after 18 months, the Special Exception will expire.

3. Prior to the issuance of any permits, the final design of the entrance to the development shall receive approval by City Staff (Engineering, Fire, Environmental Services, and Planning).

4. Prior to the issuance of any permits, the final design for the gate shall be submitted to the Planning Department for review to confirm its compliance with the LDC additional standards a and b.

Summary of Discussion:

Commissioner Milam asked what the purpose of the gate is.
Paul Koshenina stated that his phase will be interconnected with the existing development. They will convert the existing entrance into an exit only, and gate the new entrance. They will fence the property.

Commissioner Riddell asked for confirmation that there will be a pedestrian access.
Paul Koshenina stated that they are working with Engineering Staff to finalize design, but that the pedestrian access would be to the left of the main entrance.

Commissioner Johnson asked for confirmation that the intention is to fence the entire property, not just the entrance gate.
Sid Brian stated that they will fence at least the entire front. Currently fenced along the southern side and along the back. No plans to fence on the north side.
Paul Koshenina stated that there's no opportunity for additional connectivity to any other street.

Commissioner Riddell stated that there is a queue space for four cars. South Lamar is a busy street. She asked if four cars is enough space.
Paul Koshenina stated that based on other projects around town that are gated and the number of units in this development, they feel four cars is sufficient.

Commissioner Milam asked if the issue is security.
Sid Brian stated that this is a specific clientele with expensive cars and a bad tendency to not lock doors. They have installed automatic locking doors. They have full time security at night. The gate will allow them to get license plate numbers. The new phase will make this project more visible and will attract more attention.

Commissioner Alexander asked for confirmation that the new gate will be on the new addition.
Sid Brian stated that that was correct.
Commissioner Alexander stated that this phase would double capacity of that development.
Sid Bryant stated that it wouldn't quite double capacity.

Commissioner Riddell asked about the provision that provides for the ability for the City to revoke the Special exception if Police, Fire or Public works cannot reliably access the property and if there was some mechanism for revocation if traffic becomes an issue.
Ben Requet stated that the Commission could add condition for staff to monitor and evaluate for incidents that obstruct traffic flow and that the applicant would return before the Commission for additional discussion.

Motion by Commissioner Alexander to approve subject to staff conditions as stated. Motion fails for

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lack of a second.
Motion to approve subject to staff conditions with added condition for the applicant to return to the Commission if there are documented complaints to the City within a twelve month period related to traffic issues.

Move: David Spragins Second: Judy Riddell Status: Passed

4. Public Hearing for Case #2772 – Brian Development, LLC has filed a request for a Special Exception as provided in Sections 3.5.1.2 Dwellings – Detached: Districts Permitted and Section 3.5.4.2 Dwellings, Attached: Duplex: Districts Permitted for property located at 2901 South Lamar Boulevard. (PPINs #10395 & #10396)

   Planning Comments: The applicant is proposing a second phase of the Hooper Hill development, which requires a Special Exception because four bedroom detached and attached units are proposed. The subject property is located on the east side of South Lamar Boulevard. The existing Hooper Hill development is on approximate 2.92 acres and the proposal indicates a second phase of the development will be on approximately +/- 1.80 acres.

   The existing Hooper Hill development consists of eighteen 4-bedroom attached and detached units that are all one-story. The applicant is proposing to construct a second phase of this development that would consist nine new buildings that contain a total of fifteen new units. Six of the nine buildings will be two story buildings, and nine of the units will be 3-bedroom, and the remaining six will be 4-bedroom units. The proposal states that three existing homes will be demolished in order to facilitate this development.

   This proposal requires a total of 55 parking spaces (42 required parking spaces and 13 guest parking spaces), but the applicant proposes a total of 64 parking spaces, well within the 25% parking maximum in the code.

   Recommendation: Staff recommends approval of the requested special exceptions with the following finding and conditions:

   1. Granting of the Special Exception will not adversely affect the public interest.

   2. If no permits are issued after 18 months, the Special Exception will expire.

   3. A Site Plan Amendment will be required for the development.

   Motion to approve subject to staff conditions

   Move: David Spragins Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2773 - The Commons Oxford, LLC has filed a request for a Variance from Section 3.2.18.2 Retaining Walls for property located Northeast of Sisk Ave & Commonwealth Boulevard. (PPIN #26631)

   Planning Comments: The subject property is located northeast of the intersection of Sisk Ave and Commonwealth Boulevard. The applicant is proposing to build the second phase of The Commons development which will be two restaurants with outdoor space including a stage. This development is also the subject of Case #2768, a Special Exception for the front build-to line and Case #2774 Site Plan approval.

   This request is for the ability to exceed the maximum allowed retaining wall height in a front yard. The maximum height is 4 feet and the applicant is proposing walls that would be a maximum of 5.9 feet, a variance of 1.9 feet.

   The applicant states that the topography of the lot is unique. This location was previously a stormwater detention pond and the applicant is proposing to take advantage of the bowl shape of the land to create an amphitheater effect around the proposed stage. The lower grade should also

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help to keep the sound from the stage on site.

Staff is supportive of this variance request. The provision to limit retaining walls in front yards is partially for aesthetics to prevent a large massing of solid concrete right next to the right-of-way. This proposal is somewhat the inverse of the typical request in this regard as the retaining wall will be going down into the site instead of up. Sight lines into the site are preserved and there is no mass of concrete that will be visible from the right-of-way. Additionally, having the site a few feet lower than the surrounding grade has sound reduction potential.

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

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

Summary of Discussion:

Commissioner Spragins asked how visible the retaining wall would be from the road.
Stuart Povall stated that because the walls are sinking into the site, they should not really be visible at all from the road.
Commissioner Milam asked that if the walls drop into the site, will the stage also be below street-level.
Stuart Povall stated the the stage floor will be about ten feet below street level. The stage roof will be about 8 feet above the street level.
Commissioner Murphy asked if there will be a fence at the top of this retaining wall.
Stuart Povall stated that the plan indicates a fall fence that will be 42 inches tall.
Commissioner Riddell asked about the ABC requirements and if the entire property will be fenced.
Stuart Povall stated that the retaining wall themselves will act as the barriers where they exist. As you move around the site, the rest will need to be secured. OPD has said that it's really between the business and ABC to determine what works as barriers. ABC states 48 inches, but they also consider other things like retaining walls and people controlling entry. Where the retaining wall is tall enough, they will have a 42 inch fall fence, where it gets smaller, they will increase that to the full four feet.

Motion to approve subject to Staff conditions.

Move: Michael Johnson Second: Harry Alexander Status: Passed

6. Public Hearing for Case #2774– The Commons Oxford, LLC has filed a request for Site Plan approval for 'The Commons – Entertainment Block' for property located Northeast of Sisk Ave & Commonwealth Boulevard. (PPIN #26631)

Planning Comments: The subject property is located northeast of the intersection of Sisk Ave and Commonwealth Boulevard. The applicant is proposing to build the second phase of The Commons development which will be two restaurants with outdoor space including a stage. This development is also the subject of Case #2768, a Special Exception for the front build-to line, and Case #2773, a variance from the standards for retaining walls in front yards.

Use Requirements – Restaurants are special uses in the Suburban Center district. Additional standards include requirements to follow the sound ordinance, and the times allowed for outdoor service if the restaurant sells alcohol.

Parking – Restaurant uses require 1 parking space per 100 square feet of patron area and an additional 1 parking space per 100 square feet of tavern area. For this development there are 5,874 sf of indoor patron area and 834 sf of tavern area for a total of 68 spaces. Additionally, there is another 20,360 sf of programmed outdoor area that staff believes, as it is tied to and programmed with the restaurants, should be counted as restaurant area for the purposes of parking. This would necessitate another 204 parking spaces for a total of 272 spaces.

This development is the second phase of The Commons development. The first phase, approved in September 2020 (Case #2660), also included additional parking that would be used for future phases. This first phase required 93 spaces for its retail and office spaces uses. Staff believes that

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because the uses in the first phase will generally not have peak hours at the same time as the entertainment block uses, that these 93 spaces could be used to accommodate a portion of the parking needs for the entertainment block.

In total, there are 218 spaces between the two phases of The Commons. This leaves a deficit of 54 spaces. The applicant has proposed that a shared parking agreement with the church directly to the east to cover the remaining spaces necessary.

Coverage and Setback Requirements – Uses in the SCO district are limited to 80% lot coverage. The proposed development has 67.5% coverage.

Because this is a corner portion of a much larger lot, only the front build-to lines are addressed in this project. A Special Exception to exceed the 58-foot maximum front build to lines on both the west and south sides is the subject of Case #2768.

Other Review Elements
• Landscaping and Tree Mitigation – The landscaping plan includes plans for foundation plantings, parking lot trees, and frontage trees. The landscaping plan meets the requirements of the LDC. This site was considered an "area previously developed" and therefore is not subject to the 2015 Tree Mitigation Variance. No tree mitigation is required on this site.
• Access – This site will take access off of both Sisk and Commonwealth Boulevard. Pedestrian access has been provided along both Sisk and Commonwealth with internal sidewalks.
• Building Materials – The buildings will be clad with a combination of fiber cement siding, stucco and painted brick.
• Signage – The site plan approval does not include approval of signage. A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.
• Trash Compactor – The trash compactor is currently located in the northwest corner of the site and is under 45 feet from Commonwealth Boulevard. The enclosure will be screened from Commonwealth by landscaping, but will require additional landscaping on the south and east sides. Planning staff is generally not supportive of a dumpster enclosure this close to and so visible from the road. Staff is supportive in this instance as the applicant has proposed to integrate the enclosure into the concession and bathroom structure.

Engineering Comments:
Water and Sewer & Utility
The project will tie to and extend an 8-inch diameter water line approved as part of The Commons site plan (Case #2660). Waterlines within dedicated easements shown on the plans will be City owned and maintained. Service lines and any waterlines outside of the dedicated easement shall be privately owned and maintained. All sewer on the site shall be privately owned and maintained. The sewer will tie to an existing (private) manhole located to the east of the property and installed as part of The Commons site plan. Any existing and unidentified utilities would have a prescriptive easement at that this time and would be allowed to remain in their current locations.

Traffic/Access
Access to entertainment block will be through a new driveway opening on Commonwealth Boulevard, aligned across from existing driveway entrance on the west side of Commonwealth Boulevard, into Malco Theater's parking lot; and an existing driveway opening on Sisk Avenue that was approved as part of the Commons site plan.

All traffic impact requirements are fulfilled by the TIF agreement between the City and Oxford Commons, LLC with the completion of the Sisk Avenue-Highway 7 roundabouts, the extension of Sisk Avenue, and the completion of F.D. "Buddy" East Parkway to Highway 6.

Sidewalks
There are existing sidewalks along the property's frontage with Commonwealth Boulevard and Sisk Avenue.

Stormwater Management
Stormwater management for the site will be accomplished using the stormwater management facilities originally approved as part of the Commons site plan (Case #2660).

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Other Departments: All other departments have reviewed this site plan and have rerecommended approval.

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

1. Approval is for the Site Plan as submitted. (Planning)

2. Additional plans for the integration of the trash compactor into the concession area shall be provided to the satisfaction of Planning and Environmental Services staff. (Planning)

3. Approval is contingent on approval of the requested build-to line Special Exception and retaining wall height Variance. (Planning)

4. No certificate of occupation shall be issued for the Entertainment Block until the stormwater management facilities approved as part of Commons site plan (Case #2660) are constructed and certified. (Engineering)

Summary of Discussion:
Robert Baxter noted the receipt of a letter from Corey Alger, which was provided to the Commission.

Commissioner Alexander asked if the shared parking agreement is on file.
Robert Baxter stated that the receipt of a shared parking agreement will need to be added as a condition of approval.

Commissioner Milam asked if the parking agreement would be in perpetuity.
Paul Watkins stated that it wouldn't need to be requires into perpetuity. If they no longer have access, they will have to find spaces or seek variance.

Commissioner Johnson asked if there is any back up plan in case the proposed agreement doesn't go through.
Stuart Povall stated that this is phase 1A and 1B of the entire 16 acre development. Future phases will have 3 story buildings to the north with two double loaded rows of parking. In phase 2 and 3 we will take stock of parking situation. Church is excited to be part of this development. If there are parking problems, will try to work more in. Don't want seas of parking and don't think oxford does either. Encourage alternate modes of transportation. Opportunities to increase parking should the need arise.

Commissioner Spragins asked if the proposal would be able to meet the sound ordinance with the sound going towards residences.
Stuart Povall stated that they will absolutely be held to the sound ordinance standards. They are pretty far from residences, 150-200 ft. from residences. The sound will be buffered by the buildings as well. The stage is set down in a bowl. We met with a sound consultant briefly and he felt it was reasonable proposal for this site.

Commissioner Spragins asked how many people will the open area hold.
Stuart Povall stated the max might be 700 in outdoor space and still have room to move around and meet the restroom requirements. That size event would be a once a year thing. The concept is for this to be a semi-public space that will feel like a park. People should feel free to come and go, except for ticketed events.

Commissioner Milam asked if this will be one operator for the entire space.
Stuart Povall stated that it was one operator for all two acres. Blackburn Group will own and develop the site. Operators will be a Memphis group that runs these types of venues like Loflin Yard, Railgarten, and Bounty on Broad.
Commissioner Spragins asked if there are facilities to handle 700 people.
Stuart Povall stated that this is different from Harrison Yard. In this case there are restaurants associated with this space. There are 2 men's and women's restrooms solely dedicated to

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outdoors. Met with the Building Official tom make sure the design will work.

Commissioner Alexander asked if there were fences in addition to the ones discussed in the previous variance case. How will circulation work with several hundred people on site. What are the safety ramification of that many people
Stuart Povall stated that a 700 person gathering would be an outlier event for circulation issues and a large concert act. Something that large would be a special permit event with traffic guards. Generally, they are targeting weddings, Greek life, etc. too. We've worked on ingress and egress with staff. They are designing barriers that don't necessarily read as barriers. Using planters with fences hidden, so they don't look like, fences. They understand that flow has to be controlled.

Motion to approve subject to listed staff conditions with addition of a condition to read, No certificate of occupation shall be issued until a shared parking agreement for at least 54
spaces has been received by Staff.

Move: Kirk Milam Second: Michael Johnson Status: Passed

7. Public Hearing for Case #2765 – Lance Forsdick has filed a request for Site Plan Approval for 'The Spargo' for property located at the intersection of Ed Perry Boulevard and Commonwealth Boulevard. (PPINs #27719 & #38132)(Postponed from June)

Planning Comments: The subject property is located on 2.76 acres at the corner of Ed Perry and Commonwealth Boulevard and the project is being referred to as 'The Spargo at Oxford Commons'. The applicant is proposing two single-story commercial buildings (each 12,410 sq. ft.) that will be located on two separate lots in the Oxford Commons Planned Unit Development.

The applicant received a special exception to exceed the maximum front yard build-to line per zoning district standards by 21.7 feet, a total of 79.7 feet from the property line, at the June 2021 Planning Commission meeting.

Other Review Elements

• Building Facade and Materials – The buildings are designed identical to each other and will have a brick facade on all four sides. Each of the units have large storefront windows along the entry sides. A raised parapet lines the entire roof with a minimum height of 4.5 ft. The applicant's architect has stated that there are no current designs for rooftop mounted equipment. Staff will condition that language in tenant leases makes aware the requirement that any rooftop mounted equipment cannot exceed the height of any parapet walls. The buildings include a taller parapet at each end of the buildings, architecturally articulating the end units for design variety.

• Complete Streets – At the time of this report, the applicant's engineer is still working on the plan. A condition of approval is that the complete streets plan be approved by Planning Staff prior to the issuance of permits.

• Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot, perimeter edge, foundation planting and frontage tree requirements. The retaining walls along the southeast portion of the site will be screened with evergreen hollies. The lot currently has no trees and is pad ready. No tree mitigation is required.

• Lighting – The photometric lighting plan provided has been reviewed and approved by Planning Staff. The parking lot light pollution will not reach into any adjacent lots.

• Open Space / Impervious Coverage – The proposed impervious coverage is 76.45% and the Suburban Corridor zoning district allows up to 80% coverage.

• Parking – The site requires 124 parking spaces and 128 have been provided. This proposal will allow for two rows of parking in the front yard, consistent with other strip commercial centers in the Oxford Commons PUD, including The Alexis directly south of this site, as well as at The Terrace. The site will be accessed by two curb cuts off of Ed Perry Boulevard.

• Signage – A separate approval will be required to ensure compliance with the signage

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requirements of the Land Development Code.

Engineering Comments: This site plan encompasses two lots of property located in two, separate subdivisions, Lot 10, Oxford Commons Phase II and Lot 2, The Spargo.

Water and Sewer Utilities
There is an existing, public sewer main that bisects this site from west to east within a 20-foot platted sewer easement. This existing line will be rerouted through the site to accommodate the development and the existing lines, appurtenances and easement will be abandoned. A new sewer easement, with clear language indemnifying the City of Oxford of any and all damages incurred by potential failures of the abandoned existing sewer main, the proposed rerouted sewer main, and during potential future maintenance operations will need to be executed to the City of Oxford. The existing sewer will be required to remain in operation until such time that the new sewer and all appurtenances are constructed and put into operation. At the time the lines and manholes are be abandoned they will be removed or, for components that cannot be removed, filled with either sand or flowable fill concrete. Construction plans for the Spargo must be updated to reflect the revised location of the sewer line, further from the buildings, and to provide a detail on the extension of the sewer line through the privately owned and maintained retaining wall. Water service into the site will be a privately owned 8" water main fed from an existing City of Oxford water main running along Ed Perry Boulevard.

Traffic/Access
The site will have two points of access to Ed Perry Boulevard. Both points of access will require shared access easements.

All traffic impact requirements are fulfilled by the TIF agreement between the City and Oxford Commons, LLC with the completion of the Sisk Avenue-Highway 7 roundabouts, the extension of Sisk Avenue, the completion of F.D. "Buddy" East Parkway to Highway 6, and the installation of the traffic signal at Commonwealth Boulevard and Sisk Avenue.

Sidewalks
Sidewalks are existing along the property's frontage with Ed Perry Boulevard and will remain in place. Only that which is necessary to construct the two proposed driveways will be removed.

Stormwater Management
The proposed storm water management facility consists of an underground detention basin (dry) located on the east side of the property, under the rear drive and parking areas. Runoff will be conveyed to the storm water management facility by surface flow to inlets in the parking lot that connect to a drainage pipe network. The underground detention basin will consist of 4-barrels of 96-inch diameter metal pipe, 94-feet in length with header pipes connected at each end. The storm water management facility will discharge through a control structure and a 24-inch diameter HDPE pipe located in the east side of the property that will tie into the existing storm drainage pipes in the right of way of Commonwealth Boulevard.

The engineering staff has not approved the storm water management plan as of yet. At the time this case report is being written, staff is still reviewing the second submittal. However, it is anticipated that there will be only a few minor comments that should be easily addressed.

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

1. Approval is for the site plan as submitted. (Planning)

2. Approval of the Complete Streets Plan by Planning Staff prior to the issuance of permits. (Planning)

3. The Land Development Code requires all rooftop mounted equipment (HVAC/Exhaust Hoods, etc.) to be screened by parapet walls on all sides. In this instance, the proposed uses may change periodically but all tenants will be required to comply with this provision. (Planning)

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4. The proposed sewer easement on Lot 10 should contain specific language indemnifying the City of Oxford of any and all damages as outlined previously in this report. The site plan should also document the proposed cross access easements for each lot. (Engineering)

5. Contingent upon final approval of the storm water management plan for the development with no Land Disturbance Permit allowed until the approval is granted by the Engineering Department. (Engineering)

6. Building permits will not be approved until the revised construction plans are approved by the Engineering Department. (Land Disturbance Permits will be allowed)

Summary of Discussion:
Gray Parker stated that condition #2 has been satisfied.

Commissioner Milam asked if the parapet wall is sufficient to obscure normal HVAC units.
Gray Parker stated that staff included that condition because HVAC unit height was not shown on any of the plans.
Paul Koshenina stated that the tenants will be responsible for HVAC installation. Tenants will be informed of the requirement the equipment be at or below the height of the parapet wall.
Lance Forsdick stated that they acknowledge the parapet height requirement.

Motion to approve subject to staff conditions removing condition 2.

Move: David Spragins Second: Harry Alexander Status: Passed

8. Motion to Adjourn

   Move: Judy Riddell Second: Michael Johnson Status: Passed

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

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, September 13, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Gray Parker; Harry Alexander; Hollis Green; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Paul Watkins; Preston Taylor; Robert Baxter

Remote Attendance

Reanna Mayoral

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

A. May Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Joseph Murphy Second: Harry Alexander Status: Passed

3. Approval of minutes from the August 9, 2021 Meeting

   Move: Joseph Murphy Second: Harry Alexander Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2775-A – Samuels Construction, LLC has filed a request for a Variance from Section 2.6.4 Suburban Residential: Side Yard Setback, Minimum for property located at 420 N 14th. (PPIN #6154)
2. Public Hearing for Case #2776-A – Lucas Leigh 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 194 Woodlawn Drive. Staff has recommended approval. (PPIN #7669) **Should an objection to the use be received by the Planning Department, the use shall be reviewed as a Special Exception.**

C. Consent Agenda

Move: Joseph Murphy Second: Michael Johnson Status: Passed

1. Public Hearing for Case #2777 – Burroughs Restaurant Group has filed a request for a Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-in Service for property located at 1506 University Ave. (PPIN #8039)

   Planning Comments: The subject property is +/- .63 of an acre parcel located on the south side of University Avenue. A vacant building is located on the property, the site of a former Pizza Hut. The

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applicant is proposing to renovate the existing building for a Guthrie's Chicken. The restaurant has a single drive-thru lane proposed that extends around the south and east sides of the building. There are existing drive-thru lanes to the east and west of this property (Oxford University Bank and Mechanics Bank). The applicant has stated that they do not foresee the drive-thru causing vehicular backups onto University Avenue and they have designed the lane for adequate stacking. The site plan is currently under review by the Site Plan Review Committee and will be considered for administrative approval.

