

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Monday, July 8, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In-Person Attendance

David Spragins; Erin Smith; Hollis Green; J.R. Rigby; Jaclyn Colameta; John Crawley; Kate Kenwright; Kirk Milam; Robert Baxter

### Remote Attendance

Benjamin Requet

### Not In Attendance

Angie Gragson; Harry Alexander; Joseph Murphy; Yolanda Logan

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

#### A. July Planning Commission Memorandum

If you would like to participate in this meeting, please open the attachment for the virtual meeting information.

To view the video of this public hearing please click the link below.

<https://www.youtube.com/watch?v=iJlHzIDPuCA&list=PLOF67Ud5n0KH9-Kw4TVSrhuNgQ0AqLEL8&index=51>

#### B. July Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

##### 3. Approval of minutes from the June 10, 2024 Meeting

All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

##### 4. Staff Report

##### 5. Planning Staff Report

##### 6. Building Official's Report

##### 7. Map of Cases this Month

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

#### C. Administrative Approvals

##### 1. Case #3100-A Oxford School District (Steve Hurdle) has filed a request for Site Plan Amendment

for 'Central Elementary' property located at 409 Washington Avenue (PPIN#5919).

D. Consent Agenda

All in favor.

Move: David Spragins Second: Kirk Milam Status: Passed

1. Public Hearing for Case #3109 – Michael and Karol Turner have filed a request for a Variance from Section 5.5.2.6 Site Design Standards – Fence Height for property located at 1417 Jefferson Ave. (PPIN #6185)

E. Public Hearings

1. Public Hearing for Case #3101 – Stephen Blackmon (Blackburn Group) has filed a request for a Special Exception as provided in section 2.6.7. for Ground Floor Residential for 'The Summit' property located at Ed Parry Boulevard (PPIN #4707).

Kate Kenwright, Planner II, presented on behalf of the City. (YouTube video begins at 10:31 - ...)

**Planning Comments:** The applicant seeks a Special Exception to locate ground floor residential in a (SCN) Suburban Center District.

The subject property measures +/- 13.99 acres and is located off of Ed Perry Boulevard and Highway 30. The proposal is a 108-unit multifamily residential development, with related buildings including an office/clubhouse, maintenance building, pool and outdoor amenity space, and a mail gazebo.

The Suburban Center District is meant to feature large commercial uses—uses often include retail, office, and other commercial usage. However, multi-family residential and single-family attached residential are other allowed structure types, with first floor residential by Special Exception.

As noted in the information provided by the applicant, the overall development will be mixed-use. The applicant notes that once the master plan is developed there will be a "healthy mix" of uses and notes that this portion of the development is the first to develop and the furthest from the other developed areas.

The proposal is only for the first portion of the overall Summit development. The lots fronting Ed Perry Boulevard are not a part of this first part, and the rear and side portions of the property border existing single-family homes. Staff finds the location of ground floor residential appropriate in this context. The other lots located west of this development would be a more appropriate place to locate ground-floor commercial uses.

No feedback has been received from the public either for or against the Special Exception.

**Recommendation:** Staff finds that granting the special exception will not adversely affect the public interest and recommends approval of the special exception.

**Summary of Discussion:** With no comments or questions from the audience of commission a motion was made.

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

2. Public Hearing for Case #3102 – North East MS EPA (Justin Smith) has filed a request for a Special Exception as provided in section 5.6.1.8. Inappropriate/Appropriate Façade for property located at 1389 Cooperative Way (PPIN #4508).

Ben Requet, Director of planning, presented on behalf of the City virtually. (YouTube video begins at 13:11-15:45)

**Planning Comments:** The subject property is located west of Skyline Drive in the northeast quadrant of the Highway 30 & Highway 7 interchange. The site is the location of the North East Mississippi Electric Power Association, and the property is in the Industrial zoning district.

The applicant received approval of a site plan for a new storage building on the NEMEPA campus. The building will be used to store NE SPARC fiber materials and it will protect them from the elements. NEMEPA is requesting a special exception to allow an all-metal building. The proposed building is located in the interior of the site and it is positioned similarly to other buildings on the campus. Additionally, the proposed building will be consistent in size and height as other buildings on the campus. Also, nearly all of the other storage buildings on this campus are metal buildings, and the proposed building will look similar.

**Recommendation:** Staff finds that the location of the building, in an industrial district surrounded by other similar style buildings, will not adversely affect the public interest. Therefore, Staff recommends approval of the requested special exception with the following conditions:

1. The Special Exception shall expire if a building permit is not issued within 18 months.

**Summary of discussion:** With no questions from the audience or the commission a motion was made.

All in favor.

Move: Erin Smith Second: David Spragins Status: Passed

3. Public Hearing for Case #3103 – Velvet Ditch Coffee (Lesley Walkington) has filed a request for Special Exception as provided in section 2.6.7 'Ground Floor Residential' for property located at 1316 North Lamar Boulevard (PPIN #5084)

Robert Baxter, Senior Planner, presented on behalf of the City. (YouTube video begins at 15:47 - 19:16)

**Planning Comments:** The subject property is +/- 0.182 acres located on North Lamar just north of Varner Loop. The parcel currently houses a single-story residence that the applicant is looking to remodel into a roastery, coffee shop and a 3-BR residential unit, the site plan for which is under review by Staff. This Special Exception request is to facilitate that site plan.

Ground floor residential is a Special Exception in the TNB districts. In this instance the applicant proposes to use roughly the back half of the existing structure as a 3-BR unit. Because the applicant is proposing to retain the existing structure with minimal changes to the exterior, and due to the existing residential surrounding this site, Staff believes that residential is appropriate in this instance. The adaptive reuse of this building to commercial and the retention of some residential does not foreclose on the possibility of a larger commercial redevelopment of this and the surrounding residential parcels, much like has been seen in other spots along the North Lamar corridor.

**Recommendation:** Staff recommends approval of the requested Special Exception with the finding that the retention of ground floor residential at this location does not harm the public interest, with the following conditions:

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

**Summary of discussion:** Commissioner Alexander asked if there was enough parking. Mr. Baxter explained there is parking in the back for the residential portion and that the amount of parking spaces will be addressed during the site plan review process by staff. With no questions from the audience or commission a motion was made.

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

4. Public Hearing for Case #3104 –Lauren Renfroe has filed a request for a Variance from Section 5.5.2.6. Site Design standards for property located at 812 South Lamar Boulevard (PPIN #8363).

Kate Kenwright, Planner II, presented on behalf of the City. (YouTube video begins at 19:18 -21:59)

**Planning Comments:** The Renfroe house is located at the corner of South Lamar and Buchanan Avenue and is in the South Lamar Historic District. The applicant plans to replace an existing wood fence along the south and west property line. The request for a variance from section 5.5.2.6 Design Standards-Fence Height is for the portion of the fence that fronts Buchanan Avenue, which is required to be 4' in height by code as it is a front yard. Existing fencing along Buchanan is curved along the top and varies from 5'-6' in height. The applicant proposes a 7' tall fence with posts up to 7' 4".

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."

Typically fencing over 4' tall should be set back behind the side elevation of the building before additional height is considered appropriate. However, due to the location of the pool and the size of the lot this is not possible in this instance.

According to the information provided by the applicant, a 4' fence would not offer enough privacy to the road and to screen the applicant's pool and attempts by the applicant to screen the area using landscaping have been unsuccessful and costly.

Staff finds that the requested variance is appropriate. As the lot has two fronts, the applicant does not have the opportunity for screening available to other applicants with interior lots.

**Recommendation:** Staff recommends approval of the fence height variance with the following conditions:

1. The fence will be constructed in a manner that the smooth side of the fence will face the public view.
2. A Certificate of Appropriateness is granted for the fence prior to permitting.

**Summary of Discussion:** With no questions or comments from the commission a motion was made.

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

5. Public Hearing for Case #3105 – 7 Brew Coffee (John Horne) has filed a request for Special Exception as provide in section 3.8.9.5.b Drive-Thru Window and a Variance from section 2.6.7. Front Build to Line for '7 Brew Coffee' property located at 1615 University Ave (PPIN #8009)

Director of Planning, Ben Requet presented on behalf of the City, virtually. (YouTube video begins at 22:02-47:23)

**Planning Comments:** The subject property is located at the intersection of University Avenue and South 17th Street. The property is zoned Traditional Neighborhood Business (TNB) and the site measures approximately +/- .61 acres. The applicant is proposing a 7Brew drive-thru coffee shop with a walk-up window. In order to facilitate this development proposal, the applicant is requesting a Special Exception for a drive-thru use, and a variance from the east build-to line requirement.

A) Special Exception as provided in Section 3.8.9.5.b

7Brew Coffee is a national chain with approximately 250 locations throughout the country. The proposal in this concept is a smaller building, measuring approximately +/- 510 square feet, with double stack drive-thru lanes, and a cooler and storage area at the rear of the property. The applicant has modified the typical 7Brew concept to comply with City of Oxford standards. These items include the location of the cooler and storage area, the second story, the blue led lighting found on the building, and the materials used for the building.

In the Traditional Neighborhood Business district, a restaurant with drive-in or drive-thru service requires a Special Exception and it must have sufficient stacking space to prevent backups onto access roads. The primary concern in this case is the potential for queuing traffic to extend onto the right-of-way of University Avenue. The applicant believes that sufficient stacking space is provided (approximately 20 spots). Staff has not received any information regarding the typical queue for 7Brew. Similar to Starbuck's on Jackson Avenue, if 7Brew is inundated with customers in their queue, the only place for cars to go is into University Avenue. The Commission held lengthy discussions regarding Dunkin' Donuts and Shadrach's, which ultimately influenced the site design to ensure that vehicles backed into the shopping center site as to not impede traffic. This site does not have that luxury.

While the queuing of this proposal is a primary concern for Staff, it is not the only concern. The Traditional Neighborhood Business district requires a second story that is at least 51% functional space of the building footprint. The proposal indicates a second story that measures approximately +/- 239 square feet, which is less than the required 51%. Also, this space is only accessible by a pull-down attic ladder. It is important to note that the applicant did suggest that if the City desires an exterior staircase to the second floor, then they will incorporate it. In prior iterations of the proposal, the second floor was indicated for a mechanical room, however, the plans now indicate the space as "Second Floor Room"; the Commission may wish to discuss the intended functional use of this space.

Staff expressed a concern about the blue LED lights used along the trim of the building and canopy structure. Blue LED lights produce more glare to the human eye due to their longer wave lengths. Staff believes that this can create a safety concern, however, the applicant has attempted to address this concern by channeling the light in a similar way to Sonic on University Avenue.

Staff has several concerns with this proposal including the potential for this development to create a safety issue with customer queuing backing into University Avenue. Additionally, Staff does not believe that the second-floor area complies with the City's requirements. The Commission may want to discuss if the connected hallway and the storage cooler area should be incorporated in the building footprint area to be used for determining the 51% second floor area.

**Recommendation:** Should the Commission determine that this proposal sufficiently meets the queuing space needed for this use and location, and that the second floor complies with spirit and intent of the Traditional Neighborhood Business district requirement, then Staff recommends approval with the following conditions:

1. Approval is for the plan as submitted with any necessary revisions determined by the Site Plan Review Committee.
2. The proposal is modified to incorporate a staircase to the second story.

#### B) Variance from section 2.6.7. Front Yard Build to Line

As previously stated, this site is a corner property located at the intersection of University Avenue and South 17th Street. As a result, this property is subject to a front yard build-to line maximum of 58' on both University Avenue and South 17th Street. In order to provide multiple queuing lanes and a pass-through lane, the building was located approximately +/- 74.5 feet from South 17th Street. The building does comply with the University Avenue build-to line requirement. As a result, the applicant is requesting a 16.5 feet variance from the east property line.