Recommendation: The proposed restaurant will eliminate a vacancy along the University Avenue corridor and the renovations will become more compliant with the current Land Development Code standards. Staff appreciates the drive-thru lane not being situated parallel to the public street. Staff recommends approval of the Special Exception as provided in Section 3.8.8.5 with the following condition:

1. Approval is for the site plan as submitted.

2. Public Hearing for Case #2778 – Best Car Wash has filed a request for a Special Exception as provided in Section 3.8.13.2 Vehicle Repair or Maintenance Facility: Districts Permitted for property located on Hwy 6 Eastbound near CR 305. (PPIN #7686)

Planning Comments: The subject property is located on the South side of Highway 6 between Waller Funeral Home and Centerpoint Energy. The applicant is proposing to build a car wash at this location. A site plan and single-lot subdivision for this project are currently under review by City Staff.

Car washes are Special Exception Uses inside the Suburban Corridor (SCO) districts. Car washes are classified as Vehicle Repair or Maintenance in the LDC and have their own Additional Standards in that category.

i. All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials. The applicant has acknowledged this requirement and is providing updated elevations as part of the Site Plan Submission
ii. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking. The applicant has acknowledged this requirement and is providing additional landscape screening as a part of the Site Plan Submission.
iii. Washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use for facilities that do not include an automatic dryer. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a legal, conforming residential use. There are no adjacent residential properties or zoning districts to the lot this project will be constructed on.
iv. Car washes accessory to a principal use shall be located in the side or rear yard only. This provision is not applicable.
v. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m. The applicant has acknowledged this requirement.

Recommendation: Staff recommends approval of the requested Special Exception as provided in Section 3.8.13.2 Vehicle Repair or Maintenance Facility: Districts Permitted.

3. Public Hearing for Case #2779 – Todd Dyess has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls: Height for property located at 112 Saucer Lane. (PPIN #31845)

Planning Comments: The subject property is an approximately +/- 0.15 of an acre corner lot located at the intersection of Saucer Lane and Sweet Bay Drive in the Magnolia Grove Subdivision, west of Anchorage Road. The lot is currently developed with a single-family residence. The applicant is requesting a fence height variance of two feet (2') in order to construct a six-foot (6') high white-painted vinyl privacy fence that will protrude 8 ft. into the front yard (south) setback.

As stated in the Land Development Code's General District Regulations (Section 3.2.8) and Site Design Standards (Section 5.5.2.6), the maximum fence height of fences and walls in a front yard shall be no more than four feet above grade and allow for visibility. Due to the nature of corner lots

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– which, by definition, consist of two fronts yards and two side yards – the two front yard setbacks limit the possibility of the applicant to legitimately enclose a reasonable portion of their property. Mainly concerned with privacy, the applicant wishes to construct a vinyl fence higher than what is currently permitted in a front yard by the Code. The construction of the proposed fence should not impact driving visibility along the street.

Recommendation: A variance request may be granted when special conditions exist that are peculiar to the land, or structures that do not apply to other lands or structures in the same district under the terms of this Ordinance. By nature, a corner lot deprives the applicant of additional setback footage commonly enjoyed by owners of interior lots. Staff recommends approval of the two-foot (2') fence height variance with the following condition:

1. Approval is for the site plan as submitted.

4. Public Hearing for Case #2780 –York St Andrews, LLC has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls: Height for property located at 107 St Andrews. (PPIN #6595)

Planning Comments: The subject property is located on the northeast corner of the St. Andrews Road and St. Andrews Circle intersection. This property measures approximately an acre in size, and contains an existing home on the eastern portion of the lot. The home is situated on the highest portion of the property, and it slopes significantly towards St. Andrews Circle where there is an existing drainage ditch.

The applicant is requesting the ability to construct a 6-foot fence along St. Andrews Road and St. Andrews Circle, which exceeds the maximum fence height allowed in front yards by 2-feet. The applicant expresses concerns for the safety of their family pets to play safely in the yard.

The proposed fence would contain a 2-foot knee wall constructed of brick with columns at various points measuring approximately 8-feet. A 4-foot ornamental fence panel would be integrated into the fence wall between the columns. The proposed fence will measure 6' from the base of the knee wall to the top of the fence panel. Additionally, the applicant is proposing to landscape in front of the fence (street side of the fence), with a variety of shrubs, grasses and ground cover.

Staff understands the challenges with this lot and the ability to provide a safe area for their pets to roam. The aesthetics of this fence are very nice, and how it is designed will not prevent visibility to the lot and existing home.

Recommendation: Staff recommends approval of the requested variance to exceed the four-foot front yard fence height maximum with the following condition:

1. The variance is for the plan as submitted.

5. Public Hearing for Case #2781 – David Calhoun has filed a request for a Variance from Section 5.5.2.6 Fences and Exterior Yard Walls: Height for property located at 1931 University Avenue. (PPIN #25885)

Planning Comments: The subject property is located on the north side of University Ave. just west of Highway 7 in the Old Town Shopping Center. The applicant is requesting the ability to exceed the 4-foot maximum fence height allowed in front yards, to allow for the proper screening of additional cooler space at Oby's Restaurant. The fence would be located in what is a front yard, as it faces University Ave., but in the functional rear of the building.

Currently, Oby's runs a refrigerated trailer in the parking lot to handle overflow storage for the restaurant. The restaurant is looking to add new cooler space to handle their increased patron load. The fence in question would be 10.6 feet tall and would fully screen the newly proposed coolers. This fence would be an extension of existing screening for the dumpster enclosure.

The applicant states that the fence needs to be taller than 4 feet to properly screen the coolers and that 10.6 feet is the minimum height to achieve this. The applicant's plan shows a red brick wall with wooden shutters to match the existing building. This is an unusual structure as it is an internally facing building, so the traditional back-of-house operations happen towards the City street.

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Staff supports this request. There is already a wall at this location, and this request is merely an extension of the existing fencing. The applicant is taking the necessary steps to mitigate the visual impact of this wall through the use of similar building materials to the main building and the use of the shutters. There is also a row of mature street trees along University Ave. that will mitigate the visual impact of the wall. The plan also indicates that the existing landscaping along the front of the building will be transferred to be along the front of the screen wall.

Recommendation: Staff recommends approval of the requested variance to exceed the four-foot front yard fence height maximum with the following condition:

1. The variance is for the plan as submitted.

6. Public Hearing for Case #2782 – Jeff and Taylor Kilgore have filed a request for a Variance from Section 2.6.3 Estate Residential: Front Yard Build-to Line, Minimum for property located at 509 Audubon Lane. (PPIN #4673)

Planning Comments: The subject property is an approximately +/- .40 of an acre lot located at the corner of Audubon Lane and Wildwood Lane in the Ridgewood Estates Subdivision. The front yard build-to line minimum in the Estate Residential zoning district is 40 ft. The house complies with the 40 ft. front yard build-to line along the west side of the lot along Audubon Lane. On the south side, the existing southeast corner of the house is slightly over the front yard build-to line.

The applicant is proposing a carport addition to their single-family home to be constructed in the front yard (south) with a proposed build-to line of 19.43 ft. off of Wildwood Lane. The house is built into a hillside and there are substantial grade changes between the house and the north, west, and east property lines. The applicant has stated that the south side addition is the most practical due to issues with topography throughout the site and an existing mature canopy of trees on the north, east and west sides of the lot that they would not like to disturb.

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

Recommendation: Staff believes that the topographic hardship is reasonable and the preserving of the mature trees is logical on this corner lot. Staff recommends approval of the requested variance with the following condition:

1. The variance is for the site plan as submitted.

7. Public Hearing for Case #2783 – Ran Management has filed a request for extension of City Utilities for a development outside the City Limits of Oxford that includes Site Plan Approval for 'Industrial Park Drive C-Store' for property located at the Northwest corner of CR 101 and CR 166. (PPIN #20698)

Planning Comments: The subject property is located in the County on +/- 2.45 acres at the northwest corner of Industrial Park Drive and CR 101. The applicant is proposing to construct a service station with five (5) pumps and an associated +/- 7,500 sf convenience store with an additional bay of retail space. The applicant is requesting the ability to connect to City utilities. Developments in the County that are requesting City utilities shall meet the relevant standards for those uses in the City of Oxford Land Development Code.

Use and Parking Requirements – Service stations are special uses in Industrial districts. This site plan meets those requirements.

The parking standard for this use is one parking space for each 300 sf of gross sales floor area. 28 spaces are provided including three handicap spaces, which is within the allowed parking limits.

Coverage and Requirements – Industrial zoning allows for up to 80% lot coverage and this proposal has approximately 43% coverage.

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Other Requirements

• Building façade and materials – The current plans call for brick veneer with bronze metal canopies.

• Signage – As this property is in the County, the City sign ordinance does not apply, though this proposal does include a monument sign that appears to meet City requirements.

• Lighting – A photometric study has been provided with this submission that shows minor spill over light over the west property line.

• Access – Access to this site will be taken from both Industrial Park Drive and CR 101. New sidewalks are indicated on the plans for both frontages. Internal sidewalks around the building are also indicated.

• Landscaping – The proposed landscape design meets all standards related to parking lot trees, edge buffers, foundation plantings and street trees.

Engineering Comments
Access
This site is located in the northwest quadrant of the intersection of County Road 101 (Old Hwy 7) and County Road 166 (Industrial Drive) in Lafayette County. It has planned, proposed access to both. The site will be donating .06 acres of right-of-way to Lafayette County that is currently encroached upon by the pavement radius of the roadway. Because the property will be served by City of Oxford water and sewer facilities, site improvements must be made in accordance with the City of Oxford Land Development Code. One such requirement is the installation of sidewalks along roadway frontages. Lafayette County has stated that no sidewalks will be allowed on public right-of-way, with the exception of approximately 70 linear feet, which will traverse across the area of proposed right-of-way dedication. The remainder of the sidewalk will be installed along the roadway frontages inside the property line. A pedestrian easement will be drafted in favor of the City of Oxford to become effective if, and at such time as the city annexes this area.

Water and Sewer
Water for the site will be obtained via an 8" City of Oxford water main running along County Road 101. The site will discharge sewer to an existing lift station at Winchester via a direct connection or via a manhole if possible. The plans incorrectly show a connection to an existing 2" pressure force main running along County Road 166. This force main runs to the Industrial Park Wastewater Treatment Lagoon which has limited capacity and is being upgraded by a private developer to provide increased capacity to serve Oakmont and Briarwood as noted in Case 2680. In the event that the developer agrees to dedicate some capacity to the gas station, the Development Agreement could be modified and the sewer could be directed to the Lagoon. The design engineer is revising the plans to show the planned connection to the existing lift station and NOT the lagoon.

Due to the capacity of the lift station, staff requested an estimated water usage for the proposed use and a confirmation that a car wash would NOT be installed at this location. The City does not have capacity to provide service to a car wash without improvements to the lift station. The design engineer has estimated the usage as follows based on other C-Stores:

USE TYPE AREA KITCHEN SPACE AREA WASTEWATER FLOW RATE
(SF) (SF) (gal/day)
CONVENIENCE STORE/GAS STATION 4,500 205 1600
*RESTAURANT/DELI (no drive thru) 1,500 500 800
*GENERAL COMM/ RETAIL / OFFICE 1,500 100 200
TOTAL 7,500 805 2600

Storm water
Storm water management will be accomplished using a detention (dry) basin located in the northwest portion of the site. Storm water runoff from the south half of the site will be direct to the detention basin through a series of inlets and drain pipes. Storm water runoff from the northeast

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portion site will be conveyed overland to the detention basin. The basin will discharge near the northeast corner into an existing drainage swale after passing through a control structure.

The Storm water Management Plan has been approved by staff.

Other Departments: All other departments have recommended approval.

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

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

2. Sidewalks are required to be constructed along all roadway frontages. Since the county is only allowing a portion of its public ROW to be used for sidewalk access, the remainder must be placed on private property and a pedestrian easement drafted in favor of the City of Oxford, to be executed if and when the city annexes the property. (Engineering)

3. The agreement to provide water and service excludes the use/construction of a car wash of any type without necessary upgrades to the City sewer infrastructure as determined and approved by City Staff and at the owner/developers expense. (Engineering)

D. **Public Hearings**

1. Public Hearing for Case #2784 - MFM Development, LLC has filed a request for a Zoning Map Amendment for property located at 2385 South Lamar Boulevard. (PPINs #8909 & #10381)

Planning Comments: This is a request to redone approximately +/- 4.6 acres from (NR) Neighborhood Residential to (SCO) Suburban Corridor. At the time of the completion of the Comprehensive Plan (2016) and the Comprehensive Rezoning (2017), a church was located on this site and it continues to be used in this capacity but the congregation has reduced in size. While it is used as a church, this facility does also have a daycare, a gymnasium and an area that was previously used as a seminary school.

The applicant seeks the ability to allow commercial uses at this site. Surrounding uses include professional offices (mostly medical), residential to the south (Hooper Hill), and institutional uses. The property abutting to the north was granted a rezoning (Case #2482) in 2019 that is similar to this request.

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

"Before a zoning board reclassified 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 states: "Before property is reclassified, applicant seeking rezoning must prove beyond clear and convincing evidence that there was a mistake in the original zoning, or that the character of the neighborhood has changed to such an extent as to justify rezoning and that the public need existed for rezoning." (City of Biloxi v. Gilbert, 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:

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Mistake: Staff does not find evidence of a mistake on the previous rezoning of Neighborhood Residential, although given the commercial nature of adjoining zoning to the north, east, and west, this property could have just as easily been given a commercial zoning designation. The thought was that some residential development might be desirable on these two church sites given their proximity to medical services.

Change and Need: There is change occurring in the area, especially with the recent modification to the intersection of Azalea / Office Park Drive with South Lamar. The realignment introduced a traffic signal at this intersection and it made the interest toon less complicated. Recently, a traffic signal was also introduced at the Oxford Way and South Lamar intersection. It is Staff's understanding that over the years, the church's congregation has steadily dwindled. The pandemic has created additional challenges for the church, but a facility of this size is no longer needed. And given the ongoing desire for new medical and associated facilities, and the limited vacant commercial zoning available in this area, there does seem to be a need for some additional commercially zoned property.

Recommendation: Staff recommends approval of the rezoning of this property from neighborhood Residential (NR) to (SCO) Suburban Corridor, equivalent to the properties adjoining it to the north and east. The concentration of medical offices and associated uses in this area, those are possibly the uses proposed, but it could also provide an opportunity for other commercial and service uses to support those existing businesses in the area. There is also a possibility that a greater mixed-use development with upper-level residential uses, which might be very desirable senior housing given the proximity to many medical service facilities in this area of Oxford.

Summary of Discussion:

Chairman Rigby asked if the plan for the church to remain on site or to move to another location.
John Granberry stated that the church is no longer operational.
Chairman Rigby stated that this is a transitional property because of zoning between SCO and NR. It is currently NR because of the church and the access to infrastructure. The infrastructure has changed and there is more desire for additional commercial at this location.

Commissioner Milam stated that the legal precedent stated "and there was a public need for rezoning." He asked staff what the need is.
Ben Requet stated that there is additional commercial activity along that corridor. There is medical, senior living, nursing home. There is a lot of new commercial development along this corridor. Staff feels that there is a need.

Motion to approve

Move: David Spragins Second: Joseph Murphy Status: Passed

2. Public Hearing for Case #2785 – Servati Group, LLC has filed requests for A) a Special Exception as provided in Section 5.6.1.3 Building Form: Step Back B) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential C) a Variance from Section 2.6.7 Traditional Neighborhood Business: Structure Height, Maximum and D) a Variance from Section 3.5.5.3 Dwellings – Multifamily: Parking for property located at 100 Depot Street. (PPIN #5780)

Commissioner Milam recused.

Planning Comments: The subject property is located on Depot Street but the property does have frontage along Jackson Avenue, across from the Courtyard Marriott Hotel. The site measures approximately +/- .54 acres and it does have a vacant building (former Better Brands) on it. The property is surrounded by University of Mississippi property, but it is confronted by TNB across Jackson Avenue to the north. The special exception and variances requests of this report relate to a proposed residential building.

This particular site does have several limitations. A portion of the existing building is located on University of Mississippi property, but the developer intends to demolish the building. An existing North East Mississippi Electric Power Association high transmission powerline bisects the middle

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of the property and it includes a 50-foot easement that prohibits any construction. The applicant has worked with NEMEPA to reduce this easement to 40 feet. The Depot Street right of way runs through the eastern portion of the applicant's property. As a result of these constraints, the application indicates that only 5,602 SF of the 24,462 SF parcel are usable area.

It should also be noted that the Land Development Code requires a 50' buffer for a development adjacent to a walking/biking trail. In this instance, the subject property is located adjacent to the Depot Trail making this requirement applicable. At the writing of this report, a variance request has not yet been filed with Staff.

The applicant is proposing to construct a 5-story (58') residential building with 10 residential units. This proposal indicates 6 two-bedroom units and 4 three-bedroom units. While Exhibit C indicates that the ground level will provide commercial/parking, it is Staff's understanding that there will not be any commercial on the ground floor. The applicant is requesting two special exceptions and two variances to facilitate this development.

A) Special Exception for Building Form: Step Back (Section 5.6.1.3)
The Land Development Code stipulates that when a building is taller than 3 stories (40'), then the building shall be recessed 1.2 feet for each additional foot of height (ex. If a building is 50' in height, then the façade shall be recessed 12'). The goal of this requirement is to maintain a human scale in the built environment with regards to building height.

The applicant contends that in this instance the step-back requirement would further limit the development potential. They believe that if they were to step the fourth and fifth floor back per the code requirements, then it would eliminate 30% of the units rendering the project as not financially viable. The architect believes that they have made an effort to achieve the spirit of the ordinance utilizing design features to create shadows and highlights across the surface of the building, and the materials that they have chosen are in keeping with the color adjacent Depot Building. They have also designed a 4-story glass clad window to help break-up the plane of the façade as it projects out from the primary façade by 1.5 feet, with a reveal around the large window that steps back approximately 1.5 feet to provide for depth (shadows/light).

Each unit on the east façade will have a large recessed window, and on the south and west facades balconies will help to break-up the façades. But the application notes that the ground floor level and a large portion of the upper floor are recessed from the plane of the primary façade. Much of the enclosed portions of the ground floor are stepped back 2.3 feet, while the upper floor features an occupied roof deck that is unenclosed except for mechanical screening. The applicant believes that this design meets the spirit of the design standards of the Land Development Code and that this building will serve as a transition building from the Historic Urban Center to the University.

B) Special Exception for First Floor Residential (Section 2.6.7)
This property is zoned Traditional Neighborhood Business, and residential on upper floors is permitted by right. The owner of this site intends to construct a residential building, without any commercial. The ground floor of this development will consist of parking and mechanical elements for the building, and residential units are proposed on the remainder of the site.

Early conversations with the developers and architecture team planned for 1 or possibly two stories of commercial. The initial thought for this site was to take advantage of the Depot Trail and the close proximity of the University by offering restaurant services in this area, but recently those planned uses were removed from the development concept for these requests. The applicant contends that due to the constraints on this site, it makes it difficult for any other uses other than multi-family.

The City has always protected its interest in having commercial interests in commercially zoned property. Vision 2037, as a reaction to the purpose-built student housing industry, sought ways to encourage multi-family units closer to the commercial core instead of the fringe areas of Oxford. The spirit of the ordinance never did contemplate effectively rezoning a commercial property to residential. And furthermore, the spirit of the ordinance is not to encourage elevated buildings without a commercial use on the ground floor to facilitate a multi-family residential development.

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C) Variance for Structure Height Maximum (Section 2.6.7)
Prior to Vision 2037 Land Development Code, developers were taking advantage of "average grade plane" to calculate building height due to Oxford's hilly topography. By using this method of calculation, it resulted in many taller buildings being constructed. This was a concern expressed by many people during the Vision 2037 Planning Process that resulted in a change in regulating building height. The Traditional Neighborhood Business district (and in most districts, regulates building height in both feet and floors. A building may be constructed with 3 stories with a maximum height of 40 feet unless a Special Exception is granted by the Planning Commission for a 4th story with a maximum height of 50 feet.

The applicant argues that due to the previously mentioned constraints to this site, that this development will not be financially viable without the ability to construct a 5-story building (approximately 60 feet) to allow for sufficient density. Citing several buildings in this area, the applicant believes that if this variance were to be granted that it will not stand out, and because of the context of the site, they believe it will provide a terminal vista to Jackson Avenue when viewing this site from the Square.