The applicant notes that the steep upward grade along South 17th Street from University to the

north creates a grading issue. This requires retaining walls to be constructed and with the double drive thru stacking lanes, it contributes to the building being located farther away.

Recommendation: Staff believes that there is a sufficient hardship present in this instance to support the approximate 16.5' build-to line maximum variance with the following conditions:

1. The approval is for the plan as submitted.

**Summary of discussion:** Joey Moore, on behalf of the applicant was present. Commissioner Smith asked about the second-floor use, Mr. Moore corrected the report and is now at 51% coverage and spoke about the use being a storage space for the store.

There was some discussion about the lot and different future uses as well as the queuing of traffic on University Avenue. Mr. Moore spoke about this plan being smaller building with more parking and room for the drive thru. He spoke about the study the company has done on other similar sites and the peak times of business and number of cars, which will not exceed this drive thru. Chairman Rigby asked where the observed sites are? Mr. John Horne, owner of 7 Brew, responded with cities similar to Oxford in size and population. There was discussion of the parking spaces for employees or patrons. Commissioner Smith expressed concern with traffic. There was some discussion of the second-floor use and the location of the staircase in back. There was an added condition that should Staff determine that the stacking queue for the drive-thru is creating a safety concern due to it not being managed within the site and extending into the public right of way, the applicant shall be responsible for taking all necessary measures to direct their customers into the development to the satisfaction of Staff. With no further questions or comments from the commission a motion was made.

Special Exception drive thru -Commissioner Alexander motioned. Commissioner Smith second. All in favor.

Variance - Commissioner Milan motioned. Commissioner Spragins seconded. All in favor.

Move: Second: Status: Passed

6. Public Hearing for Case #3106 – Grand Southern Ventures, Inc (Pat Huey) has filed a request for Plat Amendment for 'Southwood' property located at 2117 Old Taylor Road (PPIN #21083).

Kate Kenwright, Planner II, presented on behalf of the City (YouTube video begins at 47:30 - 49:22 )

**Planning Comments:** The subject property is located on Old Taylor Road in between Old Taylor Road and Bickerstaff Lane, just north of the Belk Boulevard intersection. The applicant is requesting an amendment to this subdivision to combine lots 7B and 7C into a single lot. The newly created lot would measure +/- .39 acres in size. The applicant intends to build a house on the newly combined lot.

Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested herein," and requires their signature of approval of the proposed modification. The identification of who such persons may be is left to the discretion of the applicant. In this request, the adjacent property owner has provided a letter consenting to the modification.

**Recommendation:** If it is determined that there are no other directly interested or adversely affected parties, then Staff recommends approval of the requested 'Southwood' plat amendment with the following conditions:

1. Approval of the Final Plat amendment by the Mayor and Board of Aldermen (Planning).
2. Approval is for the Plat as submitted subject to necessary revisions per the Site Plan Review Committee (Planning).

**Summary of discussion:** With no questions or comments from the commission a motion was made.

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

7. Public Hearing for Case #3107 – Smith Building Supply, LLC (Alan Smith) has filed a request for Site Plan Amendment for 'Smith Building Supply' property located at 4281 Highway 334 (PPIN #8931).

Robert Baxter, Senior Planner, presented on behalf of the City. (YouTube video begins at 49:26 - 51:49 )

**Planning Comments:** The subject property is +/- 3.63 acres on Highway 334 located south of Lafayette High School. The property was recently annexed into the City in 2018. Smith Building Supply has been in operation at this location for more than 60 years. Smith Building Supply owns more property than the existing operation and the entire site measures approximately +/- 10.67 acres and is all zoned (TNB) Traditional Neighborhood Business. The majority of the property owned by the Smith Building Supply is undeveloped.

This request is to amend the September 2023 site plan to move 10 spaces that were originally on the interior of the site to the north of the site to move customers out of the material yard and towards the main office.

Use and Parking – Both the use and parking requirements remain unchanged with this amendment.

Coverage – Coverage will increase slightly from 21.59% to 24.66%, still well under the allowed 80% coverage.

#### Other Review Elements

- Landscaping – The two previously approved landscaping islands will be eliminated and two new end of aisle islands with appropriate parking lot trees are proposed.

#### **Engineering Comments:**

##### Water and Sewer

East Oxford Water Association will provide water service as the site is within the East Oxford Water Certificated service area, not the City's. Sanitary sewer service is proposed as a private onsite wastewater treatment system. City sewer is not yet available in this area. When sanitary sewers become available, the owner will have an opportunity to connect them.

##### Traffic/Access

Access will be from MS Highway 334, with a proposed one-way driveway and four existing driveways. An MDOT permit will be required for the proposed driveway.

##### Sidewalks

A frontage sidewalk is proposed and permitted to tie to the building sidewalk due to the location and nature of the business and in consideration of the fact that MDOT does not typically allow sidewalks along its highways.

##### Stormwater Management

A stormwater management plan was approved as part of the original site plan, Case #3002. The proposed site plan amendment will increase the impervious area being created and require modification of the detention basin that was part of the approved stormwater management plan. The amended stormwater management plan will also conform to the recent changes in the City of Oxford's Stormwater Management Ordinance.

The previously approved stormwater detention basin will be located in the northwest corner of the property. It will remain in this location but be enlarged to increase the storage volume, and the

control structure will be modified.

The engineering department has not yet approved the Stormwater Management Plan for this project. The engineering staff does not foresee any issues with the proposed design that would prevent approval.

**Recommendation:** Staff recommends approval of the requested Site Plan Amendment for 'Smith Building Supply' with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. All Engineering Department comments on the site plan must be addressed and approved before permits are issued.
3. Acceptance and approval of the Stormwater Management Plan before issuing any permits.
4. The stormwater management facility must be certified before issuing a Certificate of Occupancy.

**Summary of discussion:** With no questions or comments from the commission a motion was made.

All in favor.

Move: Erin Smith Second: Harry Alexander Status: Passed

8. Public Hearing for Case #3108 – Collegiate Realty (Jordan Bankhead) has filed a request for Site Plan Review for 'Ivy Place Phase III' property located at 1207 Ivy Road (PPIN #5099).

Director of Planning, Ben Requet presented on behalf of the City virtually (YouTube video begins at 51:45-59:00)

**Planning Comments:** The subject property consists of two properties that combined, measure approximately +/- 6.7 acres. The property is located on Varner Loop, Ivy Road, and Rogers Road. The applicant previously developed this property with Phases I & II of the Ivy Road development, which contains a total of 20 duplex units. The applicant is now proposing Ivy Road Phase III, consisting of 16 units (10 detached units and 3 duplexes) in an RCID development.

Use and Parking – The applicant is proposing 10 – 3-bedroom units and 3 – 4-bedroom duplexes on the site, which complies with the density limitations of the site. 4-bedroom duplexes are allowed only by Special Exception, but Staff has not received this request. In speaking with the applicant, they will likely seek a Special Exception for these 4-bedroom units at a subsequent meeting. A condition of approval is added that the proposed units will only be allowed as three-bedroom units. A Residential Common Interest Development is allowed by Special Use at this location. The applicant has provided an application; however, the submittal did not provide a copy of the covenants. Staff will need a copy of the covenants to review before the RCID is able to be approved. A condition of approval is included for this element of the proposal.

Units 21-28 are all oriented with the front façade towards Varner Loop or Rogers Road, with the remaining units being situated on the interior of the site. The proposal sufficiently meets the parking requirements.

Coverage – Coverage for NR is allowed up to 60%; 29.65% is proposed.

Other Elements

- Landscaping and Mitigation – A landscaping package has been provided that indicates street trees, and foundation plantings for all units that meet LDC standards. The proposal does indicate oak trees that are to be planted in the right of way between the sidewalk and South Lamar. In this

instance, Staff will approve the location of these trees as long as they are large canopy trees as proposed. There is no mitigation required for this site.

- Tree Mitigation – While some trees that require mitigation are being removed on the site where construction is proposed for this development, the applicant is not removing any trees on the +/- 2.6 acre property. Therefore, mitigation is not required.

- Building Height & Materials – The buildings will be consistent in style and materiality to what is already constructed. The buildings will be constructed with wood or fiber cement siding.

### **Engineering Comments:**

#### **Water and Sewer**

A six-inch-diameter water main runs along the Varner Loop, and a two-inch-diameter water main runs along Rogers Road. The site plan proposes connecting one fire hydrant to the water main on Varner Loop. Individual water service lines for the units to this water main will connect to both. The water line for the fire hydrant will be City-owned and located within an easement, while the water service lines for the units will be privately owned.

Sewer service will be tied to an existing sewer line that served previous phases of Ivy Place. All proposed sewer lines will be located outside of the City right-of-way and shall be privately owned.

#### **Traffic/Access**

The project proposes two points of access: a curb opening on the north side of Ivy Road and one curb opening on Rogers Road. All drives located within the project site will be privately owned.

#### **Sidewalks**

The site plan proposes a sidewalk along the Varner Loop and Rogers Road frontages. Most of the proposed sidewalk is located within the City right-of-way for Ivy Road, but a portion encroaches on the property. A pedestrian easement in favor of the City of Oxford will be required for the portions of the sidewalk that encroach on the property.

#### **Stormwater Management**

The site plan proposes that stormwater management be accomplished by a facility consisting of inlets that capture runoff in the parking lot and convey it through drain pipes to an underground detention basin located beneath the driveway and parking.

The engineering department has not yet approved the Stormwater Management Plan for this project. The engineering staff does not foresee any issues with the proposed design that would prevent approval.

**Recommendation:** Staff recommends approval of the 'Ivy Road Phase III' with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee. (Planning)
2. Prior to the issuance of any permits, the applicant's special use for a RCID shall be approved. The applicant shall provide a copy of the covenants for review and approval of the RCID. (Planning)
3. The approval is for all 3-bedroom units. If the applicant desires to construct 3 4-bedroom duplexes, then a Special Exception is required.
4. All Engineering Department comments on the site plan must be addressed and approved before permits are issued.
5. Acceptance and approval of the Stormwater Management Plan before issuing any permits.
6. The stormwater management facility must be certified before issuing a Certificate of Occupancy.

**Summary of discussion:** Commissioner Alexander asked about a spot that floods frequently near this lot. Mr. Paul Koshenina, on behalf of the applicant was present. He explained they are aware of that spot, and it was determined that the drainage from the proposed property does not contribute to that area. Mr. Bankhead, the applicant, spoke about the new stormwater system he is proposing with drain the opposite direction. There was discussion about concerns of traffic flow. With no further questions or comments a motion was made.

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

F. Motion to Adjourn

All in favor.

Move: David Spragins Second: Erin Smith Status: Passed

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

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Monday, August 12, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; J.R. Rigby; Jaclyn Colameta; John Crawley; Joseph Murphy; Kate Kenwright; Kirk Milam; Robert Baxter; Yolanda Logan

### Not In Attendance

Harry Alexander

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

#### A. August Planning Commission Memorandum

If you would like to participate in this meeting, please open the attachment for the virtual meeting information.

To view this public meeting please click the link below.

<https://www.youtube.com/watch?v=HATb002HbEo>

#### B. August Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

All in favor.

Move: Erin Smith Second: Joseph Murphy Status: Passed

##### 3. Approval of minutes from July 8, 2024 Meeting

All in favor.

Move: Kirk Milam Second: Yolanda Logan Status: Passed

##### 4. Staff Report

##### 5. Map of Cases this Month

#### C. Administrative Approvals

1. Public Hearing for Case #3110-A –Velvet Ditch Roastery (Lesley Walkington) has filed a request for Site Plan Review for property located at 1316 North Lamar Boulevard (PPIN #5084)

2. Public Hearing for Case #3111-A – Scott Construction Services, LLC (James Scott) has filed a request for Accessory Dwelling Unit for property located at 202 Sisk Avenue (PPIN #5273)

#### D. Consent Agenda

All in favor.