D) Variance for Multi-Family Parking (Section 3.5.5.3)
This development proposes 6 two-bedroom units and 4 three-bedroom units. Based on the multi-family parking requirements, the development is required to provide 26 parking spaces. The applicant contends that due to the previously mentioned site constraints, and the design as proposed, 14 parking spaces are able to be provided on the site. In addition to the on-site parking spaces provided, the proposal indicates adding 12 parking spaces that are perpendicular to Depot Street (east side of Depot Street). Depot Street can be quite challenging in this particular area and it becomes even more challenging when it intersects with Jackson Avenue. It has not been determined whether or not these parking spaces will be allowed because that is something to be determined during the Site Plan Review process.

The variance application states that the developers have entered into a shared parking agreement with the University of Mississippi. As a supplemental document to this variance application, a "Draft Shared Parking Agreement" is provided but it is not executed. Staff is aware of on-going conversations with university officials regarding this agreement but we are unaware if it has been executed as of the writing of this report. It is not uncommon for a shared parking agreement to be provided for a development, and Staff is typically supportive of them. This instance is unique, however, because the Ford Center parking lot is typically utilized as a commuter parking lot for students attending classes, and as a permit-only parking lot for Ole Miss sporting events.
The draft agreement authorizes parking only on weekday nights from 5:00 pm to 12:00 am and on weekends (Friday 5:00 pm until Monday 7:00 am). It seems that this draft was created when the development was contemplating commercial activities with the agreement providing adequate parking during peak hours for a restaurant. It does also note that the University reserves its right to exclusive use the parking spaces for athletic and other events.

Conclusion:
It is without question that the development of this site will have to work with many constraints. The existing metal building that served as a warehouse for many years is in dire need of rehabilitation or razing to facilitate a new development. But the special exception and variance requests before the Commission are to facilitate the financial viability of this project, which has many conflicts with the Land Development Code regulations that were established to address the community's response to other developments that occurred in Oxford.

While the aesthetics of this design are very nice, there are many fundamental issues with this proposal. The lack of any commercial space in this building is problematic to Staff. Until recently, conversations with Staff on this project have centered on this being a mixed-use development with restaurants on the ground and first floor; but that changed recently. As a result of this change, it appears that the proposal is no longer compliant with the residential density requirements of the code, thus, requiring another variance. The TNB district regulates residential density by bedrooms per acre. The total area for this property is approximately .56 acres allowing a total of 21 bedrooms per acre but this proposal indicates 24 bedrooms.

Regardless of the use, parking is always going to be a challenge with site due to the limitations on

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it. Staff is typically supportive of shared parking especially when the uses are aligned where one use doesn't need the parking while the other use needs it, an office complex and a hotel for example. The draft agreement that is provided with this submission is merely that, a draft. It also seemed to be tailored more for a commercial use that would benefit from students not parking in the Ford Center parking lot at night because a most classes are during the daytime. Demand for residential parking is quite different than that of commercial. Because of this site's proximity to campus, it is very likely that students will live at this location. Often, students living at a residence will have multiple visitors at any given time creating parking challenges for other residents. The City regularly receives complaints related to parking, and in the absence of a shared parking agreement that allows for residents and guests of this facility to park at all times, Staff finds it problematic.

As previously mentioned, the requirements for regulating building height are based in feet and in the quantity of floors after several buildings previously utilized "average grade plane" for calculating height.
If the developers are able to secure a shared parking agreement from the university for residential purposes, and since the proposal seems to exceed the density requirements, then the podium parking under the building seems to be wasted space and would allow for the building to be reduced to four stories (allowable by Special Exception). And the step back provision could possibly be achieved. But the lack of a commercial use on the first floor is still problematic.

Finally, the architect notes that they have tried to develop a design for a building that provides for a human scale. When the nearby Uncommon Oxford building (Jackson Row) was constructed, concerns by many in the community were expressed because of how tall the building is and its relationship or close proximity to the street. In working with the consultants for Vision 2037, this provision for a step back was introduced to help encourage building height for mid-rise buildings while also respecting heights of neighboring historic buildings. The design elements that have been incorporated to create depths on the façade are already requirements of the Land Development Code. The submittal shows reflects much of these elements towards the Depot Street portion of the building but the submittal does not provide any plans for the north façade towards Jackson Avenue. It should also be noted that Jackson Avenue at the pedestrian bridge is considerably lower in elevation that the subject property. While the building is approximately 50' wide along Jackson Avenue, it will loom over this portion of the street.

Staff commends the developer and the team of architects for their efforts on this proposal. It is a difficult site due to the constraints but the development concept also seems to be creating constraints by trying to program more than the site can handle.

Recommendation: Staff recommends denial of all of the requests for this proposal for the reasons stated above.

Summary of Discussion:

Sumner Abraham stated that he and Taylor Webb are the Servati Group. They have met with Planning Staff several times about how to make the best space possible. Full intention to have a restaurant type tenant for the first floor. They have not been able to find a tenant. This is a tricky space and they have tried to be thoughtful and provide contextualization with the surrounding area. Want the building to be environmentally sustainable and a trendsetter for design. They have hired Duvall Decker as the design team.

Roy Decker stated that there is a conflict between what the owners want to do, the limitations of the site and the constraints of the LDC. The building is located at the seam between the university and the city. It it the visual terminus coming down from the Square along Jackson. It is surrounded by university property and by buildings that are different from the Square and other parts of the community. They consider the building to be an urban design intervention. The thing at the end of the Jackson Ave terminus. About character and quality, not just finance. Looking to make a connection between the university and the Square. They a re trying to follow the spirit of the development code as to character, quality, pedestrian and human scale. It is mostly a four story building except for one unit which is the landmark tower. The roof is a habitable roof with a shade structure over it. The setback requirement is very good for the Square context. What is the context for this building. The Uncommon building is oppressive and too close to the street. It is 55 feet tall

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and only 15 feet off the curb. The Marriott is 19 feet off the curb. This building is 26 feet off the curb. Fire is a challenge. Would have to provide a stair to get up the slope on the north side. This building is only 43 feet on the north face. trying to make a thin building despite the height. They are trying to not be oppressive, but be something of a landmark, and be in context with the other buildings around it. They are looking to make the space between Jackson and Depot more green. They would be adding sidewalks along Depot. They are trying to make a buffer and more of a park like setting between Jackson and the University. They have tried to get commercial space on the ground floor, but it is not a good site for mercantile business. Instead of lowering the building, they tried to get as close to the parking requirement as possible. Parking is provided, though some are offsite. Building is articulate and has lots of faces. There are big windows so you can see people and curtains the lights on and off. Four story with a fifth story roof and one unit. They have been working closely with Ian Banner and the Chancellor's office on this project.

Chairman Rigby asked if there was any new information. The staff report stated that there were some items that were still in process.
Taylor Webb stated that the parking agreement is not final. Depending on the outcome of the Commission's decision, tweaks can be made.
Sumner Abraham stated that after meeting with the Fire Marshall, no outdoor seating will be allowed per the fire code. This further limits their ability to market the space to restaurants.

Chairman Rigby asked if there were any conceptual views from trail or east on Jackson Avenue.
Taylor Webb stated that they had those views, just not in the prepared materials.

Commissioner Riddell asked for clarification as Mr. Decker stated that certain spaces on University property would be exclusively used for this building, but the provided draft agreement stated that they would not be used for this building on football weekends, on Ford Center events, or for other events.
Taylor Webb stated that the six spots that are on site would not be subject to that agreement, but the six that are on university property would be subject to that agreement.

Commissioner Riddell asked staff that there are two variances and two Special Exceptions currently. Would there also need to be a variance to be closer to the trail, and a variance for density. Four variances and two Special Exceptions to make this work that we know of.
Ben Request stated that this was correct.

Commissioner Johnson asked why the site is not financially viable without the fifth floor.
Taylor Webb stated that the fifth floor is more of an aesthetic consideration than a financial consideration. The view from Jackson and 9th without a fifth floor would be down at the top of the fourth floor and the mechanical units. The inclusion of a fifth floor make this the best possible building.

Commissioner Riddell stated that it is absolutely a fifth floor. Four Variances and two Special Exceptions on site is a lot. It suggests that this is not the right thing for this site. Just because you like it better that way does not mean that it fits the City codes.
Sumner Abraham stated that they would be amenable to removing the residential from the fifth floor. Because of the constraints of the space, there will have to be a good number of requests regardless. There's no way of getting around the shared parking agreement.

Commissioner Spragins stated that it seemed like the shared parking agreement wouldn't work with all residential. Residents need a place to park at night and on weekends.
Taylor Webb stated that they see the shared parking as extra. They accomplish all their parking requirements on site. There will be one guaranteed space per unit. That is no different from how residential parking is on the Square.
Sumner Abraham stated that if it is just nine units that might ease the parking burden is on site.

Chairman Rigby stated that parking will be dealt with at site plan. There are competing interests at Site Plan. It is a beautiful building, and is well presented. It is a 55 foot building and at the bridge it is another 20 feet to down to Jackson. It is effectively a 75 foot building on that side. It is going to dwarf the Depot. It is going to dwarf the Marriot. It does not seem to fit in this spot, especially given the variance requirements.

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Ben Requet noted the receipt of a letter from Dorothy Lorenzo expressing concern about the historic Depot build next door.

Chairman Rigby asked about the power lines on two sides of the building. The building is hemmed in on three sides and the fourth is the walking trail. Did the Fire Marshall address the power lines.
Taylor Webb stated that the plan is to bury the Jackson side lines.

Roy Decker asked the Commission if the fifth floor was eliminated that would solve two of the variances.
Chairman Rigby stated that would convert a variance to Special Exception. Would still like to see ground floor commercial.
Sumner Abraham stated that they could check a box and put two offices there. The lack of parking turned potential commercial tenants off the site. There doesn't seem to be a viable commercial use to go in that space.
Taylor Webb stated that potential partners were balking at space even before the Fire Marshall ruled out outdoor dining. Shared parking is the only way to get enough parking for a commercial tenant. The University can kick them out at any time and will never give up the ability to do so. Commercial tenants can't operate with that kind of uncertainty.
Roy Decker stated that there is one space secured for each tenant plus four additional space on site, six spaces across the street for visitors and then the additional six which is subject to the University.

Commissioner Riddell stated that height and density are very important at that location.

Commissioner Murphy asked more parking could not be located under the building.
Taylor Webb stated that the core of the building cannot be reduced any further. This is the most parking that can be fit in the footprint.
Commissioner Alexander asked why a unit couldn't be removed on the ground floor to make more space.
Sumner Abraham stated that there is not a unit on the ground floor, that area is just where you access the elevator and storage.
Roy Decker stated that the rooms on the north are mechanical and garbage.

Request for Special Exception for building stepback: Motion to deny - Commissioner Spragins, 2nd - Commissioner Johnson, All in Favor
Request for Special Exception for use of first floor residential: Motion to deny - Commissioner Spragins, 2nd - Commissioner Johnson, Voting in favor Commissioners Spragins, Alexander, Murphy, Johnson. Voting against, Commissioners Rigby, and Riddell
Request for Variance from structure height maximum: Motion to deny - Commissioner Johnson, 2nd - Commissioner Spragins, All in favor
Request for Variance from Multifamily Parking: Motion to deny - Commissioner Murphy, 2nd - Commissioner Alexander, All in favor

3. Public Hearing for Case #2786 – MFM Development, LLC has filed a request for Final Plat Approval for 'Colonnade Crossing – Phase 1' for property located at Hwy 30 and Barrington Drive. (PPINs #4562, #4544, #4515, #4643, #4642, 4510, & #15140)

Planning Comments: The subject property is located on the north side of Highway 30, west of Highway 7, and is referred to as the Colonnade Crossing Subdivision. The development measures approximately +/- 88 acres. The zoning for the property is split with the front 1/3 of the property being zoned (TNB) Traditional Neighborhood Business, and the remaining 2/3 is zoned (SCO) Suburban Corridor. The applicant is requesting final plat approval for Colonnade Crossing Subdivision, Phase 1, a 10-lot commercial subdivision north of Highway 30 and west of the Oxford School District Administration Complex.
The applicant received preliminary plat approval for all phases of the Colonnade Crossing Subdivision in June 2020 (Case #2630). The applicant originally requested final plat approval for Phase 1 in June 2020, but the final plat was withdrawn prior to the Mayor and Board of Aldermen meeting. Since June 2020, the phasing configuration has changed, but the construction documents regarding infrastructure submitted for the entire Colonnade Crossing development remain the

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same. A land swap occurred between Francis Perkins Trust (two small parcels with frontage along Molly Barr Road in the far southeast corner of the property) and the applicant to increase the useability of both properties.
Phase 1 originally consisted of 3 lots. Phase 1 now consists of 10 lots that cover a total of 15.87 acres. These commercial lots are the "front lots", furthest south on the property and closest to Highway 30. They are zoned (TNB) Traditional Neighborhood Business. Lot 1 of Phase 1 is the only lot that has currently received site plan approval. The applicant received approval for a convenience store and service station in January 2021 (Case #2695). Subsequent developments for each lot within the phases will require site plan approvals and additional phases will also require final plat approvals.
The applicant provided a tree survey using a sample inventory after consultation with Staff in June 2020. Significant grading work has taken place since the preliminary plat approval. Tree mitigation will not be necessary for the grading work performed according to the tree survey and mitigation calculations submitted in June 2020. The trees on several large areas on the north side of the property will not be removed during the initial grading work for the preliminary plat. In the future, development proposals will be required to mitigate any trees removed from those areas according to the tree mitigation requirements of the Land Development Code. The proposed final plat meets the requirements of all other departments of the Site Plan Review Committee.
Engineering Comments:
Water and Sewer - Water and sewer were previously approved as part of the preliminary plat, Case #2630. The following is from that case.
Water will be provided by two proposed connections on Molly Barr. The City will own and maintain the water mains within the streets and up to the water meter connections. Stubouts for future development is provided throughout. The City has requested an analysis from our consultant for water modeling to be sure that these connections do not create issues within our pressure boosted zone that serves the area. If it is determined that the connections cannot be made as shown, an alternate plan will be required.
Sewer will be provided through a combination of gravity and forced sewer with two lift stations located in the development. The lift stations will be constructed to City of Oxford standards with the intent of being dedicated to the City at such time as the flow through the lift stations meets the threshold for City ownership and maintenance. Staff has also requested that the gravity sewer line be extended beyond the anticipated need for the remainder of the Colonnade Crossing property to provide a connection to Hurricane Lane (CR 178). Staff will be requesting funds be allocated by the Board of Alderman from Oxford Utilities' Water and Sewer fund to provide for this connection at the time the roadway is constructed to allow for future gravity flow sewer on Hurricane Lane.
Since the approval of the preliminary plat, our water consultant has stated that a complete analysis for all requested water connection locations cannot be made until the uses and water usage are known, or at least estimated with some degree of assurance. The design engineer has stated that both are unknown at this time. Additional/alternate water connection locations beyond those shown in the related construction plans may be required in the future and will be the owner/developer's responsibility to provide.
Traffic/Access - Traffic and access to the subdivision were discussed as part of the preliminary plat, Case #2630, and contingent on MDOT approval. Since that time, the Mississippi Department of Transportation (MDOT) has stated that construction of all improvements will be required in order to access the site at the former Oxford Elementary School drive. The owner/developer and engineer have been in communication with MDOT regarding the required improvements. A conceptual plan for roundabouts at the entrances to Colonnade Crossing have been presented to MDOT and the City and remain under review. The City submitted the plans to a third-party engineering firm with an expertise in roundabout construction to ensure that there was adequate right-of-way dedicated and that the plans meet the standards for roundabout construction. The plat submitted with this case reflects the required right-of-way dedications to construct the future roundabouts. There will be no direct access to Highway 30. All access will be from approved City streets within the development.
The traffic impact study dated December 2020 provides a clear statement that no improvements are required (from a traffic engineering stand point) to construct a lone gas station. The additional site plans associated with lots outside of Lot 1 will be evaluated both individually and as part of the whole. The traffic impact study will have to be updated as the development progresses.
Two performance bonds have been provided for the infrastructure within Phase 1 but not for the conceptual roundabouts or improvements to Highway 30. Staff is reviewing the bonds submitted to determine if they are acceptable. The owner and his consultant have approached the City

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regarding the use of a TIF (Tax Increment Financing) to construct the roundabouts and associated infrastructure as was done for Oxford Commons, the Lamar and is under review at Oxford Farms. This request has not been presented to the Board of Alderman for consideration at this time but may be presented in the coming months/year. The creation of a TIF is outside of the purview of Development Services and is not considered as part of the review. The infrastructure required for the safe use of the roadways by all users will be required to be constructed at the appropriate time in consideration of the recommendations of the Traffic Impact Study.
The plat notes that the street accessing the site in the area of the former Oxford Elementary School be named Barrington Drive. However, at the suggestion of Alderman Kesha Howell-Atkinson, this street will be named James Kimmons Drive in honor of the late Mr. James Kimmons. Mr. Kimmons faithfully served as School Crossing Guard in this intersection for many years ensuring that the students at Oxford Elementary School made it to and from school safely each day.
Sidewalks - All streets to be dedicated to the City will have sidewalks along the frontage with lots. Additionally, there will be a sidewalk along the subdivision's frontage with Molly Barr Road (Highway 30).
Stormwater Management - The development proposes to manage stormwater through a large detention pond in the northeast corner. The stormwater management facilities of this subdivision shall be owned and maintained by the owner's association and/or by the property owner(s) of the lots. In the event, any lot becomes subdivided into additional lots or individual site plans said site plans conforming to the City's Land Development Code, each property owner shall own their pro-rata share, by area percentage of their lot, of the regional detention system.
Due to its size and proximity to Highway 7, this pond will require review and approval by the Mississippi Department of Environmental Quality (MDEQ). MDEQ may determine that some changes are necessary to the outlet control structure or levy for approval to be granted. If MDEQ classifies the pond as a high hazard dam, additional reporting and documentation will be required including an Incident Action Plan. Since the preliminary plat approval, the design of the pond has been submitted to MDEQ for review and approval. An Environmental Action Plan has also been created and submitted. In the event that the pond is not approved as designed, the size would be reduced in order to accommodate the needs of Phase 1 and alternate stormwater management plans would be required for the remainder of the site.
Staff has approved the technical design of the stormwater management plan but since this is, a large site with phasing and the pond will serve as a sediment basin throughout all phases, final approval and certification of the stormwater management will not occur until the final phase.

Recommendation: Staff recommends approval of the Final Plat for 'Colonnade Crossing Subdivision – Phase 1' with the following conditions:
1. Approval of the Final Plat for Phase 1 of the Colonnade Crossing Subdivision by the Mayor and Board of Aldermen. (Planning)
2. Prior to the issuance of a Certificate of Occupancy, a stamped recorded copy of the covenants shall be provided to the Planning Department. (Planning)
3. Approval is contingent on approval from the Mississippi Department of Environmental Quality (MDEQ) for the stormwater management dam or an approved alternate stormwater management design in the event MDEQ fails to approve the plan submitted. (Engineering)
4. Approval is contingent on approval from the Mississippi Department of Transportation (MDOT) for access to Highway 30 for the use proposed and upon completion of all improvements required by the MDOT. (Engineering)
5. Water service cannot be guaranteed in the locations shown in the construction plans due to the City's pressure boosted system and the owner/developer's inability to provide estimates of water usage needs. It will be the owner/developer's responsibility to provide an acceptable connection location for water service as determined by the City of Oxford in consideration of our water model results, which cannot be generated until the owner/developer provides adequate information. (Engineering)
6. Prior to the request for Final Plat being heard by the Board of Alderman, revisions to the street names will be made to reflect the change of Barrington Drive to James Kimmons Drive. (Engineering)
7. Prior to the request for Final Plat being heard by the Board of Alderman, bonds in an amount to be approved by Engineering Staff must be received. (Engineering)

Summary of Discussion:

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Commissioner Milam asked if traffic was evaluated at the preliminary plat approval, this approval or at the site plan stage.
Reanna Mayoral stated that the site plan will address traffic. Staff asked for a traffic study to get a big picture view upfront. As individual site plans come through, staff reevaluates traffic impacts.
Commissioner Milam expressed concerns about having the highway exit, a roundabout, a stop light and then another roundabout in a short distance.
Reanna Mayoral stated her hope that people see that roundabouts are more efficient than street lights. There is some back up at roundabout at peak periods, but generally roundabouts are more efficient than a stoplight and are lower maintenance long term.
Commissioner Milam stated that nowhere else in the city do we have two roundabouts with a stoplight in the middle. How will that work when there is heavy traffic.
Chairman Rigby asked if the stoplight will backup traffic into the roundabouts. Can staff explain what the traffic impact will look like at site plan.
Reanna Mayoral stated that when staff evaluates individual site plans they look at specific traffic impacts. When Oxford Commons was built out, there was a big picture plan but each individual site was evaluated against measures, so as traffic was building, demand was being met.
Chairman Rigby asked how far out physically do traffic studies look. For this site would it look all the way to North Lamar.
Reanna Mayoral stated that this study would look all the way to the east side of Highway 7. Staff is not concerned with traffic backing up from the North Lamar light to the roundabout.

Motion to approve subject to staff conditions.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

4. Public Hearing for Case #2787– Updraft Investments, LLC has filed a request for Final Plat Approval (Amended) for 'The Lamar – Phase 2, Lot 8' for property located at the Lamar TND. (PPIN #5067)

Planning Comments: The subdivision property is within a single-family residential phase of The Lamar, a multi-phased Traditional Neighborhood Development that is located west of N. Lamar Boulevard, east of Chickasaw Road, and south of Molly Barr Road.