1. Public Hearing for Case #3076 – Oxford School District (Steve Hurdle) has filed a request for Site Plan Amendment for 'Oxford Middle School' property located at 222 Bramlett Avenue (PPIN #4897) (POSTPONED FROM JUNE)
2. Public Hearing for Case #3112 – W.L. Burle Engineers (Bill Burle) has filed a request for a Variance from section 5.5.6.2 Site Design Standards – Fence Heights property located at 1207 Ivy Road (PPIN #29170)
3. Public Hearing for Case #3113 – Brock Martin has filed a request for a Variance from Section 5.5.2.6. Site Design Standards – Fence Height property located at 1105 Grant Circle (PPIN #8242)
4. Public Hearing for Case #3116 – Collegiate Realty (Jordan Bankhead) has filed a request for a Special Exception as provided in section 2.6.5.1. Dwelling Unit Density for 'Ivy Place – Phase III' property located at 1207 Ivy Road (PPIN #5009)

#### E. Planning Commission

1. Public Hearing for Case #3114 – Shadrachs Coffee (Bradley Akin) has filed a request for a Special Exception as provided in section 3.8.9.5.b Drive-in Service or Drive Window for property located at 2405 South Lamar Boulevard (PPIN #8851)

Senior Planner, Robert Baxter presented on behalf of the city. (YouTube video begins at 15:10 - 37:42) Commissioner Milam was recused.

**Planning Comments:** Planning Comments: The subject property is a roughly 0.5-acre portion of a larger +/- 2.27-acre parcel on South Lamar, just south of the newly constructed Oxford Self Storage building across from the intersection of Harlan Drive. The applicant is proposing to construct a drive-thru coffee shop, the site plan for which is currently under review. This Special Exception request is to facilitate that Site Plan.

Restaurants with drive-thru service are Special Exceptions when proposed in a TNB district. There are two existing curb cuts at the site and the applicant proposes to make the southern one an exit only forcing incoming traffic to the northern one. This allows the applicant to have 11 spaces in a double lane for stacking on the east side of the building before getting to the row of parking and another roughly 6 in a single lane on the west and south sides. This is similar to the number of stacking spaces there are at the West Jackson location. Other major elements of review for drive-thru restaurants in TNB districts include, parking in which the required 10 spaces are provided, and 2nd story requirements, which are met at 51%. Staff is working with the applicant to ensure that proper architectural elements are presented with the Site Plan.

Staff believes that the amount of stacking is appropriate, but still has concerns about traffic backing into South Lamar and requests that conditions similar to those placed on Dunkin, Shadrach's at West Jackson and 7Brew are placed on this approval.

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

1. Approval is for the plan as submitted subject to necessary revisions per the Site Plan Review Committee.
2. Shadrach's is responsible for the operation of the queue to ensure that it does not extend onto the public right-of-way.
3. Sufficient staff shall be scheduled and designated to ensure that the queue does not extend beyond the red line noted on the exhibit. Appropriate replacements/substitutes shall be designated when the scheduled staff is unavailable to work their shift (call-outs for example).
4. Any and all curb cuts may be closed, temporarily and/or permanently, at the City's direction in the event that the queue is not managed within the site and extends onto the public right-of-way.
5. Should Staff determine that the stacking queue for the drive-thru is creating a safety concern due to it not being managed within the site and extending into the public right of way, then the applicant will appear before the Planning Commission for reconsideration of this Special Exception.

**Summary of discussion:** Commissioner Murphy asked about the exit only easement. Mr. Baxter

explained about the flow of traffic entering and exiting the north entrance and the exit will act as emergency access and for customers who will not be using the drive thru to exit the lot. Ms. Katherine Fortin, a South Lamar resident spoke to concerns about traffic and the narrowness of this part on South Lamar. There was clarification on the access road and the ordinance associated. Chairman Rigby spoke about the conditions for approval for a drive thru and addressed these concerns that are built into the conditions. Commissioner Murphy asked if the city can close curb cuts if the conditions are not met. Mr. Pope Mallet responded that the Special Exception is conditional and can be revoked if any of those conditions are not satisfied. Commissioner Spragins asked how many times the city has had to do this for over stacking. Mr. Mallet responded this hasn't happened yet and Mr. Requet also added that there is continued communication with businesses and the city is proactive and mindful of these issues. There was discussion of plan to open and staging. With no further questions or comments a motion was made.

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

Move: Joseph Murphy Second: David Spragins Status: Passed

2. Public Hearing for Case #3115 – Rise (Sarah Nichols) has filed a request for a a). Special Exception as provided in section 2.6.7 First Floor Residential b). Special Exception 3.5.3.2.b. Districts Permitted, Dwellings Attached and c). Special Exception as provided in section 3.5.1.2.c. Districts Permitted, Dwellings Detached for RISE property located at 1886 Reserve Loop (PPIN'S #19332 & #34543)

Director of Planning, Ben Requet presented on behalf of the city. (YouTube video begins at 37:53 - 59:57)

**Planning Comments:** The subject properties are located on Oxford Way near the roundabout, just west of The Archive. The requested Special Exceptions are to facilitate a mixed-use but primarily residential development located in the northeast, southeast and southwest portions of the roundabout called Rise Ole Miss. The properties for this development consist of three different zoning districts, including Traditional Neighborhood Business (TNB), Suburban Multifamily (SMF), and Neighborhood Residential (NR). The total area for the proposed development measures approximately +/- 12.26 acres with +/- 2.75 acres of TNB, +/- 5.52 acres of SMF, and +/- 3.99 acres of NR.

While a site plan for Rise Ole Miss has not yet been submitted, the conceptual plan provided with the Special Exception requests indicate a total of 216 units and 510 bedrooms. The development intends to provide a mix of housing types available for rent. Rise Ole Miss offers detached cottages, attached townhomes, and stacked flat multi-family units. In addition to the mix of housing types, the development proposes a mix of bedroom types. The majority of the development consists of 2-bedroom units (55%), with 15% 1-bedroom units, 11% 3-bedroom units, and 19% 4-bedroom units.

The building located in the northeast corner of the roundabout will function as the leasing office, clubhouse amenity building, and proposes 1,150 SF of retail area and it also contains two one-bedroom units located on the second floor. Other amenities are located throughout the site including a dog park with a dog wash area, a maintenance building, fire pits, and pickle ball courts.

A) The applicant is requesting a Special Exception to allow ground-floor residential for the TNB property on the south side of Oxford Way. The proposal indicates two multi-family buildings with a total of 27 units in each building. This request is to allow 18 units in both buildings to be located on the ground floor, instead of some type of commercial business.

The applicant states that there is a small portion of property around the Oxford Farms roundabout that is zoned TNB and is each corner of the roundabout. The project team sees the city's intent of having some commercial spread throughout the community but they, as well as the current landowner, have serious doubts about the ability to lease out nonresidential use in this area. The Oxford Farms development has struggled to find tenants for the previously approved Landing project near South Lamar Boulevard, which was approved for 32,000 square feet of commercial use. The buildings have not moved forward with construction due to little interest in the proposed space.

This property does not have the frontage that The Landing Project exhibits with the traffic on South Lamar and is tucked into the residential area of Oxford Farms. The development is proposing to utilize the northeast corner of the roundabout as their clubhouse and amenity area. By utilizing the other 3 corners of the roundabout as purely residential use we believe this will keep in harmony with the overall development and surrounding areas. A multi-use path has been constructed along Oxford Way that connects this development to the proposed commercial uses near the South Lamar side of the overall development.

The density limitation for the TNB district is 39 bedrooms per acre. There is approximately +/- 2.75 acres of TNB property, which allows for a total of 107 bedrooms. This development proposal indicates a total of 128 bedrooms. In the TNB district, 21 more than is allowed by code. However, the applicant is below the bedroom density limitations in the SMF district. Staff has worked with the developer to create a site layout that compliments existing development along Oxford Way. While the site plan could be revised, to incorporate the additional units in the SMF district, we believe that the design and consistency with the neighborhood would suffer. For these reasons, Staff would be willing to support a Special Exception request as provided in Section 3.5.5.6 for a Residential Density Bonus for only the 21 bedrooms as depicted in this conceptual plan. Additionally, we would incorporate a condition that the unused density in the SMF portion of the development would be reduced by 21 bedrooms to account for the bonus.

**Recommendation:** While Staff believes that having commercial opportunities in this area are desirable, we do recognize the challenges of this particular location attracting business opportunities due to the property being located in the interior of the Oxford Farms development. Therefore, Staff recommends approval of the requested Special Exception with the following conditions:

1. The applicant shall seek a Special Exception as provided in Section 3.5.5.6 for the Residential Density Bonus of 21 bedrooms in the TNB district.
2. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
3. If building permits are not issued within 18 months, the Special Exception shall expire.

B) The applicant is also seeking a Special Exception to allow 4-bedroom townhomes in the NR district. A Special Exception is required when more than 25% of townhomes are 4-bedroom units. In this instance, the applicant is requesting to construct 20 townhome units, all of which include 4-bedroom units. Due to the mix of housing and unit types that are provided in this development, Staff is supportive of this request.

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

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

C) Lastly, the applicant is seeking a Special Exception to allow 4-bedroom detached units. In this instance, the applicant is requesting to construct 10 detached cottage units, all of which provide 4-bedrooms. Due to the mix of housing and unit types that are provided in this development, Staff is supportive of this request.

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

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

**Summary or discussion:** Chairman Rigby discussed concerns about the ground floor residential request and lack of commercial space in this area. Mr. Joey Moore, on behalf of the applicant spoke about trouble with commercial space being leased or sold and this location is set back making it difficult to sell commercial space. Mr. Andy Callicutt spoke about his plans for

commercial space and the requests he has received for drive thru properties, as well as plans for an amendment to the site plan. There was discussion about future connectivity. With no further questions or comments a motion was made.

Special Exception A). Commissioner Murphy made a motion to approve subject to staff conditions. Commissioner Logan seconded Commissioners Spragins Murphy Smith Logan for and Commissioners Rigby and Milam against.

Special Exception B). Commissioner Milam made a motion to approve subject to staff conditions. Commissioner Murphy seconded - All in favor

Special Exception C). Commissioner Milam made a motion to approve subject to staff conditions. Commissioner Smith seconded - All in favor.

3. Public Hearing for Case #3117 – Al Chadick has filed a request for a Variance from Section 5.8.4.4.a.ii Neighborhood Conservation Overlay – Side Yard Setback for property located at 1503 Johnson Avenue (PPIN #8223)

Robert Baxter presented on behalf of the city. (YouTube video begins at 59:59 - 1:02:24)

**Planning Comments:** The subject property consists of two properties that combined, measure approximately +/- 6.7 acres. The property is located on Varner Loop, Ivy Road, and Rogers Road. The applicant previously developed this property with Phases I & II of the Ivy Place development, which contains a total of 20 duplex units. The applicant received approval for Ivy Place Phase III, consisting of 16 units (10 detached units and 3 duplexes) in an RCID development at the July 2024 Planning Commission meeting.

The applicant is requesting a Special Exception to allow the 3 attached duplexes be four-bedroom units. This was mentioned and discussed at the July Planning Commission meeting. The proposal complies with the parking requirements for these four-bedroom units.

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

1. The approval is for the proposal as submitted.
2. If building permits are not issued within 18 months, the Special Exception shall expire.

**Summary of discussion:** With no questions or comments from the commission or audience a motion was made.

Commissioner Spragins made a motion to approved. Commissioner Logan seconded. All in favor.