The Lamar, Ph. 2 received preliminary plat approval in October 2017 (Case #2234) and final plat approval in April 2018 (Case #2292). The Lamar Phase 2 Lot 1 was amended in September 2020 (Case #2657).

Lot 8 was initially platted with the intent of having "townhouse" style condominiums. The applicant is returning with a concept for fourteen (14) "small houses," detached residential on fee simple lots. Each of the lots will load from the two private alleys to the north and south of the lots. These alleys will require naming for the purposes of addressing and E-911 purposes. The applicant has indicated that they will be constructing garages for each of these units that will provide two parking spaces in the garage.

This site has already been mass graded and this phase did not require tree mitigation. The Land Development Code has been amended since Phase 2 was initially platted and future phases of TND developments now require tree mitigation as needed. The landscape plan remains the same from previous iterations of Phase 2 for frontage trees. These frontage trees will be required to be on private property and not within the City right-of-way.

Engineering Comments:
Water, Sewer and Other Utilities
The project will tie to water and sewer lines approved previously as part of Case #2292 the Lamar – Phase 2 final plat and Case #2318 for the townhomes. Because there is no ROW in front of houses, the City will require an easement for water lines and meters. The City does not agree to share the easement and dedicated space between the water main and the meters with longitudinal runs of utilities. The City will agree to allow other utilities to cross perpendicular to the water main to provide service but will not agree to allow other utilities to

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run parallel with the main due to the difficulty in maintaining the service connections to each home and the likelihood of damage to the main or services. It is unclear how much space exists within the easement and the back of the water meter but a minimum of 3' will be required. The easement may need to be modified accordingly.

The easement will have to note that the City is not responsible for replacing the concrete pavement in the private alley in the event of a repair, maintenance or new water connection. The City will repair the alley in the same method and manner as City streets (crushed stone and asphalt).

Staff requests additional details on how all utilities will be installed relative to the water line. Staff is concerned that there is not adequate space available for all utilities necessary to serve the proposed subdivision. A construction detail showing the proposed location of all utilities within the space is included and it will be the developer's responsibility to ensure that utilities comply.

Staff is also concerned that porches, fences, or other encroachments may be built outside of the setback and within the easement area, making it difficult to maintain utilities. These should be clearly restricted for all utilities, but must not be permitted in areas of the water meters.

All sewer lines are privately owned and maintained within the Lot 8 Amended subdivision. An easement to the HOA or other responsible party for the sewer line must be provided on the plat. Staff is not sure that the proposed sewer line to serve individual houses is compliant with the building code, which staff believes requires each building to have an individual connection. In this instance, 16 homes are connected to a private line that is located in the back yard of the homes. This proposal should be discussed with the Building Official to ensure compliance with the Building Code prior to pursuing the final plat with the Board. The City will not maintain the sewer main due to its location so near the homes and in the backyards.

Traffic/Access
All of the lots will be accessed from Birdie Terrace and Jennie Avenue from two (2) shared, private drives (alleys). It is not clear how the maintenance responsibility of the drives (alleys) will be shared. Access easements must be provided as the drive is a part of each of the individual lots. There will be no access directly onto Birdie Terrace or Jennie Avenue and this should be noted on the plat. As stated in previous case reports regarding the Lamar Phase 2, parking is of particular interest given the narrower street types and smaller lot sizes. Any on-street parking on Birdie Terrace or Jennie Avenue will have to be planned with careful consideration for driveways, fire hydrants, crosswalks, and intersections to determine how many spaces are available for on-street parking. The parking shown on Birdie on the construction plans submitted with this lot amendment should not be considered final in any way. A plan showing the fire hydrants and the mail kiosk and required parking must be provided for approval. Consideration will be necessary to ensure that the USPS mail carrier has room to park while delivering mail to the kiosk(s) without blocking the street or drives. Yellow curb and no-parking signage will need to be installed before the City accepts the streets in areas not designated for on-street parking. Based on previous experience with on-street parking in residential neighborhoods, it is highly encouraged that the curbs be painted and signs installed before the sale of homes.

Sidewalks
There are existing sidewalks along Birdie Terrace and Jennie Avenue frontage. There will be no sidewalks along the frontage with the private drives (allies).

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Stormwater Management
Stormwater management for the site will be accomplished using the stormwater management facilities originally approved as part of Case #2763 The Lamar Phase 4 preliminary plat.

Recommendation: Staff recommends approval of the amended final plat for 'The Lamar, Ph. 2 Lot 1' with the following conditions:

1. General Conditions:
a. Approval by the Mayor and Board of Aldermen.
b. Approval is for the plat as submitted, with any required modifications.

2. Frontage trees are required to be installed within private property and not within the City right-of-way. (Planning)

3. The two private alleys must be named on the plat. (Planning)
4. Prior to the Board hearing the case for the Final Plat, additional details regarding the easement for the water main and meters must be provided and approved. (Engineering)

5. An easement must be shown on the plat and provided to the City that clearly states that other utilities are not permitted to run parallel with the water main in the easement area and that provides the required area for maintenance of the main and the meter. (Engineering)

6. The plat must indicate maintenance responsibility for the private drives (alleys). (Engineering)

7. No certificate of occupancy shall be issued for the Lamar Phase 2 Lot 8 until the stormwater management facilities, approved as part of Case #2763 The Lamar Phase 4 preliminary plat, are constructed and operational. (Engineering)

8. Additional plans must be provided for staff review and approval regarding the placement of on-street parking. (Engineering)

9. The owner/developer must install yellow curb and no-parking signage in all areas not designated as on-street parking prior to the City taking acceptance of the street. (Engineering)

10. An easement to the HOA or other responsible party must be granted for maintenance of the private sewer line that serves each lot and shown on the plat. (Engineering)

11. Approval is contingent on the sewer plans being compliant with the adopted building code. (Engineering)

Summary of Discussion:

Commissioner Alexander asked what the difference in occupancy is between this proposal and the original proposal.
Shane Cardwell stated that phase 2 was set up to have 15 attached townhomes. This proposal is for slightly smaller 2 bedroom units in all 14 units. Going down in number.

Commissioner Riddell asked if there is there still parking on each site?
Shane Cardwell stated that they will provide 2 spaces for each lot.
Commissioner Riddell stated that originally there was a shared courtyard between the two

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rows.
Shane Cardwell stated that the space would still exist, it just would not be part of a common area. The rear of the houses would be towards the alleys and the fronts of the houses would face each other.

Commissioner Alexander asked about concerns that he Water Department would have bout accessing utilities in the front.
Shane Cardwell stated that Engineering staff had concerns about the sewer in the front as it runs between the houses. The water runs along the alleys. Sewer will be a private line.
Commissioner Alexander asked if the water would be along the north and south alleys.
Shane Cardwell stated that was correct and added that the sewer is already in place.

Commissioner Riddell asked about the 4 ft setback on each side.
Ben Requet stated that the TNB establishes their own setbacks.

Motion to approve subject to staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

5. Public Hearing for Case #2788 – Lloyd Robert Wade has filed a request for a Special Exception as provided in Section 3.8.6.2 Recreational Uses, Commercial – Indoor and Outdoor: Districts Allowed for property located at Ed Perry Blvd. (PPINs #4706 & #4707)

Planning Comments: This is a request for a Special Exception to allow a recreational use for a property located in Oxford Commons. This property measures approximately +/- 34.5 acres and it is located to the east of Ed Perry Boulevard. The property is located in the Oxford Commons Planned Unit Development with an underlying zoning of Suburban Corridor and Suburban Center.

This project proposes several multi-use outdoor sports fields to accommodate baseball, softball, soccer, and other outdoor sporting activities. An approximate 106,000 SF multi-purpose indoor sports facility is also proposed that will provide indoor basketball and volleyball courts. Another building is planned measuring approximately 25,000 SF is planned as a future phase. A variety of other supportive uses are indicated in the plan that include batting cages, maintenance buildings, and seating areas.

The additional standards for indoor recreational facilities require that they are soundproofed to ensure that sound is not audible outside of the walls of the building. Because this particular site is in close proximity to residential areas, recreational uses that create noise and use night lights shall close by 10 pm. If this request is approved, the other elements of the proposal such as parking, landscaping, building materials, stormwater management, etc. will be evaluated with the site plan review.

This is certainly a unique request, especially for this particular location. It is Staff's understanding that this facility will differ from the facilities founds at mTrade park because it will target elite athletes from around the nation to compete at programmed showcases throughout the year. The consulting company working with the development group has experience with these facilities and the athletes that play at them. They believe that this facility will generate a substantial economic impact in Oxford.

Of concern with this application is the proximity of these fields to nearby residential and the impacts that will be caused by lighting and sound. As previously mentioned, this facility will be required to close by 10 p.m. The application did provide a preliminary lighting analysis conducted by Musco Lighting. This report may be found in the packet and does indicate that there will be spillover lighting onto the adjacent residential properties. Most developments are not allowed to have any light spillover onto adjacent properties; however, stadiums and ballfields are exempted from these requirements due to the style of lighting that is required to facilitate them. It should be

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noted that there is a requirement for a 50' undisturbed buffer to be maintained between this use and the residential neighborhood. There are existing pines that are tall enough that they should help screen some of the lighting.

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

1. Since this use plans to utilize outdoor lighting, all outdoor uses at this facility shall close and all lighting shall be off by 10 p.m.

2. The indoor facility shall be constructed with soundproofing materials so that sound does not leave the building.

3. The approval is for the concept as presented but is subject to site plan review and approval.

Summary of Discussion:

Ben Requet noted that Staff had received phone calls from residents about this request. No comments had been received in writing.

Paul Koshenina stated that this area has always been contemplated as about 500,000 square feet of big box retail. This proposal is a softer impact than what was previously contemplated.
Chip Wade stated that the vision is to supplement the activities at M-Trade Park. 13 year olds have to go somewhere else. Kids are leaving the city to go play elsewhere. Concept to put a training facility with multi-sport fields, base ball fields that can convert to other sports, and a building with 6-8 basketball courts that can convert to volleyball. Bring in the elite level and high school tournaments that kids are currently leaving town for. Economic Impact Study shows $33 million to the city.

Chairman Rigby stated that this is not a use we see every day. This Special Exception is just for the use. A site plan will have to be approved in the future. The biggest concerns are noise and lighting.
Casey Rogers stated that their lighting vendor did the light study in the plans. Light pollution has been improved over the years for stadium lighting. The light study does not take into consideration the 70 foot tall trees between the playing fields and the residential development. There is a 50 foot buffer that must be maintained. The playing field is lower that surrounding residences. There is good opportunity to block out a lot of that light and control the light in a way that was not previously possible.

Commissioner Milam asked if the 50-foot buffer on this property must be maintained in perpetuity.
Ben Requet stated that was correct. Any time commercial adjoins residential, there is a requirement for an undisturbed 50-foot buffer that requires additional plantings. Grading close to the property line would not be able to take place.

Ben Requet asked the applicant about the 10 pm cutoff for the lights. What would happen in the instance of rain delay games. What accommodations are there to ensure the cutoff.
Chip Wade stated that would be taken into consideration when programming the tournaments. Their partner Three Step Sports manages 92 facilities around the country. For the older kids there are not as many crazy parents screaming, so the noise level is less than M-Trade. Athletes are training at a developmental level and being scouted, so less noise. Basketball and volleyball are underserved in the area and are indoor, so the noise is mitigated.
Casey Rogers stated that these are smart lights that can be controlled from a phone and can be turned off from anywhere.

Chairman Rigby asked for a reference point for what 500, 1,000, or 5,000 candela means.
Casey Rogers stated that the lighting company tries not to have more than 7,500 spillover onto adjacent properties, and they feel that they have achieved that.
Chip Wade stated that these light are not like the ones that he grew up with, they are directional lights like can lights in a house. There are specific lights for the outfield and the infield.
Casey Rogers stated that they are working on the high school fields currently, and that they can

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really focus lights with very little spillover.

Commissioner Riddell asked about other sounds besides crowd noise like walkout music and announcers.
Chip Wade stated that if there was walkout music it would be on portable speakers, not on a PA system. They don't have announcers either. There have been discussions for a PA system for announcements like lightning.

Jennifer Samuels lives on CR 2015 and would back up to this ball field. Three major concerns. First is drainage. When Allen Cove was extended, sediment washed into the lake and this has still not been fully resolved. hard to clean out once it drains into the lake. There needs to be a good drainage plan. Second is light pollution. The Hwy 30 billboard light is a piercing light into the house at night. The trees are not really a buffer. Even when all the leaves are on in the summer, the light still travels through. Who controls when the lights go off is a concern. Noise is another concern. They can hear the OHS band from their house. Any noise from this development will travel down to them. She asked where will the cars park when they run out of space. Will Ed Perry be able to handle the traffic.

Chairman Rigby asked if the drainage issue was during construction or after.
Jennifer Samuels stated that when Allen Cove was extended, all the mud from construction came downhill. The grass and seed could not hold the mud when a heavy rain comes. Silt fences get washed over. The mud has piled up in the lake. They can not undo that.
*There was discussion about exactly where Jennifer Samuels lives and was eventually found on a map.
Chairman Rigby stated he believed that the drainage was towards the ball fields, away from the Samuels property. There should not drainage issues, but that will be addressed.
Jennifer Samuels stated her concern about drainage from multiple previous projects and wanted to get out in front of this one.
Paul Koshenina stated that grading will be going away from the Samuels property. They are going to be more proactive to make sure there is not excess runoff towards their property. There is significantly more buffer between the area to be disturbed and the property line than there was at Allen Cove.
Chairman Rigby asked about the grading plan showing parking lots over detention ponds.
Paul Koshenina stated that those ponds are temporary. The detention for this site will be to the far south. There will be a large regional detention pond that captures this entire site, the out parcels and Tractor Supply.

Chairman Rigby asked staff to address the traffic concerns.
Reanna Mayoral stated that the traffic will be addresses at site plan. After an initial look, there is going to be less traffic with this plan than the box stores that could locate there. A recreational facility would generate about 100 trips per hour, whereas Walmart would generate 600 trips per hour. There will be peak traffic. This development was considered for full commercial build out. The infrastructure was built to handle a higher traffic volume than what is proposed.
Paul Koshenina stated that they do not a fully developed traffic study yet. It should be significantly less traffic than what was previously considered. There may be surges, but they isolated than what a large commercial project would generate. This site was contemplated for 500,000 square feet of large retail uses. They are comfortable with the number of parking spaces proposed in the plans. It should be sufficient for what is proposed.
Ben Requet stated that as the site plan is reviewed, staff will have a better idea about seating capacity and other metrics that let staff know how to calculate needed parking. Plans for overflow parking will be considered.

Sharron Andrews and her husband Hans Sinha are neighbors of the Samuels. Own most of the the lake and the house north of the lake. Everything Jennifer Samuels stated was correct. She is concerned that there are several properties in Oxford Commons that will be more adversely impacted than hers. The little posting of notice sign does not give the size of the noise and light trespass that will occur. This project is seeking a Special Exception under 3.8.6.3 Commercial Recreational Uses. There is also 3.7.4.5 Recreational Club or Facility provision. In that provision uses are required to be 1000 feet away from residential uses. Their house is about 500 feet. The commercial use is an either or provision. Either 3000 feet away or turn out the lights at 10 pm.

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There is no minimum requirement other than the 50 foot buffer. Almost all other recreational uses in town are quite far from residences. The Staff recommendation only requires that the lights be out at 10 PM. The sound ordinance and the lighting code provide exceptions for recreational facilities. That makes sense for other recreational uses because they are so far from residences. If this Special Exception is granted, they are going to come back to say that they are exempted from the light and sound standards. There is quite a bit of traffic involved with sporting events. There have been a number of fatal accidents near where their road intersects Hwy 30. Concerned with teenagers going back and forth from this park. She asked the Commission to consider if this an appropriate place for this facility given its proximity to the residential areas. If the Special Exception is granted she asked for conditions for the use to be 1000 ft from residences, the lights be out at 10 PM, the indoor and outdoor facilities meet standards of Section 5.4 and the City sound ordinance, and no amplified sound, where necessary shields should be installed on lighting fixtures to avoid light trespass on to nearby properties, and that at least a 100 foot buffer area be required which should include sound blocking measures.

Chairman Rigby asked staff to address the use of standards from Section 3.8 as opposed to Section 3.7.
Ben Requet stated that any indoor recreational uses must be soundproofed so that noise is not audible beyond the walls of that use. Outdoor recreational uses that create noise and lighting must close by 10 PM or be located at least 3000 feet from fully residential areas.
Chairman Rigby asked staff to speak to the distinction between a 3.7.4 recreation club and a 3.8.6 commercial recreational facility.
Ben Requet stated that a 3.7.4 club or facility would be like goose creek or the country club. Staff believes this fits more into the 3.5.6 commercial facility designation. This is not a membership based facility.

Sharron Andrews stated that it doesn't seem right that there are stricter conditions on a country club than this type of facility.
Chairman Rigby stated that it is hard to write a code to envision every type of facility that may be proposed. This is definitely a commercial use. It seems similar to a driving range.
Commissioner Milam stated that one definition seemed to deal with more indoor uses and the other more outdoors uses.
Chairman Rigby stated that he takes the intent to be a club with membership usage or a commercial use like any other business. As to the traffic concerns, all this land will be developed. If it develops as box stores, the parking and traffic will be more than the proposed ball fields. It does not negate traffic concerns, but this is a lower intensity use than might be proposed.
Commissioner Riddell asked what the light generation from box store is like compared to a ball field.
Ben Requet stated that the ordinance requires no light trespass for box store. It is easier to contain light on a parking lot than with stadium style lights. The placement and orientation of the ball fields as shown does not help with light trespass.
Commissioner Riddell stated that the Commission was deciding if this is an appropriate place for this use, not that the submitted plan is acceptable. The submitted drawings are not necessarily the final layout.

Hans Sinha stated that the trees serving as a buffer is a false herring. These will be big lights and the trees will not stop light. Maybe in the middle of the summer, but all other times of year light will come through. Once the lights are approved, they never go away. The brunt of the burden is going to bear on a few houses.

Commissioner Riddell asked if the Commission votes to allow this use, the lighting will still have to be evaluated.
Ben Requet stated that staff would evaluate light as a part of the site plan. Ball fields do have exemptions from typical requirements.
Commissioner Riddell asked if there was a way for the Commission to require light to remain on site.
Ben Requet stated that the Commission has the ability with the Special Exception to condition that.
Commissioner Milam asked if it was even possible to build these fields without spillover light.
Casey Rogers stated that the property owners present would be the least affected by light pollution.

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He stated that it could be possible to achieve no light spillover.

Motion to approve subject to staff conditions.
Commissioners Spragins, Alexander, Rigby, Riddell, and Johnson for.
Commissioner Murphy and Milam against.

Move: Michael Johnson Second: Judy Riddell Status: Passed

6. Public Hearing for Case #2789 – Stephan McDavid has filed a request for a Variance from Section 2.6.4 Suburban Residential: Side Yard Setback Line, Minimum for property located at 521 N 11th Street. (PPIN #5846)

Planning Comments: The subject property is located on North 11th in the North Lamar Historic District. The applicant is proposing to construct an eighteen-foot deep carport on the north side of his house where a gravel parking pad currently exists. A carport is an Accessory Structure and is allowed to be constructed within five feet of the property line. The applicant is requesting the ability to construct to within 2.4 feet of the property line.

Directly to the north of the property is a twenty (20) foot wide strip of land that connects to the flag lot to the west and acts as a drive for this lot by easement. The applicant contends that the measurement for the five-foot setback should be taken from the north side of the shared drive at the next house north's property line. The applicant has stated that this is the minimum depth necessary to have a functional carport. Removing 2.6 feet of overhang will expose the rear of the cars to the elements, somewhat defeating the purpose of the carport.

The standard dimensions of a parking space are 9 feet by 18 feet, so the dimensions of the proposed carport are entirely reasonable. The City Building Official has stated that as long as the columns, the underside of the ceiling and the cornice are clad with fire rated materials (brick, hardie board, etc.), the proposed carport does not pose a safety risk. Final materials and design must be approved by the Historic Planning Commission. While Staff would prefer that the carport be built within the five-foot setback, Staff ultimately can support this request.

Recommendation: Staff recommends approval of the requested variance to build an accessory structure (carport) inside the five-foot property line setback with the following conditions:

1. The variance is for the plan as submitted.
2. The columns, the underside of the ceiling and the cornice will be clad in fire rated materials.
3. Final design shall receive Historic Preservation Commission approval.

Summary of Discussion:
Robert Baxter noted a letter of support from the adjacent property owner.
Steve McDavid stated that their house is 20 feet from a 20 foot easement that was carved out of a larger property. Gave ownership to the rear property owner and a perpetual easement to this property. There is another 15 feet to the next house, which he owns. The proposed carport would be 35 feet away from the next structure.

Motion to approve subject to staff conditions.

Move: Kirk Milam Second: David Spragins Status: Passed

7. Public Hearing for Case #2790 – Andy Callicutt has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential for property located at Farm View Drive. (PPIN #35714)

Planning Comments: The subject property measures approximately +/- 6.5 acres and is located in Oxford Farms, south of Farmview Drive. It is located on Lot 2 of the Oxford Farms, Phase II Subdivision. Lots 1 & 3 (located to the north of the subject property) contain a residential development called Creekside Condominiums, which was approved by the Planning Commission in 2015. Directly east of the subject property is the currently under construction three-story Oxford Farms Assisted Living facility that was approved in December 2019 (Case #2561). The subject property was previously considered for a YMCA facility that received site plan approval from the

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Planning Commission in March 2020 (Case #2599), which is no longer planned.