Move: David Spragins Second: Yolanda Logan Status: Passed

4. Public Hearing for Case #3118 – Lifestyle Communities, LLC (Brian Hill) has filed a request for City Utilities for 'Fieldstone Farms Phase 8' property located at Fieldstone Lane (PPIN #3392)

Kate Kenwright presented on behalf of the city (YouTube video begins at 1:02:30 - 1:08:18 )

**Planning Comments:** This is a request for approval of city utilities to serve 'Fieldstone Farms Phase 8', which will be located on Fieldstone Lane inside of the Fieldstone Farms Development. The property is located in Lafayette County slightly outside of City of Oxford City Limits. It is zoned R2 according to the Lafayette County Zoning Map. In 2016, Fieldstone Farms was granted City Utilities for all of the existing development which is now constructed.

This proposal includes 12 units (22,248 sq ft) with 36 bedrooms, located on a parcel of +/- 1.94 acres (PPIN #3392). Site, Use, and Parking — There are 12 units proposed, each with 3 bedrooms. The units are arranged in 3 – 4-plex buildings. 36 parking spaces are proposed, one for each bedroom in the new development. No guest parking is proposed. Parking islands are provided in accordance with the requirements of the Land Development Code, though no landscaping plan is provided to show parking lot trees or other plantings. Coverage — Proposed plans show 20.3%

coverage of the site. **Building Height & Materials** — The buildings feature a brick veneer, asphalt shingle roofs, and decorative door overhangs/porches. The proposed buildings are consistent with the other multiunit buildings already built at Fieldstone Farms. PLAT-000538-2024 Oxford City Policy is to review development in Lafayette County requesting city utilities to evaluate how well it conforms or not to the recommendations on the Future Land Use Map in the Vision 2037 Master Plan. Requests for the use of City Utilities are also reviewed to ensure that they meet all other standards for subdivisions in the city. **Engineering Comments: Water and Sewer** This project is outside of the corporate limits of the City of Oxford and has applied for city water and sewer services.

This project will receive water from the City of Oxford. All water mains within the site are to be privately owned and maintained. Water service connections to receive meters will be made to city standards. Wastewater from the site will be collected into an existing privately owned sewage collection and transmission system within the Fieldstone Farms development and pumped to an existing city manhole on College Hill Road. **Stormwater Management** The project proposes an above ground detention pond. The stormwater management facility is currently under review and approval of the design should be soon forthcoming.

**Staff Recommendation:** Staff recommends approval of this request for extension of city utilities with the following conditions:

1. The applicant shall provide the City of Oxford with an executed Petition for Annexation.
2. Approval is contingent on the Lafayette County Planning Commission approving the development.
3. Approval is contingent on the Board of Aldermen agreeing to grant City Utilities outside of the City limits.
4. Approval is for the Site Plan as submitted.
5. Final approval of the proposed stormwater management facility by Engineering.
6. Satisfaction of all engineering comments of the construction drawings must be met before the sale of water and sewer taps.

**Summary of discussion:** Chairman Rigby asked about the lack of guest parking proposed. Mr. Joey Moore responded that 1 parking space per bedroom has worked in the past with this development. Mr. Brian Hills, the applicant spoke about 60% - 70% of this development is not student oriented and parking is ample and has not been an issue yet. With no further questions or comments a recommendation to the Mayor and Board of Alderman was made.

Commissioner Milam recommended approval to the Mayor and Board of Alderman. Commissioner Smith seconded. All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

5. Public Hearing for Case #3119 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for a Final Plat for 'The Heights, Phase 10, 11 & 12' property located at 713 Primrose Drive (PPIN #4503)

Ms. Kate Kenwright presented on behalf of the city (YouTube video begins at 1:08:20 - 1:10:42)

**Planning Comments:** The subject property is located south of Sisk Avenue and west of Buddy East Parkway. These three phases of The Heights were originally submitted as a part of the Oxford Commons Master Plan. According to the applicant, these phases of the Heights were originally approved in 2019 but were granted approval again in 2023. The three phases will be the site of 40 lots. The breakdown of the 40 lots are as follows: 15 lots in Phase 10, 16 lots in Phase 11, and 9 lots in Phase 12. All lots are under half an acre in size, and they all comply with the dimensional standards. Tree mitigation and open space is governed by the 2016 Tree Mitigation Variance and 2019 PUD plan that requires at least 14% land preserved for tree mitigation as well as at least 20% open space. Areas are indicated for conservation and open space on the plat. These areas will require an 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

Engineering Comments: Infrastructure Construction Drawings for this phase of the Heights were approved in 2019. All streets, sanitary sewer and water facilities will be publicly owned and maintained by the City of Oxford. Construction of these items has been completed with the exception of the final lift of asphalt pavement on the roadways, and the required emergency access to Hedges Cove. Stormwater Management Stormwater management for the subdivision is currently handled by an existing above ground detention facility previously constructed and approved in 2019.

**Recommendation:** Staff recommends approval of the requested Final Plat for 'The Heights, Phases 10, 11 & 12' with the following conditions:

1. Approval by the Mayor and Board of Aldermen of the Final Plat for 'The Heights, Phases 10, 11 & 12'
2. A copy of the stamped recorded covenants shall be provided to the City at the time the plat is recorded with the Chancery Clerk.
3. Prior to the Mayor and Board of Aldermen hearing this request, the dedication of conservation easement land for tree mitigation (per the 2016 variance) shall be provided to the Planning Department Staff. (Planning).
4. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
5. A final inspection of the work must be held between the contractor, engineer and city representatives.
6. Satisfactory video inspections of all storm water and sanitary sewer conveyance facilities to be publicly owned and maintained must be made.
7. A subdivision bond for all unfinished work in the subdivision must submitted.
8. Plat must be recorded before sale of water and sewer taps to take place.
9. Emergency access drive must be constructed and inspected by the City Engineer prior to filing the plat

**Summary of discussion:** With no questions or comments from the audience or commission a motion to recommend approval was made.

Commissioner Spragins made a motion to recommend approval to the Mayor and Board of Alderman. Commissioner Logan seconded. All in favor.

Move: David Spragins Second: Yolanda Logan Status: Passed

6. Public Hearing for Case #3120 – MFM Development (JW McCurdy) has filed a request for a Final Plat for 'Colonnade Crossing, Phase 4' property located at 814 Claremont Ave (PPIN #4563)

Kate Kenwright presented on behalf of the City. (YouTube video begins at 1:10:44 - 1:12:45)

**Planning Comments:** The subject property is +/- 3.22 acres, is zoned (SCO) Suburban Corridor, and is located in Colonnade Crossing. It sits north of Highway 30, west of Highway 7, and east of White Oaks Lane (in the Colonnade Crossing subdivision). The applicant proposes 1 lot. The 3.22-acre lot meets the dimensional requirements of the underlying zoning.

Engineering Comments:  
Infrastructure

Construction drawings for the public roadways and utilities that surround this site have previously been approved. All streets, sanitary sewer and water facilities will be publicly owned and maintained by the City of Oxford. Construction of these items has been completed with the exception of the final lift of asphalt pavement on the roadways and some sidewalk. Subdivision bonds have been previously submitted to the city for this work.

Stormwater Management

Stormwater management for the subdivision is currently handled by an existing above ground detention facility previously constructed and approved.

**Recommendation:** Staff recommends approval of the requested Final Plat for 'Colonnade

Crossing Phase 4 with the following conditions:

1. Approval by the Mayor and Board of Aldermen of the Final Plat for 'The Heights, Phases 10, 11 & 12'
2. A copy of the stamped recorded covenants shall be provided to the City at the time the plat is recorded with the Chancery Clerk
3. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
4. Plat must be recorded before the sale of water and sewer taps to take place.

**Summary of discussion:** With no further questions or comments a motion to recommend approval to the Mayor and Board of Alderman was made.

Commissioner Milam recommended approval to the MBoA. Commissioner Smith seconded. All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

7. Public Hearing for Case #3121 - Harrod Healthcare Real estate (Fraser Schaufele) has filed a request for a Site Plan Review for 'Oxford Medical Office Building' for property located at 735 Belk Boulevard (PPIN #25125).

Robert Baxter presented on behalf of the city (YouTube video begins at 1:13:07 - 1:18:15)

**Planning Comments:** The subject property is a +/- 3.96-acre portion of the larger Baptist Hospital campus located at the corner of Belk and Nicole Lane. The applicant is requesting Site Plan Approval to construct a one-story, 25,000-sf medical office building.

Use and Parking – Medical offices are reviewable as a Special Use in the Institutional-Medical district if they are 25,000 sf or less. A Special Use application has been received by Staff and will be approved at the time of Site Plan approval.

Parking for medical offices is calculated at 1 space for every 250 sf of gross floor area. The parking minimum for this proposal would be 100 spaces with a maximum of 125. 124 spaces are provided, 6 of which are ADA accessible.

Coverage – Allowed impervious coverage is 80% in INST districts. 48% is proposed with this use.

Other Review Elements

- Landscaping – A landscape package has been included that indicates parking lot trees, frontage trees, foundation plantings, and landscape screening that all meet the requirements of the LDC.
- Building Materials and Screening – The proposed elevations indicate that the primary building materials will be brick and fiber cement siding to match material and color of Baptist Hospital. Stucco and aluminum screen wall (previously approved in February 2024, Case #3044) will be accent materials.
- Access and Sidewalks – The site will take primary access from Belk Blvd on a drive that will have shared access to the north. A secondary access is located on Nicole Lane. Sidewalks already exist on Belk and Nicole Ln and applicant has proposed internal sidewalks that will connect to the existing network.
- Signage - A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments:  
Access

This site will have access onto Belk Boulevard and Nicole Lane. The access onto Belk Boulevard will be right-in / right-out only due to the raised median in Belk at this location. Cross access easement will be provided to the parcel of land to the east. Site distance analyses were provided for both drives.

#### Water and Sewer

Sewer from the site will be conveyed through a private wastewater line to an existing manhole on Bickerstaff Drive.

Potable water access will be granted by meter along the right-of-way of Belk Boulevard. A public fire main with fire hydrant will be laid to the rear of the building. An easement is required in favor of the City of Oxford for maintenance of the water main.

#### Stormwater Management

Stormwater management for the site is currently under review as of the writing of this report. It is anticipated that approval will be granted shortly.

**Recommendation:** Staff recommends approval of the Site Plan for 'Belk Medical Office Building' with the following conditions:

1. Approval is for the plan as submitted.
2. Executed and recorded easement for maintenance of the water main on the site shall be submitted to the city prior to the sale of water and sewer taps
3. Executed and recorded cross access easement as shown on the approved construction drawings for the adjacent site to the east must be submitted prior to the issuance of a final certificate of occupancy.
4. Final approval of the stormwater management facility design.
5. A stormwater certification from the design engineer is required to be received prior to the issuance of a final certificate of occupancy.

**Summary of discussion:** Ms. Belinda Hopkins, A resident of Oxford Station 2 has concerns about water drainage. Mr. Baxter responded that the stormwater report has been provided and meets the requirements. Mr. Rigby explained the water will need to be rerouted to a detention area. With no further questions or comments a motion to approve was made.

Commissioner Smith made a motion to approve. Commissioner Logan seconded. All in favor.

Move: Erin Smith Second: Yolanda Logan Status: Passed

#### F. Motion to Adjourn

All in favor.

Move: David Spragins Second: Joseph Murphy Status: Passed

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

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Monday, September 9, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In Attendance

Benjamin Requet; David Spragins; Erin Smith; Harry Alexander; J.R. Rigby; Jaclyn Colameta; John Crawley; Joseph Murphy; Kate Kenwright; Kirk Milam; Paul Watkins; Robert Baxter; Yolanda Logan

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

#### A. September Planning Commission Memorandum

To watch the video of this public hearing please click the link below.

[https://www.youtube.com/watch?v=\\_f2pH-nmaw4](https://www.youtube.com/watch?v=_f2pH-nmaw4)

#### B. September Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

All in favor.

Move: David Spragins Second: Erin Smith Status: Passed

##### 3. Approval of minutes from the August 12, 2024 Meeting

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

##### 4. Staff Report

###### a. Planning Staff Report

###### b. Building Official's Report

##### 5. Map of Cases this Month

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

#### C. Consent Agenda

All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

1. Public Hearing for Case #3122 – Will Belk has filed a request for a Special Exception as provided in Section 5.6.1.9. Building Materials for property located at 447 Highway 6 West (PPIN #7513).
2. Public Hearing for Case #3123 – Will Belk has filed a request for Site Plan Amendment for 'Oxford Toyota' for property located at 447 Highway 6 West (PPIN #7513).

3. Public Hearing for Case #3124 – LT2, LLC (Larry Britt) has filed requests for Final Plats for 'The Grove at Grand Oaks Phase VIII, Part II' and 'The Grove at Grand Oaks Phase VIII, Part III' for property located at 1200 Crowson Drive (PPIN #26136).

D. **Public Hearings**

1. Public Hearing for Case #3125 – David Shelton has filed a request for a Variance from Section 5.5.2.6. Design Standards – Fence Height for property located at 1014 Hayes Avenue (PPIN #8417).

Kate Kenwright, Planner II presented on behalf of the city (YouTube video begins at 6:20-9:23)

**Planning Comments:**

The applicant requests a variance from section 5.5.2.6 Design Standards—Fence Height.

The house located at 1014 Hayes Avenue, which is located between S 10th and S 11th Street, fronts Hayes. However, it is a through lot and the "rear" of the property fronts Old Taylor Road—the property has two fronts. The house is zoned Traditional Suburban Residential and is located in the South Lamar Historic District. The proposed plans, which include a new addition, pool, hardscaping, privacy, and retaining walls, will require a Certificate of Appropriateness from the Historic Preservation Commission.

According to section 3.2.8 of the Land Development Code, no wall that fronts a public street shall be over four feet in height and any fence in a front yard must allow for visibility. The proposed privacy wall, which will be 6' 6" in height, would screen the proposed new pool. According to the applicant, "Due to the nature of the lot being located on a residential lot that has two fronts and two sides creates special conditions and circumstances that do not exist on lots in the same district... Strict application of the zoning ordinance allow other homes in the are to enjoy rights not allowed to the subject property."

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. Staff finds that the unique nature of the lot—it is fronting two City streets—is a supportable hardship.

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

1. Approval is for the plan as submitted.
2. Approval is contingent on receipt of a Certificate of Appropriateness for the project from the Historic Preservation Commission.

**Summary of discussion:** Applicant Katrina Hourin was present for questions. With no questions or comments from the commission or audience a motion was made.

All in favor.

Move: Harry Alexander Second: Erin Smith Status: Passed

2. Public Hearing for Case #3126 – The Velvet Ditch – Landshark Seafood (Jared Foster) has filed a request for Site Plan Approval for 'The Velvet Ditch' for property located at 430 South Lamar Boulevard (PPIN #8287).

Kate Kenwright, Planner II, presented on behalf of the City (YouTube video begins at 9:25 - 1:39:30)

**Planning Comments:** The applicant seeks approval for a Site Plan that includes several changes to the existing building and site. 430 S Lamar Boulevard, formerly the site of Abner's Chicken, is zoned (HUCN) Historic Urban Center District and is located in the Courthouse Square Historic District.

The project received approval for a version of the project from the Courthouse Square Historic Preservation Commission at the July, 2024 meeting (Case #455). The proposed site plan reflects several changes to that plan since approval and will require a new Certificate of Appropriateness.

Proposed plans include a new bathroom addition and the installation of a garage door into the existing storefront, to install turf over the existing parking lot, the addition of two bars, and outdoor seating and umbrellas. The applicant also proposes fencing around the site, with planters and stakes to install Edison bulb lighting. A food truck and gate to allow the food truck into the site are proposed on the west side of the site.

**Use and Parking**—The use of the property as a restaurant & bar is acceptable in the (HUCN) Historic Urban Center. Restaurants are required by code (3.8.9.5.a) to comply with the City of Oxford Sound Ordinance that regulates amplified music, loudspeakers, and other similar sounds.

On-site parking shall not be required for any allowed use where on-street or nearby public parking exists.

Coverage—Coverage in the HUCN is allowable up to 100%.

Other Elements

- **Landscaping and Mitigation**—While a landscaping plan is required for any new site plan, the applicant is working with the existing site which is currently fully paved. The applicant proposes planters around the edges of the site and some plantings between the proposed food truck location and the neighbor on the west side of the property.

- **Building Height and Materials**—The proposed new additions are consistent with building materials on the site and are one-story like the existing building. The current design was approved by the Courthouse Square Historic Preservation Commission and any changes will be required to go before the Commission to ensure that new additions meet the recommendations of the Oxford Design Guidelines.

Planning Staff continues to meet and discuss this site plan with the applicant and the applicant's architect. As there was great concern from neighbors at the Courthouse Square Commission meeting about the proposed food truck locating on the site, the applicant's team is exploring the addition of a boiling room. The applicant's business includes boiling seafood, which cannot be done in the main commercial kitchen. The applicant now intends to build a boiling room on the northeast corner of the site and the new bathrooms on the southwest corner. However, those plans are still being drawn at this time. Staff recommends that, if the Planning Commission chooses to approve the site plan, it is with the flexibility to approve a revised version of the plan that includes a boiling room.

9/9/24 Update: Staff received new plans on 9/6 that reflect changes to the proposed bathroom addition and the location of the designated area for the proposed boil room. The bathroom addition was modified due to an existing transformer and its inability to be relocated. Those plans are included first in the attached report before the other previous sheets. The architectural drawings/details for the proposed boil room are still required and will also require a Certificate of Appropriateness.

**Engineering Comments:**

This project is located at the corner of South Lamar Boulevard and University Avenue at the site of the old Abners restaurant. The project proposes to convert the existing parking lot into a temporary outdoor dining area along with additional restroom facilities to the existing structure.

New concrete curb and gutter will be required along the frontage of University Avenue (with the exception of the gated entrance) and South Lamar Boulevard adjacent to the existing sidewalk. The curb and gutter is necessary to provide needed separation for pedestrian traffic along this property.

Water and Sewer - New water and sewer connections will be made along South Lamar Boulevard adjacent to the proposed restroom addition.

Stormwater Management - Currently, the proposed restroom addition constitutes less than 2,000

sq. feet and does not trigger stormwater management provisions for this site. However, should future additions or alterations increase the disturbed area of the existing site, stormwater management may be required at that time.

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

1. The Site Plan is approved with changes to the site plan (in particular the location of the bathroom and boiling room additions) delegated to Planning Staff approval (Planning).
2. This approval does not cover signage, and any signage will receive a Certificate of Appropriateness and a Sign permit (Planning).
3. The restaurant will comply with section 3.8.9.5 (a) stating that restaurants will comply with the City of Oxford Sound Ordinance (Code 1968, Chapter 34, Article III) (Planning).
4. Any future improvements to the site may trigger stormwater management provisions (Engineering).
5. Sidewalks are required along University Avenue and South Lamar Boulevard (Engineering).

**Summary of discussion:** Applicant Jared Foster was present. Chairman Rigby asked for clarification on the approval changes from the COA granted by the Courthouse Square Commission. Ms. Kenwright explained what was approved and what has changed since that meeting. Commissioner Smith asked about the layout of the inside of the building. Mr. Foster replied there is a bar with seating and tables for 65 indoor patrons and the expanded kitchen. The Fire Department has approved the indoor seating capacity. Commissioner Smith ask for the applicant to elaborate on the boiler room and food truck location. Mr. Foster explained to the audience and commission that indoor boiling of crawfish is not allowed so an outdoor solution was created with a boiler room and food truck option. Mr. Foster included the safety and health reasons for outdoor boiling on site. Mr. Requet asked if the food truck would be on site if the boiler room was granted a Certificate of Appropriateness? Mr. Foster said he would not have the food truck on site once the boiler room was built.

Chairman Rigby asked about the waste on site. Mr. Foster said he will not be cleaning the food or have any live crawfish on site, nor have any deliveries made to this location. He added there is no on-site waste, that it will be moved to the dumpster located 75 yards away multiple times a day. There was discussion about the city's plan for centralized dumpster behind city grocery. Chairman Rigby asked how the transporting of deliveries work? Mr. Foster added that any deliveries made, by himself or staff, to the site will be during off hours and parking for offloading will be done on the southwest corner of the lot, as to not cause any disturbance with the flow of traffic.

Commissioner Smith asked if it was possible to make the outdoor seating smaller. Foster expressed the outdoor area is temporary and he has plans to close in the area and expand the current structure. There was discussion about the operating hours. Mr. Foster said there will be no lunch on Monday - Thursday and plan to close at 1 am. There was more discussion of the layout and need for fencing around the property. Chairman Rigby asked for plans about outdoor music. Mr. Foster explained that the stage was removed to prevent live music and that the tables will be equipped with speakers for game day listening. The commission suggested creating a que area for patrons coming in and out as well as a separate exit for transporting the trash. The commission discussed the capacity with tables and without.

Mr. Paul Chiniche who is representing citizens from the surrounding neighborhood, explained the concerns in detail. Please see public notice emails attached to staff report.

Mr. Tom Davis who owns the adjacent building expressed concern about the boiler room smells and asked if he could build a fence, Ben responded a fence would be allowed.

Mr. Foster responded to the concerns of the citizens reiterating earlier stated comments.

Commissioner Alexander asked if these concerns were brought to the Courthouse Square Commission? Mr. Chiniche responded no; the plans were different at that time. Commissioner Smith asked if the citizens have considered meeting in the middle with the applicant.

Chairman Rigby suggested added conditions 1). approval is conditional on adequate provisions for the capture storage and disposal of all waste solid, liquid and gas, such that odors from the waste do not become a nuisance to surrounding properties. 2). construction of a permanent boiler room be within 6 months after occupancy 3). approval for the plan as presented including the outdoor tables, meaning that the tables are not removed to increase capacity, 4). conditional on an easement or removal of the portions of the building extending across Mr. Davis' the property line.

Mr. Abner White spoke about the cooler that is over the property line and that it was agreed upon between tenants in the past. Mr. Paul Watkins suggested the commission let the applicant know it's a concern regarding the property line but without more information to not make it a condition of approval. Mr. White also spoke in favor of the proposed plan along with Mr. Tom Howorth. Mr. John Edge spoke his concerns about the impact on the neighborhood capacity. Chairman Rigby explained the role of the planning commission when making a motion on site plans. Mr. Steven's spoke about the outdoor televisions and concerns about parking on South Lamar. Mr. Requet reminded the commission that the televisions must be turned in, which it is on the site plan and that was a condition from the Courthouse Square Historic Preservation Commission.

Commissioner Smith considered a motion to table until the parties could come to an agreement. That motion was not made. Commissioner Murphy spoke to what the role of the planning commission does and felt the proposal met all requirements of the code. He then made a motion to approve with all staff and commission conditions.

Commissioner Murphy made a motion to approve including all conditions. Commissioner Alexander seconded.

Commissioner Smith against - Commissioner Murphy, Spragins, Alexander, Rigby, Milan and Logan for.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

3. Public Hearing for Case #3127 – Mac Construction of Oxford, LLC (Steve McCulsky) has filed a request for Site Plan Review for 'Acadia 2' property located at 2157 Anchorage Road (PPIN #6385).