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

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

Recommendation: Staff recommends approval of the Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential.

Summary of Discussion:

Chairman Rigby asked if there will be another request for a single story structure in a TNB District.
Henry Minor stated that he was under the impression that this is the only needed request.
Ben Requet stated that regardless, the Commission is going to know what the project is and if there is an inherent issue then they would deny this request. Requesting the additional Special Exception would be a formality.
Commissioner Riddell stated that not making them come back for that request seems unfair to previous applicants.
Ben Requet stated that the Commission could make them come back with that request but it may not be necessary as it is inherent in the request that these are one story buildings.

Motion to Approve

Move: Harry Alexander Second: Michael Johnson Status: Passed

8. Public Hearing for Case #2791 – Griffin Tanner has filed a request for a Variance from Section 3.2.18.1 Retaining Walls for property located at 1401 Buchannan Ave. (PPIN #8201)

Planning Comments: The subject property is located on Buchannan in the South Lamar Historic District and the Neighborhood Conservation Overlay and was the site of a blighted property for many years. The building on site was removed earlier in 2021 and the applicant has previously proposed designs to the Historic Preservation Commission for a detached single-family residence. The site has significant slope and the applicant is proposing a retaining wall to overcome the topography issues.
The applicant is requesting the ability to exceed the 6-foot retaining wall height maximum for residential properties in rear yards established in both the Section 3.2 General District regulations and the Section 5.8 Neighborhood Conservation District Standards. The proposed walls would be 9 feet tall at their maximum, a three-foot overage. The property is heavily vegetated at the rear which would potentially screen any retaining wall that was built, though the applicant is proposing to build the wall within 3 feet of the property line, which would, presumably, remove much of the vegetation. Staff appreciates the topography issues on site, but the applicant has failed to address how there is a hardship that is unique to this lot, or how in not granting this they would be denied a right that is commonly enjoyed by other property owners. Topography issues of this sort are common across many lots along Buchannan and in the surrounding neighborhood and perfectly flat backyards are not common amongst these lots, nor are non-conforming retaining walls.

As was discussed earlier with the applicant's architect, multiple retaining walls could be proposed to overcome the topography issues. Additionally, Staff believes that a variance from the 20-foot wall separation provision of the Neighborhood Conservation District Standards would be supportable in this instance.
Recommendation: Staff recommends denial of the request variance. If the Commission does find there to be sufficient hardship to grant this variance, Staff recommends the following condition:
1. Approval is for the variance as submitted.

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Commissioner David Spraggins asked what makes this request for variance different from the others that we approve.

Robert Baxter stated that most of the request for fence variances were for corner lots.

Commissioner Spraggins state that they had just approved a wall height variance on University and a ten foot wall at The Commons.

Baxter stated that those were both commercial properties that were not in the Historic District or the Neighborhood Conservation Overlay.

Commissioner Spraggins asked if the wall posed any drainage issues.

Corey Alger, representing the applicant, was present for questions. He gestured to the proposed wall on the overhead. Alger stated that the Staff report indicated that the applicant had failed to address the hardship that is unique to this lot. He continued that he would use math. There is 23 feet of grade change on a site that is .19 acres. 75 x 110. He stated he spent 15 minutes on Buchanan and found that heading west all the way to Lamar, there is not a single retaining wall. The site's neighboring lot to the west is the beginning of a significant slope. He continued to quote Staff report which indicated that topography issues of this sort are common across many lots on Buchanan. He stated that this was factually inaccurate. From the report he continued to quote that flat lots were not common, nor were retaining walls. Alger then showed images of non conforming retaining walls in the area. He added that the claim that there are none is factually inaccurate and that the entire paragraph from the report was as ",disingenuous as it gets." He continued from the report that multiple retaining walls could be proposed, offsetting walls 10 feet. Alger returned to the proposed plans and stated that this section of wall is the subject of the whole application. He added that last month Oxford Commons received a two foot variance in the front yard of a major intersection and they were not asked to offset the walls ten feet and build a wall 4 feet deeper. He stated that on June 14th the Commission approved variances for height limitations for the Lamar. He stated the site is 47 acres with 12 retaining walls, a third of which exceed the 6 foot height limitation. The request was made to go to 12 feet but not one time in the report was the suggestion to offset the walls 10 feet. They could make two 6 foot walls instead of a 12 foot wall, but there was no mention of it. On the .19 acre lot, the request is irrelevant. The applicant is making a minimal request that could have been higher. But it's just to have a flat spot in a very deep hole. He added that why this is a controversial to staff beats the hell out of him. It is a no brainer. He added that he was happy to answer any questions and this was just silly.
Commissioner JR Rigby asked if there was anything involving this portion of the lot that is needed to build the structure.
Alger said that it's 23 feet deep and the variance would give them a lower floor.
Commissioner Rigby added that it looked to him that the structure is no where near the 3 to 1 slope. He asked Alger if the shaded area is the portion that he was talking about.
Alger stated that the shaded area on the illustration was the only part that would be effected by the variance.
Commissioner Rigby asked if that area was within the structure of the house.
Alger said no and pointed to the the structure setbacks of the house on the plans.
Commissioner Rigby asked if the hardship was on the square footage of the backyard.
Alger stated that the hardship was the 23 feet of grade change.
Commissioner Rigby asked if there was plenty of room there for a building.
Alger asked what he meant by there was plenty of room for a building.
Commissioner Rigby stated that he was trying to decide why he needed a variance for a small portion of the backyard when it doesn't impede the building.
Alger stated that a 3 to 1 slope in the back yard goes right into a hole.
Commissioner Judy Riddell asked if it was to have a flat backyard. For what reason?
Alger stated it was just to make the yard flat and showed other images of retaining walls in the area. He added the applicant wanted to make the yard flat in the little bit of yard they had left. Why not ask for the variance? Offsetting the wall by 10 feet doesn't make sense because there is not that much wall to offset. So where is the problem?
Commissioner Joseph Murphy asked if all of the retaining walls from Alger's photos were built after the Vision 2037 plan or if they were predating after the code was put in place.

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Alger stated that all the walls that he showed the Commission were existing walls for a while. They are not new. But the idea that the lot is not unique and the topography isn't used for granting a variance?
Commissioner Murphy stated that the insinuation was that the Commission was letting everyone else go. He added that he just wanted to be clear that all of the examples that Alger was giving predate what we're doing today.
Alger said exactly. They're all nonconforming by today's standard. They exist as nonconforming walls.
Commissioner Spraggins stated that he drove down and looked at the existing 10 foot wall and it looks new. It's eight foot all the way around and 10 foot in the front. It looks fairly new with 4 condos.
Alger stated that it was in the last 20 years or so.
Commissioner Kirk Milam stated that he knew that there was no contact from the neighbors but was curious what was between the back of this hole and the back neighbors house.
Alger went back to the map to show where the beginning and end of the slopes were.
Commissioner Judy Riddell stated that she had been in the back yard of the house behind this property and there are big differences in the topography.
Alger stated that it's a unique lot and the variance will allow them to go down a floor. It's the minimum they could request and get something useable on a very small lot.
Commissioner Rigby asked if there were any other questions and then entertained a motion.

Motion to approve
Commissioners Spragins, Alexander, Riddell and Milam voting for.
Commissioners Murphy, Rigby and Johnson voting against

Move: David Spragins Second: Harry Alexander Status: Passed

9. Public Hearing for Case #2792 - City of Oxford has filed a request for modifications to the Land Development Code.

Planners Comments: The changes proposed address concerns that have surfaced. The changes include:
• Modifying the side yard setback standards for the Traditional Neighborhood Business, Suburban Corridor, Suburban Center, Urban Corridor and Urban Center districts to clarify that accessory structures are subject to a 5' setback.
• Modifying the standards for Vehicle Repair or Maintenance Facilities to establish more standards for this use when it is located adjacent to existing residential uses.
• Modifying the signage standards to incorporate the ability for a business to add a sign for a shared space.

Recommendation: Staff recommends approval of the proposed modifications.

Commissioner Milam asked why Vehicle Repair was being removed from Industrial zones
Ben Request stated that previously it said both permitted and Special Use. It is now just a Special Use.
Commissioner Rigby asked if Special Use required additional action
Ben Request stated that it is a staff level review

Motion to approve

Move: Joseph Murphy Second: Kirk Milam Status: Passed

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10. Motion to Adjourn

    Move: Joseph Murphy Second: Michael Johnson Status: Passed

- "Auxiliary aids and services may be available to individuals with disabilities upon twenty-four (24) hours request by contacting Braxton Tullos, City of Oxford ADA Coordinator at 662-232-2453."

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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, October 11, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Gray Parker; Harry Alexander; Hollis Green; J.R. Rigby; Joseph Murphy; Judy Riddell; Kate Kenwright; Kirk Milam; Michael Johnson; Paul Watkins

Remote Attendance

Reanna Mayoral

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

A. October Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Joseph Murphy Second: David Spragins Status: Passed

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

   Move: Joseph Murphy Second: Harry Alexander Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Consent Agenda**

Move: David Spragins Second: Kirk Milam Status: Passed

1. Public Hearing for Case #2793 – Josh Stegall has filed a request for a Special Exception as provided in Section 3.8.8.5 Restaurants: Additional Standards, Drive-in Service for property located at 104 Commerce Drive. (PPINs #29164)

   Planning Comments: The subject property is +/- .70 of an acre parcel located on the east side of Commerce Drive, in the Commerce Park Subdivision. The applicant is proposing to add a curbside pick-up window for a new tea shop. The business will share a building with 7 South Wine and Spirits liquor store. The pick-up window is proposed on the north side of the building and will be used for call in or mobile orders only. The applicant has stated that they expect minimal stacking of cars at this window. An existing drive-thru lane will be utilized for any orders.

   Recommendation: Staff recommends approval of the Special Exception as provided in Section 3.8.8.5.

2. Public Hearing for Case #2794 – Walker & Walker Enterprises, LLC has filed a request for a Special Exception as provided in Section 98.118.L.5 of the Stormwater Ordinance: Interior Vertical Walls for

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property located at Augusta Drive. (PPINs #27672 & #25980) WITHDRAWN

3. Public Hearing for Case #2795 – North East Mississippi Electric Power Association has filed a request for a Special Exception as provided in Section 5.6.1.8 Appropriate Façade for property located at 10 PR 2050. (PPINs #4508 & #4640)

   Planning Comments: The subject property measures approximately +/- 24 acres and is home to North East Mississippi Electric Power Association. This property is one of the few areas zoned Industrial in the City of Oxford and many of the buildings on this site are utilitarian.

   The applicant is proposing to construct an addition to an existing metal building that is located on the interior of the site. The building is not visible from Mississippi Highway 30 and it is minimally visible from Highway 7. The additional will nearly double the size of the existing building and will expand and remodel the existing shop facilities for NEMEPA. The applicant is also requesting a site plan approval for this proposal, the subject of Case #2807.

   Recommendation: Due to this building being located in the interior portion of the NEMEPA campus, Staff recommends approval of the requested Special Exception for an addition to an existing metal building.

4. Public Hearing for Case #2796 – Oxford Burger Company has filed a request for a Special Exception as provided in Section 7.3.1.2.c Regarding Sign Requirements in Historic Districts for property located at 920 Jackson Avenue East. (PPIN #5953)

   Planning Comments: This property is located in the Courthouse Square Historic District (CSHPC), and is one business located in a building containing three other businesses (St. Leo, dsquared and Hotworx). Recently, the applicant installed a second sign on this building but because this property is located in the CSHPC district, a second sign is approvable by Special Exception.

   The recent improvements made to Jackson Avenue, and in anticipation of the outdoor dining options that will be offered by many of the businesses along this street, the applicant believes that additional signage is necessary to help direct patrons to their entrance. Oxford Burger Company has an existing wall sign that is mounted to the front façade of the building, but there is not a sign that projects out indicating the primary entrance. The sign is relatively small, and does not protrude any further than the awnings at dsquared. If the Special Exception is granted, the sign will require approval by the CSHPC for a Certificate of Appropriateness. That approval is anticipated to be approved administratively.

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

   1. This approval is contingent on a Certificate of Appropriateness being issued by the CSHPC.

   2. The applicant shall secure an after the fact sign permit from the Building Department.

5. Public Hearing for Case #2797 – LT2, LLC has filed a request for a Final Plat Amendment for 'The Grove at Grand Oaks, Phase 5' for property located at 325 Fazio Drive. (PPIN #8949)

   Planning Comments: The subject property is referred to as Phase 5 of The Grove at Grand Oaks Subdivision located in the Grand Oaks Planned Unit Development, Phase II. Phase 5 is currently approximately +/- 20.73 acres and contains twenty-four (24) lots. Access to Phase 5 is via Fazio Drive ending at Morris Drive, which bisects the parcels and terminates at Bell River Road located in Lafayette County. The single-family home sites are consistent with the other phases of 'The Grove of Grand Oaks' averaging between half an acre and just under an acre. The subdivision received final plat approval from the Mayor and Board of Aldermen in November 2017 (Case #2244).

   The applicant is now proposing to remove a 0.13 tract of land from this phase which is located in the northwest corner of the subdivision, and referred to as "Tract II". This small portion of land was originally intended for future road access, but is now planned to be included with a new lot in an additional phase of the subdivision.

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Attached with this case file are letters of approval from other owners in the subdivision that the applicant has deemed adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.

Engineering Comments: The requested change has no impact on planned future access or road connections. The Proposed PUD Layout dated 5/31/2016 shows an extension of Morris Drive to the north with a "future road" connection to Bell River Road to the east. Those plans are not impacted by the removal of this portion of common open space from the plat. This area does not have any utilities, stormwater functionality or contribution.

The current plat notes "Future lot access" which Staff may have requested during the 2016-2017 review of the plat to indicate a pre-approval of a future driveway through this area. Access to adjacent properties is desirable but there are other locations that this may be achieved in the future as well.

Recommendation: Staff recommends approval of the Final Plat Amendment for 'The Grove at Grand Oaks, Phase 5' with the following conditions:
1. Approval of 'The Grove at Grand Oaks, Phase, 5 (Amended)' by the Mayor and Board of Aldermen.
2. Approval is for the plans as submitted.

6. Public Hearing for Case #2798 – Lucius and Kathyrn Sams have filed a request for a Final Plat Amendment for 'The Refuge of Oxford, Lots 7 & 8' for property located at 107 Refuge Hill Rd. (PPIN #28619)

Planning Comments: The subject property is located in the Refuge of Oxford subdivision. The applicant is looking to amend the plat to reflect a change to the property line between Lots 7 & 8. A portion of the northeast property line was moved approximately 10 feet to the southwest to accommodate the existing house within the setback requirements. Lots 7 & 8 are both still well over the 15,000-sf lot minimum for properties in Estate Residential.

Engineering Comments:
Water and Sewer & Utility
Based on Staff's review of the original plat for the Refuge Subdivision, the lot set backs are dedicated as utility easements. A review of maps of the City of Oxford's sewer system and water distribution system indicate that there are no City owned and maintained sewer and water lines located within the dedicated easements or the private street for this subdivision. These lots are served water from wells and apparently have independent septic systems. The plat of survey for the lots in question, included in the application, does not indicate the presence of any other utilities, inside or outside, the boundary of the dedicated easement along the original property line between Lots 7 and 8.
As with previous plat amendment cases, Engineering 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 the responsibility of the property owner and the utility owner to resolve the matter in accordance with the law.

Streets
This subdivision was originally platted in the County with a shared ingress/egress easement to provide access to Highway 314 via a private road (Refuge Hill Road). The plat indicates future proposed 50' right-of-way but there are no records indicating the county accepted maintenance or ownership of this roadway. A gate exists at the entrance and all roads within this subdivision are privately owned and maintained. The owner's certificate for the plat states that the road rights-of-way shown on the plat are reserved by him for use as private roads.

Recommendation: Staff recommends approval of the requested Final Plat Amendment for 'The Refuge of Oxford, Lots 7 & 8' with the following conditions:

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1. Approval by the Mayor and Board of Aldermen is required.
2. Approval is for the plan as submitted.
3. Language shall be added to the plat to clarify that any utilities installed in previous utility easements prior to October 11, 2021 are permitted to remain.

7. Public Hearing for Case #2807 – North East Mississippi Electric Power Association has filed a request for a Site Plan Approval for 'North East Mississippi EPA Addition' for property located at 10 PR 2050. (PPINs #4508 & #4640)

Planning Comments: The subject property measures approximately +/- 24 acres and is home to North East Mississippi Electric Power Association. This property is one of the few areas zoned Industrial in the City of Oxford and many of the buildings on this site are utilitarian.

The applicant is proposing to construct an addition to an existing metal building that is located on the interior of the site. The building is not visible from Mississippi Highway 30 and it is minimally visible from Highway 7. The building serves as the existing transportation maintenance facility and it measures approximately 3,900 sq/ft. The additional will add another 3,600 sq/ft and it will be renovated since the existing building was originally constructed in 1983. The applicant is also requesting a Special Exception for a metal building, the subject of Case #2795.

Engineering Comments:
Water and Sewer Utilities
The project requires no new services from the City of Oxford. The City of Oxford provides water to the facility through an existing 12-inch diameter main coming from Highway 30. Water service proposed in the site plan connect to existing service lines coming off the 12-inch diameter main. These service lines would be installed by others and be private. The City of Oxford does not provide sewer service to the site.

Traffic/Access
The site has existing access to Highway 30. All of the proposed work shown on the site plan is in the interior of the site. No additional access is required.

Stormwater Management
The project site has an existing stormwater management facility located on the north side of the property. The facility consists of a detention pond that according to the as-built plans was design for the 5-, 10-, 25-, 50-, and 100-year peak flows. Runoff from the proposed buildings flows to an existing 24-diameter pipe that drains into the detention pond. Other existing impervious areas drain to the 24-inch diameter pipe and the catchment area at the pipe mouth is limited. The roof drains from the proposed building will tie in to a gravel-filled trench 42 feet x 7 feet, 6 feet deep. This gives a storage volume of approximately 705 cubic feet. This is sufficient volume to capture the runoff from the 2-year storm. The trench will drain by infiltration. For storm events greater than the 2-year storm, the trench will overflow and drain to the existing 24-diameter pipe and detention pond on the site.

Recommendation: Staff recommends approval of the requested addition to the NEMEPA building with the following conditions:
1. This approval is contingent upon the granting of a Special Exception for a metal building, the subject of Case #2795.
2. Approval is for the plan as submitted.

C. **Public Hearings**

1. Public Hearing for Case #2804 – Walker & Walker Enterprises, LLC has filed a request for a Site Plan Approval for 'Grand Oaks Village' for property located at Augusta Drive. (PPINs #27672 & #25980)

Planning Comments: This property is located on +/- 9.09 acres in the Grand Oaks PUD between the Rosemont Subdivision and the Grand Ridge Subdivision, west of Augusta Drive. The applicant is requesting Site Plan Approval for a 21-unit Common Interest Development. Each unit will be three-bedroom detached residential houses.

Use and Parking Requirements

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Residential CIDs are special uses in the NR district. Additional standards for this use set out the specifics for common areas and building separation standards. The proposal meets the building separation standards and CID covenants will be required to be provided to staff before the issuance of a Certificate of Occupancy.

Parking for detached residential is calculated at 2 spaces per 3-bedroom dwelling unit plus one space for guest parking for every three units. For this development, 49 spaces are required with up to 61 allowed. There are three additional spaces provided near the mail kiosk, one of which is a handicap accessible space. Additionally, each unit will have a two-car garage and a driveway, which will account for all needed spaces.

Coverage Requirements
Uses in the NR district are limited to no more than 60% impervious coverage. This proposal would have 30% coverage.

Other Requirements
• Access – This development will take access off of August Drive. The access drive will remain private.
• Complete Streets – The provided plans indicate sidewalk that connect all houses to Augusta Drive and the sidewalk network that extends into Rosemont Loop.
• Mitigation – As of the writing of this report, Staff is still reviewing and having dialogue with the applicant in regards to the required tree mitigation for this site.
• Landscaping - The proposed landscape design meets all standards related to street trees and retaining wall plantings. A typical foundation planting plan will be needed prior to permitting.

Engineering Comments: At the time this report is being written, a final review of the plans has not been completed and formal comments have not been drafted, though Staff did meet with the design engineer to review and discuss issues regarding the stormwater, water and sewer.
Water and Sewer & Utility
All sewage for this project will be privately owned and maintained by the common interest development. The water main will be owned and maintained by the City. Water service will tie to an existing 8-inch diameter water line located in the right of way of Augusta Drive. The City will accept sewage from the development at a manhole existing or new (to be determined) within the right of way of Augusta Drive. A privately owned and maintained lift station and force main will provide collection and conveyance to the City's manhole. The covenants will likely note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sewage utilities.
The plans provided with this report are not the final approved plans.
Traffic/Access/Sidewalks
A privately owned and maintained road will connect the development with Augusta Drive. There is no dedicated right of way to the city for this private road. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the road. There are proposed sidewalks along the frontage with the private road. Only the sidewalk on the north side of the private road will extend to Augusta Drive. A sidewalk along the south side of the private road will be limited to frontage with the building pads. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the sidewalks.

Retaining Wall
There are several proposed retaining walls within the development. The covenants will note that the condominium association and the condominium owners, in the event the condominium association dissolves, will each own a shared percentage of the retaining walls.
Erosion Control
The development is located immediately adjacent to a green on the Grand Oaks golf course. The proposed grading of the development will concentrate runoff from the development and the existing development to the north to a point on the property line with the golf course. This is a highly visible location where any changes to the condition of the golf course perceived or otherwise will be blamed on the development. It will be imperative that all erosion control procedures be followed to the letter.

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Stormwater Management
Engineering staff have not approved the stormwater management plan. Engineering staff have been in communication with the design engineer and provided some feedback. Engineering staff is confident that a stormwater management facility for the development that will satisfy the City's ordinance can be designed. The plan presented includes a vertical wall that acts as a floodwall rather than an interior retaining wall as intended by the ordinance. Specifically, the wall has no backfill on the exterior of the wall. Staff does not support a floodwall of this type and this design is not in keeping with the spirit or intent of the ordinance in regards to interior walls. Staff has discussed with the applicant that an interior wall on the opposite side of the pond, where there would be appropriate backfill behind the wall, should be considered and would be acceptable to staff provided all other provisions of the ordinance are satisfied. Case 2794 is a request for a special exception for an interior vertical wall, which staff stated support for provided compliance with the ordinance.

Engineering Report Updated 10/08/21:
The primary design requirement of the City's stormwater management ordinance is that the post-development condition peak flows for the 2-year, 10-year, 25-year, and 100-year storms must be less than or equal to the peak flow for the pre-development condition. The drainage basin that includes the project site is approximately 15.8 acres that drain to an existing 36-inch diameter pipe located on the Grand Oaks golf course. This basin includes approximately 9.7 acres to the north that are not part of the project property but produce runoff that must drain onto or through the property. This area includes a portion of the Rosemont Subdivision and the undeveloped area within the TVA right-of-way.

The entire basin is being included as part of the stormwater management report to determine pre-development and post-development peak flows. To achieve the post-developed peak discharge rates for this project, the stormwater management plan proposes to retain all the runoff from the 9.7 acres during the 2-year storm in an infiltration detention basin. The detention basin will have a control structure that is designed to not begin discharging until it begins to receive runoff during the 10-year storm. The basin will retain the 2-year storm and provide detention during the 10-year, 25-year, and 100-year storms. In other words, the pond will hold (retain) water from the 2-year storm for 48-hours and will slow down (detain) water from larger event storms via the control structure. This results in an overall reduction of the post-development discharge rates to less than the pre-development discharge rates.

The control structure is connected to a storm drain network draining other areas of the site project site and is ultimately tied to the existing 36-inch diameter pipe located on the Grand Oaks golf course. The volume of water retained from the 2-year storm will drain from the detention basin by infiltration. To ensure that the detention basin drains within 48-hours the bottom of the detention basin will be constructed using engineered media for an optimal rate of infiltration.
Based on the pre-developed runoff calculations the existing 36-inch diameter pipe is insufficient in size to carry the peak discharge during the 100-year storm. While the post-developed peak discharge is less than the pre-developed peak discharge, the existing 36-inch pipe is still undersized to carry all of the discharge through the pipe. It is not practical to replace and up-size this pipe. Because of this, surcharging of some of the inlets and manholes may occur during the 100-year storm resulting in surface flow. This surface flow ultimately will flow onto the golf course. This does not necessarily represent a change in current discharge location or conditions, since the peak discharge during the 100-year storm is also greater than the existing pipe's capacity, meaning the pipe is not carrying water from the 100 year storm now.

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

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

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

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approval.

Case 2794, a request for a special exception for an interior vertical wall, has been withdrawn. The applicant has proposed stormwater management that does not require a vertical interior wall.

Recommendation: Staff recommends approval of the site plan for 'Grand Oaks Village' with the following conditions:
1. Approval is for the site plan as submitted. (Planning)
2. Prior to the issuance of any permits, common interest development covenants shall be submitted for review, comment and approval by City Staff. (Engineering)
3. All engineering staff's comments regarding the site plan must be addressed prior to the issuance of any permits. (Engineering)
4. Approval of a Stormwater Management Plan prior to issuance of any permits. (Engineering)

Summary of Discussion:

Chairman Rigby noted the numerous emails received about this site plan, and the many area residents present along with representatives of developer. He provided a summary of process for public hearing and the role of the Planning Commission in reviewing a Site Plan that is a Special Use in the Land Development Code.

Chairman Rigby asked the developer's representative about where the stormwater on the site will drain.
Shane Cardwell indicated how that will work and confirmed that it is designed to handle all but a 100-year flow.

Commissioner Spragins asked if it met all special use standards and if a traffic study is required. Staff explained why no traffic study is required; and that it met all standards other that needed some information on the covenants. It is recommended for approval pending receiving that information.

Chairman Rigby indicated that traffic seemed to be a major concern and asked the City Engineer (Reanna Mayoral) about how traffic is assessed and what triggers a traffic study.
Ms. Mayoral described what is needed for traffic thresholds and why this development did not meet that threshold for a study or signalization. She further indicated that traffic and parking have been of concern on Augusta Drive for several years, and why it is mostly about enforcement.

Paul Koshenina, Engineer for the developer, further discussed why the project meets the standards and proposes less density than allowed by the zoning and should be compatible with other homes in the area.

Commissioner Spragins asked if an additional access road had originally been planned, other than Augusta?
Mr. Koshenina indicated (shows old plans on screen and moves to center table) old plans for this area, that another access road had been planned, and discussed the history of development in this area.

Commissioner Ridell asked if there were any way to have a separate construction entrance.
Mr. Koshenina indicated there was not.
Chairman Rigby asked if there was any future plan for this leg Augusta to eventually link up with the other leg of Augusta and not be one way in and out.
Mr. Koshenina said there was, but it would depend on when the connecting property was developed.

Chairman Rigby summarized the concerns heard from the public and invited those interested to speak.

David Ducray of 144 Rosemont spoke at length first indicating his experience in law enforcement. His comments indicated concern about the type of development, and why he thinks the traffic calculations in the Land Development Code do not adequately reflect the traffic problems along

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Augusta Drive, affecting residents there and in Rosemont. He indicated lack of traffic enforcement, lack of sidewalks, short driveways, and small garages as problems. He also considers the traffic calming measures by the City to not be working adequately. He also mentioned sight distance and the crest of a hill. He considers the roads in the area to be poorly planned, indicating informal conversations with city firemen. He asked for it to not be allowed.

Commissioner Johnson asked about the issue of lack of traffic enforcement.

Jason Bruner of 1031 Augusta commented about several problems, why he felt the yellow painted curbs are not working well, lack of speed bumps, people driving too fast, and the size of the garages. He felt maintenance and ongoing enforcement were not happening. He felt additional homes would make the situation worse. Then he asked if the development would harm any wetlands on this property.
Mr. Koshenina indicated the site had no designated wetlands, and no Phase 1 Environmental Assessment was needed.

Chairman Rigby indicated sympathy with the issues expressed and reminded those present that the traffic issues on Augusta Drive are not pertinent to the site plan being reviewed: He suggested referring these concerns to staff to address.

Commissioner Milam asked a question about the roads, and if they meet City road standards.
City Engineer Mayoral indicated that that August is a local road and does meet current standards. She provided the width of Augusta Drive and indicated how roads are measured and provided comparison with older residential roads near downtown.
Chairman Rigby summarized that the problem seems to be with how many cars park on the street.

Commissioner Riddell asked if the City had to just wait to connect the two parts of Augusta Drive until whoever owns that property decides to build?
Staff indicated that was the situation, but that the City would require the connection when that happened.

Chairman Rigby indicated that if others wished to speak, hearing issues other than traffic would be helpful.

Todd Vaughn of 100 Rosemont spoke about lack of traffic enforcement on Augusta and expressed doubts that an extension of Augusta would be used.
Commissioner Johnson asked what could be done to address these traffic enforcement issues that are of concern to these residents who came to the meeting, if it could be a condition of approval?
Planning Director Requet noted that Alderman Hulse, who represents this area, was present and planned to speak about what can be done; and that he and Engineer Mayoral would be talking to the Police Department about enforcement options.

Aldermen Mark Hulse discussed the history of enforcement efforts along Augusta Drive, including what could be modified or improved. He also indicated the need to talk with the Police Chief about better enforcement, but the possible consequences and problems resulting from that, since fewer cars on the street would mean difficulty for service trucks to park and probably higher speeds. He also suggested working with the police to use radar to determine true traffic counts and speeds.

Commissioner Spraggins asked about the speed bumps.
Engineer Mayoral indicated the issues that would need to be considered, and the signs necessary, if a petition for speed bumps was successful.
Aldermen Hulse reminded the audience that a petition would require 100% of affected residents to approve it. He indicated he would work with the area residents on options for addressing traffic enforcement problems.

Susan Fino of 1030 Augusta asked about the existing woodland on the property.
Mr. Koshenina indicated where most of the trees would remain and where trees would be removed for building the homes. He said they plan to leave a pretty significant natural buffer between back of

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Augusta and site. Ms. Fino also asked about planting new trees.
Mr. Koshenina indicated where new trees would have to be planted.
Ms. Fino also asked about getting a copy of that plan and staff said it was available on the city website.

Chairman Rigby asked if anyone wished to speak on another topic not yet heard?

Woody Sample of 118 Rosemont Drive first asked about how the sewer system would work. Mr. Koshenina told him that the process would be as in most other condominium developments. Mr. Sample then commented on traffic issues on Augusta Drive and felt the Commissioners should go see the area before voting on it.

Kimberly Stewart of 1034 Augusta also spoke about traffic concerns and did not think that police checking speeds with radar would work. She indicated her belief that the area cannot handle any more traffic and the development should not be allowed. She described how long the problems have existed.

Commissioner Riddell indicated that she felt all these traffic concerns are more for the Aldermen and the police to address as the Commission is only empowered to vote on this site plan and whether it meets required standards in the Land Development Code.

David Ducray of 144 Rosemont spoke again asked the Commissioners if any of them had a personal or fiscal relationship with the developer, and if they should be recused. Commissioner Riddell indicated that Commissioners commonly recuse if they consider they have a conflict. Commissioner Alexander, a realtor, spoke at length about his career and limited knowledge of the developer and why he did not believe he needed to recuse himself from this case. He noted that he had also talked to the Planning Director and Chair of the Commission about it. He then stated that he had been to the area to evaluate the traffic concerns and indicated that enforcement seemed to be the primary problem.

Chairman Rigby noted that it was time to consider the site plan and he would entertain a motion on Site Plan 2804.

Motion to approve subject to staff conditions.
Commissioners Spragins, Alexander, Murphy, Rigby, Riddell and Milam voting for.
Commissioner Johnson voting against.

Move: Joseph Murphy Second: Judy Riddell Status: Passed

2. Public Hearing for Case #2799 – Pettey Hardin has filed a request for Preliminary and Final Plat Approval for 'The Best Car Wash Subdivision' for property located at Hwy 6 Eastbound near CR 305. (PPIN #7686) (POSTPONED)

3. Public Hearing for Case #2800 – David Blackburn has filed a request for Preliminary and Final Plat approval for 'The Summit, Phase 2, Lot 1' for property located at Ed Perry Boulevard. (PPINs #4705, #4706, #4707, #4712, & #38712)

Planning Comments: This property measures approximately +/- 34.7 acres and it is located to the east of Ed Perry Boulevard. The property is located in the Oxford Commons Planned Unit Development with an underlying zoning of Suburban Corridor and Suburban Center. This property was also the subject of Case #2788, a request for a Special Exception for a Recreational Use, that was granted by the Planning Commission at the September 2021 meeting. Several adjacent residents have appealed that decision to the Mayor and Aldermen, likely to be heard at their October 19th meeting.

The applicant is proposing a one-lot subdivision that measures approximately +/- 34.7 acres with 60' of frontage from Ed Perry Boulevard. This lot has one direct access to Ed Perry Boulevard, but there are three other access points available through access easements.

Engineering Comments:
Water and Sewer

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At this time, the location of any water and sewer mains is unknown and will not be determined until a site plan is considered for approval.

Stormwater Management
The area being platted as Summit Phase 2, Lot 1 is the current location of temporary stormwater detention ponds serving Lots 2-6 of the Summit (Case 2617) and (Case 2624). Easements granting use were submitted with the Tractor Supply case report as that was the first platted area to go through site plan approval. The proposed plat for Summit Phase 2 needs to include language noting the current easements granted for temporary stormwater detention and the permitted continued use of the ponds until the regional pond adjacent to Lot 1 is constructed. The plat should also note that Lot 1 is responsible for stormwater at the time of site plan approval. The existing ponds will not be able to be removed or altered until an approved replacement is constructed in place.

Case 2617 noted the following:
Stormwater management will be provided for Lots 3-6 using a "temporary" pond located to the north of these lots on property outside of this phase of subdivision. Stormwater for Lot 2 (future home of TSC, Case 2624) will be provided for by a "temporary" pond located immediately south of the site. These two surface ponds will be "temporary" in that the long term plan for The Summit is to have a larger regional detention pond that serves multiple smaller subdivisions within, including Lots 2-6. The "temporary" ponds have been designed in a way that they can function as "permanent" ponds should the larger regional pond never be constructed. The "temporary" ponds will be maintained by the lots using them. Lot 2 (TSC) will have 100% maintenance of the pond it will use while Lots 3-6 will each have 25% responsibility for the pond those lots share. Easements are provided for the "temporary" ponds that allow for their use until a regional pond is constructed but they will not be owned by the users.

The construction of the larger, "permanent" regional pond cannot progress until additional approvals and subsequent grading are completed in other portions of the Summit in order to provide drainage to the pond. The applicant has expressed a desire to prepare and receive approval for this plat in a way that will not require an amendment in order to use the larger regional pond in the future. Staff agrees with that request provided sufficient details regarding the approximate location, design, ownership and maintenance responsibilities of the larger regional pond can be finalized at this time. Specifically, in order to avoid a future plat amendment, the plat must designate what percentage of the future regional pond would be owned and maintained by the Summit Phase 1 and how that percentage would be divided among the lot owners of Phase 1. The ownership percentages for future phases of the Summit would be determined in the future as additional property is subdivided. Without knowing the percentage of ownership the Summit Phase 1 has in the large pond, it does not seem possible to provide sufficient information on the plat to protect and inform the future owners of Lots 2-6 or the City's interest in insuring the pond is maintained. Further, the stormwater ordinance requires such designation as a condition of plat approval. The approximate location and design information would also need to be provided to staff to ensure that there is sufficient space available for a pond as planned. Staff can approve the "temporary" ponds with proper notation on the plat regardless of the status of the permanent pond.

Recommendation: Staff recommends approval of this subdivision with the following conditions of approval:
1. Approval of the Preliminary and Final Plat for 'The Summit, Phase 2, Lot 1' by the Mayor and Aldermen is required. (Planning)
2. Prior to this case being heard by the Board of Aldermen, the applicant shall provide staff with a copy of the covenants for the subdivision. (Planning)
3. Prior to the case being heard by the Board of Alderman, additional language is to be added to the plat noting the existence of existing easements regarding use of the "temporary" detention ponds on this site. (Engineering)
4. Prior to the case being heard by the Board of Alderman, additional language is to be added to note that stormwater management is required for any site plan to be approved on this site. (Engineering)

Summary of Discussion:
Commissioner Milam did not understand detention ponds and if they could use them and

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easements.
City Engineer Mayoral commented on these ponds and easements, describing the use of temporary incrementally used ponds; and the need for stated agreements to use them until a regional pond is in place. These need to be shown on the plat of the subdivision.
Commissioner Milam further asked for clarity about the location.

Motion to approve subject to staff conditions.
All Commissioners voting in favor.

Move: Michael Johnson Second: Harry Alexander Status: Passed

4. Public Hearing for Case #2801 – Jamie Mardis has filed a request for a Variance from Section 2.6.3 Estate Residential: Build-to Line, Minimum for property located at 710 Park Drive. (PPIN #4654)

Planning Comments: The subject property is an approximately +/- 0.38 of an acre lot located on the east side of Park Drive in the Ridgewood Estates Subdivision. The lot is not within the Neighborhood Conservation Overlay.

The applicant is seeking a 6.95 ft. front yard build-to line, minimum variance to construct a staircase and porch extension. The house was built in 1980 when the setbacks were different, and it was built into the side of a hill. The front door is accessed by a staircase up to the second floor. An old staircase was recently removed because of safety concerns and poor construction. The first floor of the house is partially below grade in the rear. The applicant began construction on a new staircase prior to receiving all required building permits. Planning Staff was made aware of the project and determined a variance would be necessary.

The applicant believes that the grade change from the street makes the build-to line not visually significant, and would not negatively impact adjacent properties. A small variance for the front porch is the least intrusive option for accommodating the staircase for this unique floor plan and topography.

Recommendation: Due to the peculiar shape and conditions of the lot, Staff recommends approval of the Front Yard Build-to Line, Minimum Variance with the following condition:
1. The variance request is for the site plan as submitted.

Motion to approve subject to staff conditions.
All Commissioners voting in favor.

Move: Joseph Murphy Second: David Spragins Status: Passed

5. Public Hearing for Case #2802– Sayle Oil Company has filed a request for a Special Exception as provided in Section 3.8.13 Vehicle Repair or Maintenance Facility: Districts Permitted for property located at Lot 2 of Colonnade Crossing. (PPIN #4515)

Planning Comments: The subject property is Lot 2 of the Colonnade Crossing Subdivision, which is located on the North side of Molly Barr Road. This lot will be located on Barrington Drive and is +/- 1.06 acres. The applicant is proposing to build an oil change and car repair facility. The site plan for this proposal is currently under review. This request is for the use of a Vehicle Repair or Maintenance Facility in a TNB District.

Standards for this use include:
a. Where this use is a special exception, it is limited to service for personal, light duty or me¬dium duty vehicles not requiring a commercial driving license.
This is a routine maintenance facility targeted at personal vehicles. This facility would not be equipped to handle larger trucks.
b. Repair: The number of outside stored vehicles awaiting repair is limited to no more than 5, or 1 per service bay, whichever is greater. Stored vehicles must have a current tag and inspection sticker.
The applicant has acknowledged this requirement.

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c. Accessory junkyards including the storage of vehicles used for parts are not permitted.
No accessory junkyard is proposed.
d. The use shall screen all vehicles that have been accepted for repairs from view by enclosing them within a building or in a rear yard area. Any outdoor storage must be screened by a six-foot solid screening fence or six-foot solid screen evergreen hedge along the side and rear property lines.
Screening is indicated on the west and portions of the south property lines. Additional screening may be required as a result of site plan review.
e. No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the shop may be stored or parked outside after regular business hours.
The applicant has acknowledged this requirement.
f. No sales of vehicles are permitted on the premises of this use.
The applicant has acknowledged this requirement.

Recommendation: As this proposal meets the additional standards for this use, Staff recommends approval of the requested Special Exception with the following conditions:
1. The approval is for the use as proposed.

Summary of Discussion:
Cases #2802 & #2803 were heard together at the request of Chairman Rigby.

Chairman Rigby summarized the nature of the issues with these cases, related to the Code requirements and the nature of this type of use.
Planning Director Requet discussed why the Code and Master Plan have this requirement, even for this type of use.
Commissioner Riddell noted concerns about the functional use of a second story requirement for this type of use.
Planning Director Requet noted the history of this requirement. The issue is the nature of this zoning district.
Commissioner Spragins asked if the requirement was more about functionality or aesthetics.
Planning Director Requet indicated it to be a bit of both and how that requirement has been working in several places.
Commissioner Alexander noted that the Morgan buildings on N. Lamar have used the requirement successfully, and that not enforcing it here (where there is as yet no other development) would set a precedent.
Chairman Rigby and Commissioner Murphy concurred with that statement.

Commissioner Riddell discussed how the Code has evolved, and maybe this part of the vision is not correct. How often are we approving these requests?
Chairman Rigby discussed the nature of the continuing evolution of the Code and the difference between The Square and the nature of West Jackson.
Planning Director Requet noted other elements being considered.
Commissioner Milam reinforced Commissioner Riddell's comments and how the two-story standard has not been consistently enforced.

Bubba Mize who owns several structures nearby, and some are residential rentals. Will make it more difficult to rent. Concerned about how will affect these properties. Don't want any of these uses and concerned about the access.
Chairman Rigby acknowledged his concerns.

John Granbury represents the developer and spoke by phone. He noted the changes made to the proposed use to address staff concerns and defended the difficulty of having a functional second story.

Motion to approve subject to staff conditions
Commissioners Spragins, Alexander, Riddell, Johnson and Milam voting for
Commissioners Murphy and Rigby voting against.

Move: Michael Johnson Second: Judy Riddell Status: Passed

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6. Public Hearing for Case #2803– Sayle Oil Company has filed a request for a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business, Structure Height for property located at Lot 2 of Colonnade Crossing. (PPIN #4515)

Planning Comments: The subject property is Lot 2 of the Colonnade Crossing Subdivision, which is located on the North side of Molly Barr Road. This lot will be located on Barrington Drive and is +/- 1.06 acres. The applicant is proposing to build an oil change and car repair facility. The site plan for this proposal is currently under review. This request is for the use of a single-story building in a TNB district.

The applicant references the "nature of the rural cross section" and nearby single-story commercial establishments. They also state that this use is typically constructed as single-story.