Kate Kenwright presented on behalf of the City (YouTube video begins at 1:42:48- 1:45:00)

**Planning Comments:** The subject property is +/- 4.4 acres and is zoned Neighborhood Residential. The property is located off of Anchorage Road next to the existing Acadia development. The applicant proposes 'The Acadia 2' consisting of 39 1-bedroom residential units.

**Use and Parking—**The applicant proposes 39 bedrooms, which complies with the density limitations of the site. Residential Common Interest Developments (RCID) are permitted within Neighborhood Residential (NR), though the submittal did not include a copy of the covenants. Staff will need a copy of the covenants and the condo plat to review before the RCID is able to be approved.

**Coverage—**Coverage for NR is allowed up to 60%, this proposal complies with the requirements with 47.89% coverage.

#### Other Elements

- **Landscaping & Mitigation—**A landscaping package has been provided that indicates street trees and foundation plantings for all units that meets the Land Development Code standards. The landscaping plan shall be revised to add the required edge plantings at both of the entrances. 82 trees are required for mitigation. This proposal indicates 80 of the required 82 trees will be mitigated on-site. It also indicates 45 loblolly pines, which do not qualify as a mitigation tree. These must be substituted with a suitable mitigation tree, or the applicant must contribute to the tree escrow account.

- **Building Height & Materials—**The buildings feature horizontal siding, vertical siding, brick, and asphalt shingle roof. They are consistent in style and materiality across the site. At 9'3" floor-to-ceiling height, the one-story buildings are well within the height requirements of (NR) Neighborhood

Residential districts.

**Engineering Comments:** This project is located off Anchorage Road adjacent to the existing Acadia Cottages development. The development will consist of 39 condominium units traversed by private streets and parking bays.

**Water and Sewer**

Water and sewer facilities within the project will be privately owned and maintained via existing connections to existing city infrastructure.

**Stormwater Management**

A proposed stormwater management facility consisting of drainage pipes and an above-ground detention basin along the property's east side will meet the stormwater management requirements for this site plan. The stormwater management facility will discharge to the east towards Minnie Lane.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff is awaiting a resubmittal to address comments but does not anticipate any issues preventing approval of the stormwater management plan.

**Recommendation:** Staff recommends approval of 'The Acadia 2' with the following conditions:

1. Approval is for the site plan as submitted subject to necessary technical revisions per the Site Plan Review Committee (Planning).
2. Prior to the issuance of any permits, the applicant shall provide a draft copy of the covenants and condominium plat for review and approval of the RCID. A Certificate of Occupancy shall not be issued for any buildings until the covenants and plat are filed/recorded and until copies are provided to the Planning Department. (Planning).
3. The inappropriate mitigation trees indicated on the tree mitigation plan must be substituted with a suitable mitigation tree, or the applicant must contribute to the tree escrow account (Planning) The updated tree mitigation plan shall also account for the 2 mitigation trees that are not accounted for on the current plan.
4. The landscaping plan will be revised to include the required edge plantings at each entrance (Planning).
5. MSDOH and MDEQ approvals of water and sewer facilities within the development shall be submitted to the city before water and sewer connections are approved (Engineering).
6. Water and sewer fees shall be paid before building permits are issued (Engineering).
7. Approval of the stormwater management plan (Engineering).
8. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued (Engineering).

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

All in favor.

Move: Erin Smith Second: Yolanda Logan Status: Passed

4. Public Hearing for Case #3128 – FCB Bank (Robert McDonald) has filed a request for a Site Plan Approval for 'Grand Oaks Commercial' for property located at 1598 Grand Oaks Boulevard (PPIN #8798). **(Postponed)**

5. Public Hearing for Case #3129 – MFM Development (JW McCurdy) has filed requests for a) a Special Exception as provided in Section 3.8.3.2.c Grocery Store Square Footage, b) a Variance from Section 2.6.8. Build-to-Line, and c) Variance from Section 3.11.1.5.c. Accessory Structure Front Yard for 'Sullivan's Grocery' property located at 800 Concordia Avenue (PPIN #4563)

Ben Requet, Planning Director presented on behalf of the City. (YouTube video begins at 1:45:02-1:52:25)

**Planning Comments:** The subject property is located in Colonnade Crossing, and it measures approximately +/- 3.22 acres. The property is zoned (SCO) Suburban Corridor, and it is currently undeveloped. In order to facilitate this development proposal, the applicant is requesting a Special Exception for a Grocery Store, a variance from the east build-to line requirement, and a variance to allow an accessory structure located in the front yard.

**A) Special Exception as provided in Section 3.8.3.2.c**

In the Suburban Corridor District, a grocery store that exceeds 25,000 square feet is allowed by Special Exception. In certain instances, the Land Development Code provides additional standards for Staff and the Commission to consider, however, there are not any for this request.

Sullivan's Marketplace is proposing a new store at this location with approximately +/- 35,000 square feet, along with a proposed Interactive Teller Machine. The application notes that the proposed grocery store will fill a significant gap in the northern part of the City of Oxford, and it will serve a larger residential population that is currently lacking nearby grocery options. The applicant believes that the grocery store will address a critical need in the northern part of Oxford, enhancing the convenience for resident and supporting the growth and development of the area in a way that aligns with the community's needs and character.

**Recommendation:** Staff recommends approval of the requested Special Exception with the finding that the proposed grocery store use at this location does not harm the public interest, with the following conditions:

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

**B) Variance from Section 2.6.8. Front Yard Build to Line**

The subject property is a lot in the Colonnade Crossing development with frontage to a public street on all four sides. The Land Development Code stipulates that buildings in this district shall be located within 58' of the front property line. Because this property has four front yards, the applicant notes that a building would need to have a dimension of approximately 440' so that the building walls would encroach into the build-to zone of all four streets. The applicant believes that this creates a hardship by requiring a very large building that would not fit into the character of the community. The Land Development Code does allow for a Special Exception to allow a building to be located up to 150' from the property line, however, the distance to the east property line is approximately 347' necessitating the variance. The building complies with three of the four required build-to lines and the property having four front yards creates an unnecessary hardship in this instance.

**Recommendation:** Staff believes that there is a sufficient hardship present in this instance to support the requested build-to line maximum variance with the following conditions:

1. The approval is for the plan as submitted.

**C) Variance from Section 3.11.1.5.c Accessory Structure located in a Front Yard**

As already stated, this property has frontage towards a public street on all four sides. Accessory structures are regulated to side and rear yards, however, in this instance the property only has four front yards. The applicant is proposing to construct an integrated teller machine (ITM) that they are proposing to locate on the east side of the property. The building complies with three of the four required build-to lines and the property having four front yards creates an unnecessary hardship in this instance.

**Recommendation:** Staff believes that there is a sufficient hardship present in this instance to support the variance to allow an accessory structure in the front yard with the following conditions:

1. The approval is for the plan as submitted.

**Summary of discussion:** The locations of the ITM was clarified for the commission. With no further questions or comments a motion to approve was made.

Special Exception as provided in Section 3.8.3.2.c Grocery Store Square Footage Commissioner Spragins motion to approve - Commissioner Smith second. All in favor  
Variance from Section 2.6.8. Build-to-Line- build to line - Commissioner Murphy motion to approve - Commissioner Alexander Seconded All in favor.  
Variance from Section 3.11.1.5.c. Accessory Structure Front Yard - Commissioner Alexander motion to approve. Commissioner Spragins seconded - All in favor.

Move: Second: Status: Passed

6. Public Hearing for Case #3130 – MFM Development (JW McCurdy) has filed a request for Site Plan Approval for 'Sullivan's Grocery' property located at 800 Concordia Avenue (PPIN #4563)

Mr. Ben Requet, Director of Planning, presented on behalf of the City (YouTube video begins at 1:52:51 - 1:55:38)

**Planning Comments:** The subject property is located in Colonnade Crossing, and it measures approximately +/- 3.22 acres. The property is zoned (SCO) Suburban Corridor, and it is currently undeveloped. The applicant is proposing to construct a new grocery store, Sullivan's Marketplace. The proposed Sullivan's Marketplace will consist of approximately 35,000 square feet, that will also include a 3,000 square foot retail wine and spirits store, and a drive-thru iTM.

#### Use and Parking Requirements

In the Suburban Corridor District, a grocery store that exceeds 25,000 square feet is allowed by Special Exception and is the subject of Case #3129. Two variances are also being requested to facilitate this proposal, also the subject of Case #3129.

A total of 118 parking spaces are required and the proposal complies by providing 137.

#### Coverage

The SCO district allows 80% lot coverage, and the development complies with the requirement with 80%.

#### Building Height

The proposed one-story building measures approximately +/- 30' in height, under the max height for this district.

#### Other Review Elements

- Architecture and Building Materials – Proposed materials include a brick veneer, smooth Nichiha fiber cement panels, Nichiha fiber cement siding, with fixed shutters, suspended awnings and glass store fronts on all four sides of the building.
- Sidewalks and Connectivity – Pedestrian connectivity is provided throughout the site. Sidewalks are provided around the entire lot, with pedestrian pathway in the center of the parking lot.
- Rooftop Mechanical Screening – The proposal does not indicate any rooftop mechanical equipment, however, in the event that it does, the parapet shall be extended to the height of the tallest rooftop mounted equipment (hvac & venthood stack) on all sides of the building.
- Signage - A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

**Engineering Comments:** This project proposes to construct a new commercial building on Lot 13 in Phase 4 of the Colonnade Crossing Subdivision. The building's proposed use will be a grocery store and will have access from Ferndale, Claremont and Concordia, all public streets.

#### Water and Sewer

Water and sewer facilities, including a fire protection line, to the proposed building will be made via service connections to existing city infrastructure made during preliminary construction of the subdivision.

#### Stormwater Management

The stormwater management requirements for this site plan will be met by conveying stormwater runoff through inlets, pipes, and ditches to the existing regional stormwater management facility constructed as part of the Colonnade Crossing Subdivision. Case #2860 – Final Plat Approval for Colonnade Crossing – Phase 2 approved the regional stormwater management facility.

**Recommendation:** Staff recommends approval of the Site Plan for 'Sullivan's Grocery' with the following conditions:

1. Approval is for the site plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. Prior to the issuance of building permits, water and sewer fees shall be paid.
3. Approval of Case #3129 is required.

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

All in favor.

Move: Erin Smith Second: Harry Alexander Status: Passed

7. Public Hearing for Case #3131 – JWM Development, LLC (JW McCurdy) has filed a request for a Zoning Map Amendment for property located at Old Taylor Road (PPINs #14967 & 34530).

Mr. Ben Requet, Director of Planning, presented on behalf for the City (YouTube video begins at 1:55:42- 2:30:45)

**Planning Comments:** The subject property is located on the west side of Old Taylor Road. It measures approximately +/- 31 acres, and it is zoned Traditional Neighborhood Business (TNB), Neighborhood Residential (NR) and Suburban Residential (SR). The property adjacent to the south is Falkner Flats, and the commercial properties that include Dollar General, My Michelle's and Lapels. Currently, there are a few structures on the property, (it has been a family homesite/farm) but is primarily vacant. The applicant is requesting a Zoning Map Amendment to change the zoning for an area that measures 26.06 acres currently designated (TNB) Traditional Neighborhood Business and (NR) Neighborhood Residential to (SMF) Suburban Multi-Family, and an area measuring .07 acres currently designated (NR) Neighborhood Residential to (SR) Suburban Residential.

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

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

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

Finally, Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, stated: "Under the "change and mistake" rule of municipal zoning, based on the presumption that the original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a

mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning. Therefore, the merits of the applicant's request for rezoning, based on the criteria established in the cited cases, is as follows:

**Change and Need:**

In the application, the applicant provided the following justifications for the change in the character of the neighborhood and the public need.

**1. Shift in Neighborhood Character:**

Overtime, neighborhoods evolve, and it is crucial for zoning regulations to reflect these changes. In the case of the property in question, the character of the surrounding area has shifted substantially. The City of Oxford has recently expanded its city limits significantly in and around the area. Although the property was already within the city limits, the expansion has created a more integrated and comprehensive urban landscape. This growth necessitates an update to the zoning to ensure cohesive development and proper utilization of the newly incorporated areas.

**2. Completion of Oxford Way Construction:**

Another significant factor contributing to the changed character of the neighborhood is the completion of Oxford Way and the development adjacent to roadway. Oxford Way provides a crucial east-west connection between S. Lamar Avenue and Old Taylor Road. This roadway significantly improves accessibility and traffic flow in the area, making the JWM Development property more viable and attractive for multi-family residential development. Rezoning the property to a higher residential density will align with the enhanced connectivity and support the increased residential demand anticipated from this new infrastructure.

**3. Completion of Chucky Mullins Drive Construction:**

Chucky Mullins Drive has been completed, providing a direct connection between Old Taylor Road and the University of Mississippi. This new connection increases accessibility and mobility for residents, students, and visitors, making the property a prime location for multi-family residential development. The rezoning to SMF will facilitate the creation of residential units that can cater to the needs of the University community and enhance the overall appeal of the area.

**4. Development of a Gas Station on the Adjacent Property:**

A gas station site plan has been approved on the adjacent property, which will necessitate the installation of a new traffic signal on Old Taylor Road. This development indicates an increase in commercial activity in the vicinity, further identifying the change in neighborhood character and justifying the request to rezone the property. This will ensure that residential development complements the commercial uses and benefits from the improved traffic management and proximity to essential services.

**5. Approval of a Tax Increment Financing Plan (TIF) to Construct a Proposed North/South Connector Road:**

A Tax Increment Financing Plan (TIF) has been approved to construct a new roadway from Oxford Way to Belk Drive, serving the Baptist Hospital. This new roadway will enhance connectivity to critical facilities such as the hospital, making the surrounding area more attractive for residential development. Rezoning the property to a higher density residential zoning will align with these infrastructure improvements and support the growth of the area as a residential and healthcare hub.

**6. Increased Demand and Public Need:**

There is a growing demand for housing and multi-family housing in Oxford, driven by the expanding population, University growth, and increased commercial activities. Rezoning the JWM Development property will help meet this demand by providing diverse housing options that are affordable and accessible, thus contributing to the overall housing supply and stability in the area.

The applicant also believes that there are other circumstances to justify the proposed zoning map amendment.

**1. University of Mississippi Growth:**

The University of Mississippi has experienced substantial growth in recent years, increasing its student enrollment, faculty, and staff numbers. This expansion has led to a heightened demand for housing options that are conveniently located near the campus. The JWM Development property is ideally situated to meet this demand, providing a strategic location for multi-family residential development.

#### 2. Increased Enrollment and Housing Demand:

As enrollment at the University of Mississippi continues to rise, the need for nearby housing options has become more pressing. The existing housing market is struggling to keep pace with the influx of students, leading to higher rental prices and limited availability. Rezoning the JWM Development property to SMF will help address this shortfall by increasing the supply of housing units, thereby easing the pressure on the housing market.

#### 3. Proximity to Campus:

The JWM Development property's proximity to the University of Mississippi makes it an ideal location for suburban multi-family housing. The short commute to campus will be highly attractive to students, faculty, and staff, providing convenient and accessible living options. This proximity supports the university community by reducing travel times and improving the overall quality of life for residents.

#### 4. Economic and Social Benefits:

The influx of university students and staff will bring economic benefits to the area, including increased local spending and job creation. The development of SMF housing will cater to this demographic, providing affordable and accessible living options. Additionally, the diverse population will contribute to the social fabric of the community, enhancing its vibrancy and inclusivity.

In conclusion, the rezoning of the 30.73-acre parcel of property owned by JWM Development to higher density residentially zoned property is essential to accommodate the significant changes and evolving conditions in the City of Oxford. The expansion of city limits, construction of new roadways, newly approved site plans, and the completion of key infrastructure projects have transformed the area, making it necessary to update the zoning to reflect the current and future development potential. The rezoning will support cohesive and strategic growth, ensuring that the property is utilized in a manner that benefits the community, meets housing demands, and aligns with the City's development goals.

Mistake: None.

The applicant points out that since that time, there have been changes in the character of the neighborhood including an annexation, the construction of Oxford Way, Belk Boulevard, Chucky Mullins Drive, and a planned connection from Old Taylor Road to Belk Boulevard near the hospital, and the approval of a service station at the adjacent property that requires the installation of several traffic improvements including a traffic signal. This traffic signal may create access limitations for this site, presenting challenges with the viability of commercial development here.

Staff believes a critical element to the change in the neighborhood was that the property was approved for a rezoning to allow a Traditional Neighborhood Development prior to the comprehensive rezoning in 2017. This TND was required by the Land Development Code to provide a mix of uses in a center, with dense housing near the center, and with moderate dense housing in the edge of the development.

When evaluating the zoning for this property in 2017, it seemed logical to designate this property with underlying zoning consistent with the development proposal. However, the development never moved forward and the TND overlay reverted back to the underlying zoning after building permits were not issued after 24 months. The property is surrounded by multi-family housing in the area. Faulkner Flats, The Mark, The Domain, The Azul, The Archive and Taylor Bend are all near this site. As the community has seen over the past few years, there is reminders demand and need for housing in Oxford as the University enrollment has grown considerably since COVID. A multi-family facility at this location is in close proximity to the Ole Miss campus and could provide much needed housing for the Oxford community.

**Recommendation:** Staff believes that there is sufficient evidence of change and need to support the rezoning of this property as requested.

**Summary of discussion:** To view the public comments received by staff please see the link in this agenda. Chairman Rigby asked for clarification that the request is to rezone to multi-family, but the current zoning does allow for multi-family in portions? Mr. Requet responded that it could, in the TNB district upper floor residential is allowed by right and that multi-family could be requested. Commissioner Milam asked how the changes cited in this report, changes in Oxford, differ from the changes in the use of the proposed land. Mr. John Granberry, on behalf of the applicant, spoke to his interpretation of the changes in the localized neighborhood, referring to a map, and changes with development and growth. He stated that the addition of the gas station changes the neighborhood, adding there was no development in this area prior.

Ms. Laura Shepardson, a neighboring property owner, spoke about the increase in density and that she felt it was not a change in use. She referenced the vision 2037 plan, and that development was always part of the plan and current use which has not changed. Mr. Greg Love, an Old Taylor Road resident, spoke about the vision plan also and how development has kept up with the plan. Dr. Mary Kahut spoke about concerns about removing too many trees in the area and asked if the trees would be replaced. Chairman Rigby mentioned the required buffer and tree mitigation process. Mr. Herron Rowland spoke about the added traffic not being supported by the current roads and urged the commission to consider the impact this will have.

Mr. Granberry returned to address some of the concerns. He added the principles of the vision 2037 plan must allow for flexibility of changes in conditions, with the rapid growth and development of Oxford, should be cause for change in zoning. The need for affordable housing is crucial for Oxford, enrollment is on an uptrend and developing close to the trail is ideal for student to utilize it for sustainable transportation. Mr. Granberry also stated that some of the concerns will be addressed more in depth during the site plan review process.

Commissioner Murphy expressed that this location would be ideal given the amount of outlet roads and access to the university. Chairman Rigby added that the commission is a recommending body to the Mayor and Board of Alderman. Commissioner Alexander added that granting a map amendment is different than a special exception or variance. The commission discussed concerns about future developments and precedent being set. Ms. Shepardson returned to ask the commission to look at existing zoning with no housing, and if the use in this area has changed enough to justify this request for a public need.

Mr. JW McCurdy, the applicant, said he felt the key to changes in a neighborhood is a new road and a change in the flow of traffic which has happened in this area. He agreed that the traffic needs to be addressed and will be during the site plan review, along with a traffic study and the new road being built near the hospital will add a fourth outlet. With no further questions or comments a recommendation was made.

Commissioner Smith made a motion to recommend approval to the mayor and board of alderman. Commissioner Murphy seconded.

Commissioner Logan for. Commissioners Spragins, Alexander, Rigby and Milam against. The commission recommends denial of this request.

8. Public Hearing for Case #3132 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Preliminary Plat for 'The Summit Phase 2' for property located at Ed Perry Blvd (PPIN# 4707)

Senior Planner Robert Baxter presented on behalf of the city. (YouTube video begins at 2:31:15 - 2:35:30)

**Planning Comments:** The subject property is +/- 39.989 acres, located in Oxford Commons, partially inside the PUD boundary. The applicant is proposing an eight-lot subdivision with public right-of-way and common area dedicated to stormwater detention. Larger lots to the east (+/- 14.078 acres & +/- 8.394 acres) will be the site of multi-family units (Case #3134), a middle lot (+/- 5.131 acres) is planned for offices, and smaller lots to the west fronting Ed Perry (between +/-

0.997 and +/- 1.339 acres) will be for general retail and restaurants. Each of these lots meets the dimensional standards of the underlying SCN zoning. The areas that are inside of the PUD will have additional standards for use, intensity, and density as prescribed in the Oxford Commons PUD plan (Case #3001, October 2023).

This plat will require an amendment to 'The Summit, Phase 1, Lots 2-6' to clarify that the 60' access easement south of Lot 6 is public right-of-way.

Additionally, this proposed plat will affect areas previously approved by the Board of Aldermen for Final Plats that were never recorded at Chancery. These include The Summit Phase 1, Lot 1 and The Summit Phase 2, Lot 1 (for Waffle House and the sports training facility respectively). This Preliminary Plat approval will effectively serve as a Plat Amendment for these two Final Plats and the two Final Plats will effectively be abandoned at the time of Mayor and Board approval.

Mississippi subdivision law requires that the applicant proposing any change in a platted subdivision notify all the "persons to be adversely affected thereby or directly interested herein," and requires their signature of approval of the proposed modification. The identification of who such persons may be is left to the discretion of the applicant. The applicant has provided a letter from the applicant stating that they are the only affected and directly interested person.

**Engineering Comments:** The Summit Phase 2 lies south of Tractor Supply and west of The Preserve in the Oxford Commons. It abuts Ed Perry Boulevard to the west and has access on the north to the existing private street next to Tractor Supply. The amendment will revise a final plat for the Summit Phase 2 previously approved by the planning commission and board of aldermen. The amendment proposes 9 lots including one dedicated for regional stormwater management.

**Recommendation:** Staff recommends approval of the requested Preliminary Plat Amendment for 'The Summit, Phase 2' with the following conditions:

1. Approval is for the plan as submitted.
2. Approval of the Preliminary Plat Amendment for 'The Summit, Phase 2' by the Mayor and Board of Aldermen.
3. Prior to the issuance of building permits, a plat amendment to 'The Summit, Phase 1, Lots 2-6' to clarify that the 60' access easement south of Lot 6 is public right-of-way is required.
4. All comments and conditions set forth by the engineering department during the plat review must be satisfied before the plat will be recorded.

**Summary of Discussion:** Paul Koshenina was present virtually. With no questions or comments a motion to approve was made.