For this request for a single-story use in the TNB District, Staff does not agree with the arguments the applicant has put forth. The nature of the cross-section is a rapidly urbanizing area. Colonnade Crossing Subdivision-Phase 1 was approved in June for 22 lots on 88 acres of TNB and SCO zoned land. South of Highway 30 is the Leslie Court Development where a two-story medical office is currently under construction. Southeast of the highway interchange is the Oxford Commons Development where there are numerous developments currently under construction.

Directly to the south, a Service Station was approved in January 2021 (Cases #2694 & #2695). Service Stations are also not traditionally single-story uses, yet this one was approved with a functional second story. Other instances where the Planning Commission has approved the use of one-story structures in a TNB district have come when the use is plainly incompatible with a second story or the surrounding architecture is such that a second story would disrupt the rhythm of the area as a whole. In this instance, this is essentially new development on a blank canvas. Both Vision 2037 and the LDC envision the TNB district as areas of moderate height. As this is one of the first new developments in this TNB district, a precedent for the standard of development the City envisions should be set.

October 6, 2021 Update: The applicant has provided revised architectural elevations that indicate dormer windows on the front and rear roofs. These dormers will be visible from all elevations. This addition adds the appearance of a second story, though it is non-functional. In a couple instances, the Commission has granted a special exception when the building provides the volume of a second story, specifically for South Lamar Yard, and the YMCA. The Commission may wish to consider if just the appearance of a second story is appropriate in the context of this particular use. Staff's recommendation of denial is unchanged.

Recommendation: Staff recommends denial of the requested Special Exception for a single-story structure in a TNB district. If the Commission finds a single story appropriate for this use at this location, Staff recommends the following condition:
1. The approval is for the plan as submitted.

Summary of Discussion:
Cases #2802 & #2803 were heard together at the request of Chairman Rigby.

Motion to deny.
Commissioners Spraggins, Alexander, Murphy, Rigby and Johnson voting for.
Commissioners Riddell and Milam voting against.

Move: Joseph Murphy Second: Michael Johnson Status: Passed

7. Public Hearing for Case #2805 – Jay Luna has filed a request for Site Plan Approval for 'Hooper Hill Phase 2' for property located at 2901 S Lamar Blvd. (PPINs #10394, #10395, & #10396)

Planning Comments: The subject property is located on +/- 1.8 acres along the east side of S. Lamar Boulevard. The applicant is proposing an additional phase of one and two-story duplex cottages that connects with the existing Hooper Hill development to the north. The first phase, 'The Cottages at Hooper Hill', was approved by the Planning Commission in 2013 (Case #1793).

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Phase 2 will consist of nine (9) duplex buildings ranging from 1,483 sq. ft. to 3,254 sq. ft. A total of fifteen (15) residential units are proposed. The existing ingress/egress within Phase 1 will remain and two new points of ingress/egress will be made in Phase 2 that consists of a loop for one way traffic. The southern entrance will consist of a one way in gated entrance with a turn around and the northern entrance will be exit only. The applicant received a special exception for a gated entry at the August 2021 Planning Commission meeting (Case #2771).

Other Review Elements

• Building Facade and Materials – The buildings are designed with hardie board siding and brick accents and will be designed similarly to the existing Phase 1 cottages.

• Complete Streets – A complete streets plan has been submitted and approved by Planning Staff.

• Common Interest Development – The proposal is considered by Planning Staff to be a residential common interest development (RCID). Additional standards related to the designation of common areas, building separation, and ownership have been written into the subdivision's covenants that were submitted to Planning Staff on October 4th.

• Landscaping and Tree Requirements – The proposed landscape design meets all standards related to parking lot, perimeter edge, foundation planting, and frontage tree requirements. There are a few oaks and magnolias on the site that will be removed, but several large oaks are being preserved in the southeast portion of the property. No tree mitigation is required.

• Open Space / Impervious Coverage – The proposed impervious coverage is 60% and the Neighborhood Residential zoning district allows up to 60% coverage.

• Parking – The site requires 57 parking spaces and 64 spaces have been provided. A total of 51 bedrooms are proposed for the 15 units.

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

Engineering Comments: Comments for the first submission of this development were submitted to the engineer on September 20, 2021. This report will reflect those comments as a revised submission has not been received by the Engineering Division as of yet.

Access
This development is a private gated development off South Lamar Boulevard approximately 1,200 feet south of the intersection of South Lamar, Azalea and Office Park Drive. The site will be afforded once point of access onto South Lamar. The access will be 46 ft wide circle drive to accommodate fire and emergency traffic. A revised drive has been submitted via email but is not reflected in the plans provided with the case report.

Water and Sewer
Water for the site will be obtained via a City of Oxford water main running along South Lamar Blvd. Submitted preliminary drawings for the project show a 6" water main entering the site with several 1" service lines branching off to individual meters at proposed buildings. This design is not acceptable. The developer will be required to install a meter bank at the city ROW line and run private service lines to each individual building from that point. The 6" water main will be required to remain to provide flow to the require fire hydrant within the site.

The site will discharge sewer to an existing sewer main on South Lamar via a private collection network within the development.

Storm water
Storm water management will be accomplished using an underground detention system located along the eastern edge of the property. The Storm water Management Plan has not been approved by staff as of yet, but it is anticipated that approval will be obtained provided the comments submitted to the project engineer on September 20, 2021 are properly addressed.

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Recommendation: Staff recommends approval of the site plan for 'Hooper Hill, Phase 2' with the following conditions:
1. The approval is for the site plan as submitted. (Planning)
2. All comments from the Engineering Division submitted to the project engineer on September 20, 2021 must be properly addressed and construction drawings and reports resubmitted for review. (Engineering)

Summary of Discussion:

Commissioner Milan asked about the turnaround discussed previously.
City Engineer Mayoral indicated that the issue had been resolved.
Commissioner Murphy asked about the location of the fire hydrant.
Paul Koshenina, representing the developer, showed the location on the plans.

Motion to approve subject to staff conditions.
All Commissioners in favor.

Move: David Spragins Second: Harry Alexander Status: Passed

8. Public Hearing for Case #2806 – Yellow Leaf Construction has filed a request for a Variance from Section 5.7.6.2 Buffers for property located at 1016 Molly Barr Road. (PPIN #5030)

Planning Comments: The subject property is located on the south side of Molly Barr Road, directly west of the multi-purpose Depot Trail on approximately +/- 1.46 acres. The narrow property is currently vacant and it is covered with mature trees. The applicant is interested in constructing seven (7) three-story townhome style structures for a total of eleven (11) units. The units are proposed along the entire eastern property line, parallel to the multi-use walking/biking trail.

The applicant is seeking a variance from the Land Development Code Section 5.7.6.2 Buffers which requires a 50 ft. evergreen buffer be maintained between any development and any walking/biking trail. Each of the units are proposed within the buffer. The applicant is seeking to reduce the required buffer from 50 ft. to 25 ft. The applicant states that the buffer hinders their ability to development the property and meet the City's site design standards.

The applicant references a buffer variance that was received south of this property to Oxford Elementary School in 2018. The proposed elementary school structure was built no closer to the Depot Trail than the former school structure was on the property, whereas this proposal has no precedent for interference with the buffer. The school site had much fewer trees and a large portion of the area adjoining the trail contained a recreation field, whereas this site is completely covered with trees.

The applicant is waiting the result of this variance request before submitting for site plan review. Staff already sees many obstacles with the current proposal including the need for a request for a Special Exception for three story buildings, the fire truck turnaround is inaccessible without the buffer variance, and there are questions about tree preservation and mitigation for the heavily forested site.

Recommendation: Staff believes the site constraints and code issues triggered by the current site layout have been self-created and are economically driven, not the result of an unnecessary hardship. Based on the current proposal provided, Staff recommends denial of the variance.

Summary of Discussion:
Joey Moore, representing the developer, stated the perspective of the developer regarding the variance and the problem with the buffer requirement. He feels the property is unfairly constrained.
Chairman Rigby indicated that it felt like many buffer variances, not one. He noted some variance needed; but the use proposed should preserve the public interest and the pathway. Feels what is put there is relevant.
Commissioner Alexander asked about an adjacent piece of property.
Mr. Moore talked about the owner and what might happen to it. Mr. Moore noted that the 50-foot buffer is a concern.

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Commissioner Alexander discussed a potential alternative way to use the property.
Mr. Moore discussed other concerns about the Code and use of the property. Difficult because it is a long narrow lot. Proposal is lower density than zoning allows.
Commissioner Riddell asked about the proportions of the houses and expressed sympathy for the owner.
Commissioner Alexander asked about site detention and Mr. Moore responded.
Commissioner Riddell expressed concern about the density proposed.
Commissioner Alexander stated that acquiring the adjoining property might make an overall better development site.

Commissioner Riddell asked about the sidewalk requirement.
Commissioner Murphy asked about the history of the trail.
Planning Director Requet described the history of the trail, created by the Aldermen, owned by the University.
Bill Freeman, 136 Oxford Creek, part of Oxford Creek HOA; support staff recommendation.

Commissioner Milam made a motion to approve.
The motion failed for lack of a second.
Motion to deny.
Commissioners Spragins, Alexander, Murphy, Rigby, Ridell, Johnson voting for.
Commissioner Milam voting against.

Move: Michael Johnson Second: Harry Alexander Status: Passed

9. Motion to Adjourn

Move: Harry Alexander Second: Joseph Murphy Status: Passed

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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)

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, November 8, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

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

Remote Attendance

Judy Riddell; Reanna Mayoral

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

A. November Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Move: Kirk Milam Second: Michael Johnson Status: Passed

3. Approval of minutes from the October 11, 2021 Meeting

   Move: Joseph Murphy Second: David Spragins Status: Passed

4. Staff Report
   a. Building Official's Report
5. Map of Cases this Month

B. **Public Hearings**

1. Public Hearing for Case #2807 – Servati Group, LLC has filed requests for A) a Special Exception as provided in Section 5.6.1.3 Building Form: Step Back B) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: First Floor Residential C) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business: Structure Height, Maximum D) a Special exception as provided in Section 3.2.15 Parking and E) a Variance from Section 5.7.6.2 Buffers for property located at 100 Depot Street. (PPIN #5780)

   Commissioner Milam Recused.

   Planning Comments: This is a request for four Special Exceptions and a Variance for property located at 100 Depot Street. This same property was the subject of several requests that were denied by the Planning Commission at the September 13, 2021 meeting.

   The subject property is located on Depot Street but the property does have frontage along Jackson Avenue, across from the Courtyard Marriott Hotel. The site measures approximately +/- .54 acres and it does have a vacant building (former Better Brands) on it. The property is surrounded by University of Mississippi property, but it is confronted by TNB across Jackson Avenue to the north. The special exception and variances requests of this report relate to a proposed residential building.

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This particular site does have several limitations. A portion of the existing building is located on University of Mississippi property, but the developer intends to demolish the building. An existing North East Mississippi Electric Power Association high transmission powerline bisects the middle of the property and it includes a 50-foot easement that prohibits any construction. The applicant has worked with NEMEPA to reduce this easement to 40 feet. The Depot Street right of way runs through the eastern portion of the applicant's property. As a result of these constraints, the application indicates that only 5,602 SF of the 24,462 SF parcel are usable area. Further limiting this site is that it is adjacent to the Depot Trail, thus requiring a 50' buffer from the property line for any development.

The applicant is now proposing to construct a 4-story (45') residential building with 9 residential units. This proposal indicates 6, two-bedroom units and 3, three-bedroom units. Because this building only contains residential uses, the total quantity of parking required is 24 spaces and the application complies with the requirement. The building will provide 11 parking spaces under the building that will mostly be screened by a perforated metal wall panel with aluminum storefront windows that will help screen most of the parking under the building. An additional 7 spaces will be provided on the same portion of the property as the building with 6 spaces on the east portion of Depot Street.

The building proposes similar architecture to what was previous presented but the rooftop elements have been removed because the use of the rooftop is no longer intended. As mentioned earlier, the ground floor has been wrapped with windows and metal wall panels to help screen the parking. The architect also notes that while this building does not propose any commercial uses on the ground floor, it is designed in a way that the parking areas could be easily converted into useable commercial space. The north end of the building is now recessed approximately three feet with an accentuated window box that opens up to a small balcony. As previously designed, each unit on the east façade will have large windows, and on the south and west facades balconies will help to break-up the façades.

A) Special Exception for Building Form: Step Back (Section 5.6.1.3)
The Land Development Code stipulates that when a building is taller than 3 stories, then the building shall be recessed 1.2 feet for each additional foot of height (ex. If a building is 50' in height, then the façade shall be recessed 12'). The goal of this requirement is to maintain a human scale in the built environment with regards to building height.

In this particular instance, the applicant is proposing a 4-story building measuring approximately 45' in height. This means that the 4th story would be required to be recessed approximately 14' on the north and east facades. Due to the many limitations of this particular site, the applicant is concerned with further limiting the buildable area.

The architect believes that they have made an effort to achieve the spirit of the ordinance utilizing design features to create shadows and highlights across the surface of the building, and the materials that they have chosen are in keeping with the color adjacent Depot Building. In this iteration of the design, a 3-foot step back on the north façade is provided. They have also designed a 3-story glass clad window to help break-up the plane of the façade as it projects out from the primary façade by 1.5 feet, with a reveal around the large window that steps back approximately 1.5 feet to provide for depth (shadows/light).

Each unit on the east façade will have a large recessed window, and on the south and west facades balconies will help to break-up the façades. But the application notes that the ground floor level and a large portion of the upper floor are recessed from the plane of the primary façade. Much of the enclosed portions of the ground floor are stepped back 2.3 feet, while the upper floor features an occupied roof deck that is unenclosed except for mechanical screening. The applicant believes that this design meets the spirit of the design standards of the Land Development Code and that this building will serve as a transition building from the Historic Urban Center to the University.

B) Special Exception for First Floor Residential (Section 2.6.7)
This property is zoned Traditional Neighborhood Business, and residential on upper floors is permitted by right. The owner of this site intends to construct a residential building, without any commercial. The ground floor of this development will consist of parking and mechanical elements

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for the building, and residential units are proposed on the remainder of the site.

Early conversations with the developers and architecture team planned for 1 or possibly two stories of commercial. The initial thought for this site was to take advantage of the Depot Trail and the close proximity of the University by offering restaurant services in this area, but recently those planned uses were removed from the development concept for these requests. The applicant contends that due to the constraints on this site, it makes it difficult for any other uses other than multi-family.

As pointed out by the applicant in the September meeting, they did desire to provide commercial facilities at this location, however, because of the many constraints to the property, they are not able to provide for adequate on-site parking. After several conversations with the development team, Staff does agree that not having enough on-site parking is a considerable challenge in securing a commercial tenant. And while the applicant has reached out to the University of Mississippi for a shared-parking agreement, the agreement can be terminated at the University's discretion. This presents real challenges in securing a commercial tenant.

C) Special Exception for Fourth Floor (Section 2.6.7)
Building height in the Traditional Neighborhood Business District is limited to 3 floors but not to exceed 40' in overall height, however, a Special Exception may be granted for a 4th floor not to exceed 50'. This has been granted in several instances since it was established in 2017. The applicant is requesting the ability for a 4th floor with a maximum height that complies with the 50' limitation. Staff believes that a four-story building at this location would not be out of character with many of the buildings in the vicinity. Across Jackson Avenue from the subject property is the 4-story Courtyard Marriott, Uncommon Oxford presents itself as 5 stories from Jackson Avenue, and the Gertrude C. Ford Center measures more than twice the height of the proposed building from the parking lot. Given the constraints at this particular location, a fourth story does not seem to be an unreasonable request.

D) Special Exception for Shared Parking (Section 3.2.15)
As previously mentioned, the development will provide 18 parking spaces on site with 12 parking spaces located to the east of Depot Street. The Land Development Code does allow for public on-street parking spaces to count towards the require parking if they are located within 200 feet of the development site and if it is approved by Special Exception. The 12 parking spaces will be on university-owned property and will be metered. Staff has no objection to this request.

E) Variance from Buffer Requirements (Section 5.7.6.2)
The applicant is requesting full relief from the buffer requirement of the Land Development Code. As previously mentioned, this property has multiple constraints, including an approximate 30' wide street (Depot Street) bifurcating the property, a 50' North East Mississippi Electric Power high transmission powerline, with a 50' easement, that bisects the middle of the property north and south, and City of Oxford powerlines on the north portion of the site with an additional 25' easement. The application notes that with these constraints, over 75% of the property is taken up by easements and right of ways.

This property is located adjacent to the Depot Trail and the Land Development Code requires a 50' buffer for a development adjacent to a walking/biking trail. The existing building was clearly constructed prior to this requirement being established. If the buffer requirement is fully enforced, it is unlikely that any development could occur on this particular site. In this particular instance, development has already occurred with the former Better Brands Building, and there is little, if any, trees or any other vegetation that would be spared.

Due to the multiple hardships that exist on this particular property that are unique, and that the enforcement of this buffer would deprive this property from being developed, Staff is supportive of the requested variance.

Recommendation: Staff recommends approval of the four requested Special Exceptions and one requested variance with the following conditions:

1. The Special Exceptions and Variance are approved as submitted.

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Summary of Discussion:

Chair Rigby indicates that the applicant seems to have responded to the concerns expressed previously about this proposal.
Director Requet concurred that they have worked to address the concerns.

Commissioner Spragins asked about the status of the trail.
Director Requet noted progress regarding that issue and then discussed how parking is to be handled.
Commissioner Riddell indicated thanks for the efforts to address the concerns; but indicated that she still has concerns with the buffer.

Chair Rigby indicated that they should first discuss the proposed variance. He feels that due to the configuration of this lot, some type of variance is required as full compliance would make development on the site impossible. He feels the proposed footprint is reasonable.

Roy Decker (applicant) agrees with Chair Rigby, indicating how the area would blend with the Depot next door.
Sumner Abraham (applicant) further discusses placement of the proposed building and how it will relate to the trail.

No other questions or discussion on variance request.

Chair Rigby brought up the Special Exception requests, noting that it is better that multiple variances have not been requested. He indicates support for not having commercial on the first floor, and the need to address parking. He would prefer commercial on the ground floor but understands the problems on this site and feels he can support the request.
Roy Decker (applicant) agrees with Chair Rigby, discussing design decisions and how it could become commercial later.

Commissioner Johnson asks if parking is the reason that commercial cannot be secured.
Taylor Webb (applicant) indicates that commercial cannot work due to parking constraints; and because there can be no permanent outdoor seating on the trail side of the structure due to fire code standards. He describes more of the problems related to lack of potential parking or outdoor seating.

Commissioner Spragins asks staff if there was still any opposition.
Director Requet said he had not heard from any opposition.

Commissioner Murphy indicated appreciation for the efforts to address the prior concerns. He also noted that their plan would actually expand the existing buffer.

Taylor Webb (applicant) agreed and noted that they will also be working with the University to improve the trail area next to the Depot.

Regarding: Special Exception from Section 5.6.1.3 Building Form: Step Back - Motion to approve by Commissioner Spragins; 2nd Commissioner Alexander; Approved (6-0)
Regarding: Special Exception from Section 2.6.7: First Floor Residential in Traditional Neighborhood Business - Motion to approve by Commissioner Johnson; 2nd Commissioner Spragins; Approved (6-0)
Regarding: Special Exception from Section 2.6.7: Structure Height, Maximum in Traditional Neighborhood Business - Motion to approve by Commissioner Spragins; 2nd Commissioner Alexander; Approved (6-0)
Regarding: Special Exception from Section 3.2.15 Parking - Motion to approve by Commissioner Murphy; 2nd Commissioner Johnson; Approved (6-0)
Regarding: Variance from Section 5.7.6.2 Buffers - Motion to approve by Commissioner Murphy; 2nd Commissioner Alexander; Approved (5-1, Commissioner Riddell voting against)

2. Public Hearing for Case #2808 – Oxford Farms, LLC has filed a request for a Special Exception as

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provided in Section 3.5.1.2.c Dwellings – Detached for Property located at Oxford Way. (PPINs #8844, #8903, & #18836)

Commissioner Milam remains recused.

Planning Comments: The subject property is located on +/- 17.51 acres on Oxford Way directly across from the intersection of Farm View Drive. A previous site plan for 'The Cottages at Oxford Farms,' now called 'Stillwater,' was approved September 2020 and indicated a mix of six, one-bedroom and 102, three-bedroom units in a Residential CID development. This development is actively being constructed and Certificates of Occupancy have been granted for four of the units.

The applicant is requesting the ability to change the plans for 45 units, from three-bedroom units to four-bedroom units. Four-bedroom units in NR districts are allowable by Special Exception for both detached and duplex units. Limitations on 4-bedroom units were established to help better control "Purpose-Built Student Housing" facilities. The applicant has expressed the need for four-bedroom units similar to those found in the nearby Adelia Development, although those are all detached units. Approximately half of the units in this request are duplexes.

Parking is calculated differently for four-bedroom units than for three-bedroom. For detached and duplex units, three-bedrooms are calculated at two spaces per unit, while four-bedroom units are calculated at one space per bedroom, an increase of two spaces per unit. Guest parking is the same for both types. This will mean that there is an increased need for parking of 90 spaces. The provided plans indicate that sufficient parking is provided between the 147 on-street spaces and the 359 spaces provided with the garage and driveway of units 1-32 & 54-76.

The proposed 4-bedroom units have similarly sized footprints to the original 3-bedroom units and are similar in exterior design and materials.

Staff supports this request because the development will still provide a mix of 1, 3 and 4-bedroom units. there will be sufficient parking provided and the overall site design is relatively unchanged.

Recommendation: Staff recommends approval of request Special Exception as provided in Section 3.5.1.2.c for the use of 4-bedroom units in an NR district with the following conditions:

1. The approval is for the plan as submitted.

Motion to Approve subject to staff conditions.

Move: Michael Johnson Second: Harry Alexander Status: Passed

3. Public Hearing for Case #2809 – Larry McAlexander has filed a request for Preliminary Plat approval for 'Evergreens Subdivision – Phase IV' for property located North of the intersection of George G "Pat" Patterson Parkway and Old Sardis Road. (PPIN #23656)

Commissioner Milam returns.

Planning Comments: This is a request for a Preliminary Plat for 'The Evergreens Subdivision – Phase IV.' This phase is located in a recently annexed portion of the city between George G. "Pat" Patterson Parkway and M-Trade Park south of the first roundabout north of Hwy 314. The applicant is proposing a three-lot subdivision with lots of +/- 2.07 acres, +/- 2.14 acres, and +/- 2.04 acres. The lots meet the dimensional standards of the TNB district.

This site was cleared and graded previous to annexation and only one tree remains. There are no plans at this time to remove this tree so mitigation is not needed for this project.

Cross access between the lots needs to be accounted for with any development that occurs along Pat Patterson Parkway. This subdivision will only be granted one direct access point off of Pat Patterson, so perpetual cross access easements between the lots will be needed.

Engineering Comments:
The proposed preliminary plat contains an area previously submitted to Development Services as

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Lot 10 Farmer's Market. This is noted primarily to reduce future confusion that can occur from multiple submittals for the same property. Approximately one-third of the area proposed to be platted lies within the floodplain, which will require consideration to ensure compliance with all requirements for construction in the floodplain. All requirements of Chapter 42, Flood Damage Prevention, of the City Code of Ordinances will be applicable to this subdivision. Staff anticipates that any buildings constructed on this site will be required to be raised more than 5' above the existing grade to be above the Base Flood Elevation. As this is a preliminary plat for a commercial development, there are not detailed construction plans and staff is not sure of the intended or proposed grading.

Water service will be provided from an existing connection to a water main that was constructed at the same time as the George G. "Pat" Patterson Parkway. The plans provided indicate that connections for the two exterior lots will be made to the existing water main on the west side of the roadway but this will NOT be permitted as shown. The owner/developer will be required to extend the water main from the existing 8" stubbed out connection at the interior lot in each direction to provide water service. It is also expected that hydrants or FDC connections will be required and those could not be served by the 2" water connections shown. A sewer connection is shown from the rear of each property to the existing sewer main. These connections will be private to the manhole and will be required to be labeled as such. An easement will be required from the City for these connections. The approval of the preliminary plat would allow for construction of the water and sewer infrastructure so these plans will need to be approved by Staff prior to the Board hearing the case for preliminary plat.

A green space is shown on the southwestern portion of the property and the application notes this is for future stormwater management. Stormwater management within the site will be challenging due to the high-water table in the area but will be required. The stormwater management plan will be determined at the time of site plan review or Final Plat depending on the method the owner chooses (site specific or regional within the shared space). Staff has recently met with Precision Engineering on behalf of Larry McAlexander's RV Park Development (Case 2249) to discuss the construction of a regional detention pond that would be able to provide some stormwater offset or credit to some properties in this area. There have not been any informal or formal agreements regarding this matter yet and the Board has not had any consideration of this matter. It is noted now because an easement would be required at the time of Final Plat in order to widen an existing ditch between this property and mTrade Park parking areas.

Access has not been shown on the plat or plans and will require approval from Engineering. At this time, it is anticipated that access will be from the adjacent side streets. A single access point may be granted to the center of the development from the George G. "Pat" Patterson Parkway but staff has not confirmed that at this time. Shared access within all lots of the subdivision will be required and needs to be indicated on the plat.

Sidewalks will be required along all roadway frontages.

A bond will be required for the water extension, water extension and sidewalk at the time of Final Plat.

Recommendation: Staff recommends approval of the Preliminary Plat for 'The Evergreens – Phase IV' with the following conditions:

1. Approval of 'The Evergreens – Phase IV' by the Mayor and Board of Aldermen. (General)
2. Approval is for the plan as submitted. (Planning)
3. Prior to the case for preliminary plat being heard by the Board of Alderman, corrections to the water and sewer plans will be made to Staff's satisfaction. (Engineering)
4. This site must be in full compliance with Chapter 42, Flood Damage Prevention, in all phases of development, construction and maintenance. (Engineering)
5. Shared access between all lots must be shown on the plat prior to the case being heard by the Board. (Engineering)
6. Any direct access to the George G. "Pat" Patterson Parkway will require approval from the City. (Engineering)

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Summary of Discussion:
Chair Rigby asks City Engineer Mayoral about the sewer connection and the requested easement. City Engineer Mayoral indicates that the easement relates to detention, and this would be part of a regional detention solution.

Chair Rigby also asked about the water lines.
City Engineer Mayoral indicated how the water lines would connect.

Motion to approve subject to staff conditions.

Move: Joseph Murphy Second: David Spragins Status: Passed

4. Public Hearing for Case #2810 – Lee and Sophie Hays have filed a request for Final Plat Amendment for 'Rosemont, Lots 7 & 8' for property located at 112 and 114 Rosemont Loop. (PPINs #34342 & #34343)

Planning Comments: The subject property is +/- 0.42 acres and is located in the Rosemont Subdivision inside the Grand Oaks PUD. The applicant is requesting to amend the Final Plat to merge Lots 7 & 8 into one lot which will be called 'Lot 7'. The resulting property will meet the minimum lot size requirements for the underlying zoning and the setbacks will be governed by the standards set forth in the Grand Oaks PUD.

Attached with this case file are letters of approval from other owners in the subdivision that the applicant has deemed adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.

Engineering Comments: Engineering Staff requests a statement be included on the amended plat to the effect that any existing and unidentified utilities are legally there, have a prescriptive easement at that this time, and be allowed to remain in their current locations. Stormwater management is not required for this plat amendment as this is a reduction. There are no known conflicts with water and sewer within the lot. One of the existing water and sewer taps created for the lots will be used for this new home and the other will be capped.

Sidewalk that is compliant with all City of Oxford requirements, including ADA access, is required to be constructed across the frontage of both existing lots prior to occupancy of the home. The portion of the sidewalk that is crossed by the driveway must also be fully ADA compliant within the 5' wide designated path of the sidewalk. A bond or certified check will be required for the sidewalk.

Recommendation: Staff recommends approval of the Final Plat Amendment for 'Rosemont, Lots 7 & 8' with the following conditions:

1. Approval of 'Rosemont, Lots 7 & 8' by the Mayor and Board of Aldermen. (General)

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

3. A statement be added to the plat affirming that any utilities installed prior to November 8, 2021 are legally located and have a prescriptive easement to remain in their current locations, including those not currently identified on the plat. (Engineering)

4. One of the existing water and sewer taps will be used for any home built on this property and the other tap will be capped. (Engineering)

5. Sidewalk that is compliant with all City specifications must be completed prior to the occupancy of the home. (Engineering)

6. A bond or certified check will be required prior to the case being heard by the Board of Alderman. (Engineering)

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Summary of Discussion:
Chair Rigby asks City Engineer Mayoral about the sidewalks on the plat.
City Engineer Mayoral indicates that there is no longer a bond for this site, and the comments on the plat are to make it clear that the sidewalk will have to be built.

Motion to approve subject to Staff conditions.

Move: Kirk Milam Second: Harry Alexander Status: Passed

5. Public Hearing for Case #2811 – JC Enterprises, LLC has filed a request for Final Plat Amendment for 'MSL Oxford Subdivision, Lot 1' For property located at OUS Drive. (PPIN #36364)

Update 11/8/21 – The applicant has provided letters of support from the adjacent property owners.

Planning Comments: This is a request for a final plat subdivision amendment for the four-lot MSL Oxford Subdivision located along Industrial Park Drive and OUS Drive. The subdivision plat was originally recorded in 2016 and the subject property is currently referred to as Lot 1. Lot 1 is 3.938 acres and zoned Traditional Neighborhood Business. There are no structures on the lot and it is pad ready. The proposed amendment would split Lot 1 into two lots, Lot 1-1 (1.938 acres) and Lot 1-2 (2 acres).

Both of the proposed lots would conform to the dimensional standards of the TNB district. The applicant has provided letters of approval from other owners in the subdivision that the applicant has deemed adversely affected or directly interested. Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested therein," to allow them to express concerns they may have with the proposed change. The identification of who such persons may be is left to the discretion of the applicant.

Engineering Comments: Stormwater management for these lots will be addressed as part of any site plan approvals. There are no known conflicts with water and sewer within the lot. As there was originally only one lot, an additional water and sewer tap may be required in the future and this will be addressed as part of the site plan approval.

Sidewalk that is compliant with all City of Oxford requirements, including ADA access, is required to be constructed across the frontage of both proposed lots prior to occupancy any future building. The portion of the sidewalk that is crossed by the driveway must also be fully ADA compliant within the 5' wide designated path of the sidewalk. A bond or certified check will be required for the sidewalk as part of the subdivision process though the sidewalk will not be built until the site plans develop.

In November 2020, the Board of Alderman approved a request to reduce/release the bond for one-half of a boulevard section that had been shown on OUS Drive in order to construct OUS School. A copy of Staff's memo to the Board is included with this report for future reference as these proposed lots develop.

Recommendation: Staff recommends approval of the Final Plat Amendment for 'MSL Oxford Subdivision, Lot 1' with the following conditions:

1. Approval of 'MSL Oxford Subdivision, Lot 1' by the Mayor and Board of Aldermen. (General)

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

3. A bond or certified check for the sidewalk will be required prior to the case being heard by the Board of Alderman. (Engineering)

Motion to approve subject to Staff conditions.

Move: David Spragins Second: Michael Johnson Status: Passed

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6. Motion to Adjourn

   Move: David Spragins Second: Joseph Murphy Status: Passed

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MINUTES

THE CITY OF OXFORD

City of Oxford
Planning Commission
Planning Commission
Monday, December 13, 2021, 5:00 pm - 8:00 pm
City Hall Courtroom and Youtube.com

In-Person Attendance

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

Remote Attendance

Judy Riddell; Reanna Mayoral

Not In Attendance

Joseph Murphy

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

A. December Planning Commission Memorandum

1. Call to Order
2. Approval of the Agenda

   Case #2818 postponed. No other changes.

   Move: Kirk Milam Second: Harry Alexander Status: Passed

3. Approval of minutes from the November 8, 2021 Meeting

   No changes proposed.

   Move: David Spragins Second: Kirk Milam Status: Passed

4. Staff Report

   Planning Director Requet announced the promotion of Robert Baxter to Senior Planner. He then noted that the Aldermen heard an appeal of Case #2806 regarding a required buffer near Molly Barr and the trail and had upheld the decision of the Planning Commission to deny the requested variance. Planning Director Requet noted the upcoming Planning Commissioner Training scheduled for January 20 at the Oxford Conference Center, and staff work on a Planning Commissioner Handbook.

   a. Building Official's Report

5. Map of Cases this Month

B. **Administrative Approval**

1. Public Hearing for Case #2813-A - Royal Group, LLC has filed a request for Site Plan Approval for 'Highway 30 Convenience Store' for property located at 86 MS Highway 30. (PPIN #40306)
2. Public Hearing for Case #2814-A – Brian Hayden has filed a request for Site Plan Approval for 'Calliope Residences' for property located at 1206 S 16th Street. (PPIN #8269)

C. **Public Hearings**

1. Public Hearing for Case #2815 – Chandler Towing, LLC has filed a request for Variances from

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Section 5.5.2.2 Fences: Barbed Wire and Section 5.5.2.6 Fences: Maximum Height for property located at 97 Rickey D Britt Sr Blvd. (PPIN #17970)

Planning Comments: The subject property is located off the east side of Rickey D Britt Drive and is the current site of an impound lot. The property currently has a six-foot fence topped with three strands of barbed wire. The applicant is requesting a variance from the fence requirements to enclose an expansion of the site with similar styled fencing. The LDC restricts fences to no taller than 4 feet in front yards and prohibits barbed wire except in agricultural and industrial settings.

The applicant states that the fencing is designed to stop pedestrian trespass into the impound lot and that the requested fencing is the minimum necessary to achieve this. Additionally, insurance requirements and a contract with the City of Oxford Police Department state that this type of fencing is required. A letter of support for this request from the City Chief of Police is attached to this report.

A similar request was heard in October 2020 (Case #2669) for a property on the west side of Rickey D Britt Sr Boulevard. The request to use barbed wire atop a previously approved six-foot fence to protect an unfenced car lot was denied by the Planning Commission. The sentiment expressed by members of the Planning Commission was that construction of the previously approved six-foot fence should be tried first, and then, if trespass and theft occurred, that the Commission would be more willing to consider the request for barbed wire.

In this instance, Staff supports the request for six-foot fencing, but cannot support the request for the use of barbed wire. Any chain link fencing at this location should be black, vinyl coated chain link with privacy slats installed. Staff would also like to see evergreen landscaping to screen the portion of the fence that faces Rickey D Britt Sr Boulevard.

Recommendation: Staff recommends approval of the request to construct six-foot tall fencing in the front yard with the following conditions:

1. The fence shall be constructed of black vinyl coated chain link and shall include privacy slats.

Staff recommends denial of the request to use barbed wire atop the fence. Should the Planning Commission consider approving this request, Staff recommends the following conditions:

2. The fence shall be screened from the road using evergreen landscaping that will grow to fully screen the barbed wire and the applicant shall provide staff with a planting plan indicating the species of plants to be used and the spacing between plantings.

Chairman Rigby noted that the Commission will vote on the two variances separately. He also noted that while the Commission did not approve a prior request for the use of barbed wire but said they might reconsider if there were security problems, that fence was never built at all.

Commissioners Johnson and Milam asked about the insurance requirement and the nature of the contract with the city and how the lot is used.

Larry Chandler (the business owner) replied to the questions stating that both the extra height and the barbed wire are needed as the parking lot is to be an impound lot for the police. This is where cars are placed (after a wreck or a police stop) until they are released by the police to the owners, sometimes after a trial. And sometimes the cars get searched by the police

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for additional evidence. He also described why the lot will not easily be visible from the public street.

Director Requet asked about other impound lots and Mr. Chandler stated that the city has a contract with one other company for an impound lot, and this is a two year contract with the city. He has barbed wire on his existing lot (predating zoning requirements), and this request would accommodate an expansion of that area to accommodate the police contract.

Chairman Rigby stated some concern with using a variance for an obvious security need, especially related to a city contract. He asked City Attorney Pope Mallette to comment on that. Mallette outlined why this probably does meet the required standards for a variance since this seems a rare situation. He suggests the use of conditions that limit the barbed wire only while they have the city contract, plus the recommended screening.

Commissioner Alexander asked about how many cars would be regularly on the lot. Mr. Chandler stated that it would vary but could be 30-40 because some people would have to wait to get the money to get their cars repaired if damaged in a wreck. He then again clarified that there is already barbed wire on the rest of his lot, that this is for an expansion for the police contract.

Motion Regarding Use of Barbed Wire: Approve with condition that if no longer used for a police impound lot the barbed wire will be removed.

Move: Commissioner Milam Second: Commissioner Spragins
Status: Approved unanimously with stated conditions.

City Attorney Mallette recommended amending the motion to include the use of screening as noted in the staff report. That modification was moved and seconded and also approved unanimously.

Motion Regarding Height: Approve with staff conditions regarding screening.

Move: Commissioner Johnson Second: Commissioner Alexander
Status: Approved unanimously with stated conditions.

Chairman Rigby then requested staff to talk to Aldermen to consider change regarding the use of barbed wire for type of use.
Planning Director Requet noted that this is the first time this has come up, and staff has already noted a need to consider it and the nature of the contract with the City.

2. Public Hearing for Case #2816 – Oxford Farms, LLC has filed a request for a Zoning Map Amendment for property located at the South Lamar roundabout (PPIN# 8854)

Commissioner Milam Recused

Planning Comments:
The subject property is a peninsula situated at the intersections of South Lamar Boulevard, Belk Boulevard and Jeff Davis Extended. There are three tracts associated with this property. The property measures approximately, +/- .66 acres. (Tract 1 measures +/- .13 acres, Tract 2 measures +/- .18 acres and Tract 3 measures +/- .35 acres.)

Tract 3 was previously part of the Baptist Memorial Hospital but sold to the University of Mississippi when the new hospital was constructed. In 2017, this portion of property was zoned Institutional-Education because it was owned by the University of Mississippi to support their mission. Tract 2 was part of the original Belk Boulevard right of way and does not have any zoning. In 2018, the Belk Boulevard and South Lamar Boulevard intersections were redone to incorporate a roundabout resulting in a remanent of the right of way remaining. Tract 1 is owned by Oxford Farms, LLC. and it is zoned Traditional Neighborhood

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Business (TNB).

More recently, Oxford Farms, LLC. has acquired both Tract 2 and Tract 3 of this property from the University of Mississippi and the City of Oxford. As a result, this property is no longer controlled by the University of Mississippi, and the Institutional-Education zoning should no longer be applicable. Also, because the trajectory of Belk Boulevard has been changed, the old right of way is not needed by the City of Oxford and should therefore be zoned accordingly.

Rezoning Requirements: 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, in Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, the court stated, "Under the "change and mistake " rule of municipal zoning, based on the presumption that the original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning.

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

Mistake: In this instance, there was not a mistake.

Change and Need: Among the many changes to the character of this neighborhood, the primary change is that this property will no longer be owned by the University of Mississippi and the City of Oxford. Also, since the property will be owned by the adjoining property owner, in this instance it is rational to keep the zoning districts consistent for the many reasons that justified the adjoining property to be zoned Traditional Neighborhood Business. In 2018, a new intersection at Belk Boulevard and South Lamar was constructed that also contributes to the changed in the character of the neighborhood.

Recommendation: Staff recommends approval of the request to rezone the subject property measuring approximately +/- .66 acres from (INST-E) Institutional-Education and a portion of property that is unzoned to (TNB) Traditional Neighborhood Business.

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

Move: Michael Johnson Second: David Spragins Status: Passed

3. Public Hearing for Case #2817 – David VanLandeghem has filed a request for a Variance from Section 98-112 Applicability of the Stormwater Ordinance for Property located at 2411 South Lamar Boulevard. (PPIN #8849)

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Commissioner Milam returns.

Planning Comments: The subject property is located on +/- 0.49 acres on the east side of South Lamar Boulevard south of the Belk Boulevard roundabout. The property was the subject of an administratively approved site plan in June 2021 (PC Case #2749A) for a +/- 900 sf addition.

The applicant is requesting a variance from the stormwater detention requirements for the parking lot so that the parking lot can be removed, graded and repoured. Generally, the City requires that when a surface lot is removed and repaved, the newly repaved area is treated as new impervious coverage and the stormwater management requirements must be met. The applicant states that the topography of the lot makes meeting the stormwater requirements overly burdensome.

This site plan presents a unique set of circumstances for consideration that leads Staff to support the request for a variance, specifically to exclude the driveway and parking reconstruction from the stormwater management requirement. The building addition is minor enough to not trigger the requirement for sidewalk or stormwater.

The applicant proposed a very minor building addition and provides stormwater management in accordance with similar sites. Section 98-112 of the ordinance allows an exemption from stormwater management requirements at the discretion of the City Engineer and City Planner. This exemption was added in the 2018 ordinance revision to allow stormwater management to be completed on the same small scale as minor additions to avoid an excessive burden on property owners that were trying to implement very minor changes. The impervious area of the site was decreased by the addition of greenspace as has been required for similar sites.

The owner later requested to make repairs to damaged portions of the driveway and to make some adjustments to the grade of the driveways, which has triggered stormwater management requirements on other sites when completed as part of a building renovation or new construction. However, this site has a unique presentation in that it is located within a very small area of South Lamar without sidewalk and with very steep slopes adjacent to the right-of-way and in an area with a planned sidewalk project in the near future.

The initial site plan review only required an easement for future sidewalk. An easement was to be provided to the City so that the sidewalk could be completed in the future. As the design engineer was considering the site grades, he noted to Staff that a future addition of sidewalk by the City would likely require the complete reconstruction of the most of the concrete driveway and damage or render useless any subsurface stormwater management plan implemented by the owner now. He also noted that the City would not provide stormwater management for the sidewalk or reconstructed drives when the City constructed sidewalk in the future.

Essentially, the design engineer pointed out that future construction of sidewalk would require the same demolition and reconstruction that the applicant was proposing and requested that the proposed construction be considered in the same manner as if the City were completing the work. The engineer also stated that ADA compliant sidewalk would be added as part of the proposed construction while other grading is being performed now. The addition of greenspace does decrease the runoff from the site and staff does support the variance request to eliminate or exempt the driveway and concrete parking areas from the stormwater management requirements.

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Recommendation: Staff recommends approval of the request variance to exempt the driveway and concrete parking areas from the stormwater management requirements with the following condition:

1. Approval is for the plan as submitted.

Motion to approve subject to staff conditions.

Move: David Spragins Second: Kirk Milam Status: Passed

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

   This item was postponed.

5. Motion to Adjourn

   Move: Kirk Milam Second: Michael Johnson Status: Passed

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