All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

9. Public Hearing for Case #3133 – The Summit at Oxford Commons, LLC (David Blackburn) has filed a request for Special Exception as provided in Section 3.5.8.2 (when proposed in an existing subdivision) for 'The Summit Phase 2' for property located at Ed Perry (PPIN#4707)

Senior Planner Robert Baxter presented on behalf of the city (YouTube video begins at 2:35:31 - 2:39:05)

**Planning Comments:** The subject property is +/- 13.99 acres in the Oxford Commons development. The applicant is proposing to construct a multi-family development of 9, 3-story buildings, totaling 108 units as a Residential Common Interest Development (RCID). The site plan approval for this project is the subject of Case #3134.

RCIDs are Special Exceptions when proposed in existing subdivisions. As detailed in Case #3132,

there is an existing Final Plat for 'The Summit, Phase 2, Lot 1' that was approved by the Mayor and Board but never filed at Chancery. While this existing plat issue will be rectified with the Preliminary Plat filed as a part of Case #3132, the requested RCID still requires this Special Exception.

Covenants and a Condominium Plat will need to be provided to Staff for review and compliance with LDC standards.

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

1. Prior to the issuance of any permits, the applicant shall provide a draft copy of the covenants and condominium plat for review and final approval of the RCID. A Certificate of Occupancy shall not be issued for any buildings until the covenants and plat are filed/recorded and until copies are provided to the Planning Department.

**Summary of discussion:** Mr. Requet stated that this development is intended to be rentals but in cases where there is potential for them to be sold individually in the future a RCID is required. With no questions or comments a motion to approve was made.

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

10. Public Hearing for Case #3134 – The Summit at Oxford Commons, LLC (David Blackburn) has filed a request for Site Plan Approval for 'The Summit Phase 2 for property located at Ed Perry (PPIN#4707)

Senior Planner, Robert Baxter presented on behalf of the city (YouTube video begins at 2:39:07-2:44:41)

**Planning Comments:** The subject property is +/- 13.99 acres in the Oxford Commons development and Lot 1 of 'The Summit, Phase 2'. The applicant is proposing to construct a multi-family development of 9, 3-story buildings totaling 108 units as a Residential Common Interest Development.

Use and Parking – The applicant was approved for a Special Exception for the use of ground floor residential in SCN in July of 2024. The 108 units will be a combination of 84 3-BR and 24 4-BR units. The 4-BR unit will make up fewer than 25% of total units, so a Special Exception is not required. A SE for a RCID is the subject of Case #3133.

Parking is calculated at 2 spaces per unit for the 3-BR units and 1 space per bedroom for the 4-BR units plus one space for each unit, both 3-BR and 4-BR, for guest spaces. A minimum of 372 spaces are required and up to 465 are allowed. The applicant is proposing 400 spaces.

Coverage – Coverage in SCN is allowed to be 80%. The applicant has proposed 44.8%.

Height - The proposed three-story buildings will measure approximately +/- 33'4" in height, under the max height for this district.

Other Requirements

- Landscaping – The applicant has provided a landscaping package that indicates street trees, foundation plantings, parking lot trees, and required screenings that all comply with LDC requirements. Additionally, a large buffer area is being maintained on the east of the site, varying in depth between 50 and 180 feet deep to maintain a screen for the residential properties to the east.
- Tree Mitigation – This property falls within the 2016 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. As information on that easement has not yet been submitted, it is a condition of approval for the Site Plan and the Subdivision plat. The developer is aware of the requirement.

- **Architecture and Building Materials** – The architecture materials and height are very similar to 'The Pearl' development just to the south. The buildings will be constructed with a mix of brick, fiber cement siding and board and batten. Front and rear elevations will consist of walk-out balconies, while side elevations will consist of windows.

**Engineering Comments:** The Summit Phase 2 lies south of Tractor Supply and west of The Preserve in the Oxford Commons. It abuts Ed Perry Boulevard to the west and has access on the north to the existing private street next to Tractor Supply. The amendment will revise a final plat for the Summit Phase 2 previously approved by the planning commission and board of aldermen. The amendment proposes 9 lots including one dedicated for regional stormwater management. Access – The development proposes three connections to Ed Perry Boulevard, two public and one private. A public, boulevard type, street will traverse the site west to east and north and south with one roundabout proposed. The street will terminate on the south end with a proposed future connection. The intent of the connection is to have eventual access to Commonwealth Boulevard to south and Lakewood Drive to the east. The engineering department recognizes that continuing development along the north leg Ed Perry Boulevard, especially student housing, poses potential traffic related issues to the area and to the north at the Highway 30 traffic signal. The original traffic impact study performed for the Oxford Commons master plan is outdated and needs revisiting. However, engineering would like to monitor the progress of development in this phase to observe new traffic patterns and flows as it builds out and as future phases and new roadway connections come into play. Engineering will reserve the right to require intersection specific traffic studies should the need arise.

**Water and Sewer** – Water and sewer facilities will be provided within the proposed public rights-of-way, or be placed within easements granted in favor of the city for such purposes.

**Stormwater Management** – The stormwater management requirements for this site plan will be met by conveying stormwater runoff through inlets and pipes to a retention pond proposed for the southeast portion of the subdivision. The retention pond will function as a regional detention facility for a portion of the subdivision and discharge to another regional stormwater management facility approved as part of the Pearl site plan (Case #2938).

A brief history of the stormwater approvals is provided for reference: As part of the site plan approval for "The Commons" Lot 4 Phase 1, Case #2660, a stormwater management plan dated February 9, 2021, was presented and approved on March 5, 2021. Subsequently, the site plan approval for an Entertainment center (Case #2774) provided a letter stating that the stormwater design approved in Case #2660 would be used to satisfy the site's stormwater management requirements. Stormwater was not submitted as part of the Final Plat amendment (case 2928), and the case report states that stormwater management was previously approved under Case #2660. The stormwater management plan for the Pearl site plan was approved under Case #2938. Runoff from this phase of the Summit currently passes through these facilities. Peak discharge rates from the stormwater management are limited by the 48-inch diameter pipe draining the facility. The stormwater modeling indicates that this pipe is already operating near its maximum flow capacity under the existing conditions. This means that additional runoff generated from any development within this phase of the subdivision is already limited due to the size of the pipe.

The stormwater management plan submitted as part of the preliminary plat documents proposes modifying the natural channel storage portion of the previously approved stormwater management plan for the Pearl. The primary purpose for enlarging the existing natural channel and constructing the retention ponds is to provide managed storage of the runoff volume since discharge rates from the subdivision are already limited.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff does not anticipate any issues preventing its approval.

**Recommendation:** Staff recommends approval of the requested Site Plan for 'The Summit, Phase 2' with the following conditions:

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

2. Approval of the Preliminary Plat Amendment as proposed in Case #3132 and the RCID as proposed in Case #3133.

3. Receipt of a recorded easement in lieu of Tree Mitigation for 14% of the land area of the Final Plat before any permits are issued. (Planning)

4. All comments and conditions set forth by the engineering department during the site plan review, including final approval of the stormwater management plan, must be satisfied before a land disturbance permit is issued.

5. The constructed stormwater management facility must be certified before issuing any Certificate of Occupancy.

6. The engineer will provide to the city approvals from MDEQ and MSDOH for sewer and water installations to become public infrastructure.

7. As a condition of approval, the developer acknowledges that the city engineer reserves the right to require a traffic study at particular locations within the area, at the developer's expense, should the need arise

**Summary of discussion:** Ms. Ann Brown asked about the impact on traffic on surrounding streets. Mr. Paul Koshenina responded that the current road can accommodate the amount of traffic. Mr. Stuart Povall also spoke about the future plan is to have internal connectivity to the south. With no further questions or comments a motion to approve was made.

All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

11. Adjourn

All in favor

Move: David Spragins Second: Kirk Milam Status: Passed

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

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Monday, October 14, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In-Person Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Jaclyn Colameta;  
Joseph Murphy; Kate Kenwright; Kirk Milam; Paul Watkins; Robert Baxter; Yolanda  
Logan

### Remote Attendance

Harry Alexander

### Not In Attendance

J.R. Rigby

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

#### A. October Planning Commission Memorandum

To view the video of this public hearing please click the link below.

<https://www.youtube.com/watch?v=VxB8rgderSA>

#### B. October Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

All in favor.

Move: Erin Smith Second: Kirk Milam Status: Passed

##### 3. Approval of minutes from the September 9, 2024 Meeting

All in favor.

Move: Kirk Milam Second: David Spragins Status: Passed

##### 4. Discuss date for November meeting.

The commission and staff have decided that the Planning Commission Meeting will be held on November 12, 2024 at 5:00 pm

All in favor.

Move: Second: Status: Passed

##### 5. Staff Report

###### a. Planning Staff Report

###### b. Building Official's Report

##### 6. Map of Cases this Month

C. Administrative Approvals

1. Case #3135-A - 7 Brew Coffee (John Horne) has filed a request for Site Plan Approval for '7 Brew Coffee' property located at 1615 University Avenue (PPIN #8009)
2. Case #3136-A – Blanca Flores has filed a request for Site Plan Amendment for 'Taco Mania' property located at 1309 North Lamar Boulevard (PPIN #5076)
3. Case #3137-A – Shadrach's Coffee (Bradley Akin) has filed a request for Site Plan Approval for property located at 2405 South Lamar Boulevard (PPIN #5581)
4. Case #3138-A – North East MS EPA (Justin Smith) has filed a request for Site Plan Amendment for property located at 1389 Cooperative Way (PPIN #4508)
5. Case #3139-A – City of Oxford (Mark Levy) has filed a request for Site Plan Amendment for property located at 220 Washington Avenue (PPIN #5920)

D. Consent Agenda

1. Public Hearing for Case #3140 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Plat Amendment for 'The Summit, Phase 1, Lots 2-6' for property located at Ed Perry Blvd (PPIN'S #40349, #40350, #40351, #40352, #40329) **(POSTPONED)**

E. **Public Hearings**

1. Public Hearing for Case #3141 – FCB Bank (Robert McDonald) has filed a request for Special Exception as provided in section 2.6.8 Build to Line Maximum for property located at 1598 Grand Oaks Boulevard (PPIN #8798).

Ms. Kate Kenwright presented on behalf of the City. (YouTube video begins at 3:45-6:27)

The applicant seeks approval for a Special Exception for the build-to-line at the north side of the property. The subject property fronts Grand Oaks Boulevard, and is located between Highway 7, and Barron Street. The property is zoned (SCO) Suburban Corridor District and measures +/- 1.43 acres. The applicant proposes two commercial buildings, a 2,400 SF bank and a 6,000 SF commercial building. The Site Plan for this project is also on the current Planning Commission agenda and is the subject of Case #3128.

This request is to exceed the maximum build-to line of 58 feet on the north side. The proposed plans show a build-to line maximum of 30' when in the zoning district allows for between 15' and 58'. The proposed setback would be approximately 4' in excess of the requirement on the north side. A build-to line maximum of up to 150 feet is allowed by Special Exception in the Suburban Corridor district.

The applicant notes that there is a commercial building to the east that is set back further than the proposed building, and that across Grand Oaks Boulevard there are rental units with parking in the front that are also set back from the street.

This pattern of development is typical for other office buildings in the vicinity. Staff sees the merit of this request.

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

1. Approval is for the plan as submitted (Planning).
2. The Special Exception shall expire in 18 months if no building permit has been issued (Planning).
3. The granting of this approval by the Planning Commission will not adversely affect the public interest (Planning).

**Summary of discussion:** With no questions from the audience or commission, a motion was made.

Commissioner Milan made a motion to approve subject to staff conditions. Commissioner Smith seconded.

Move: Kirk Milam Second: Erin Smith Status: Passed

2. Public Hearing for Case #3128 – FCB Bank (Robert McDonald) has filed a request for a Site Plan Approval for 'Grand Oaks Commercial' for property located at 1598 Grand Oaks Boulevard (PPIN #8798). (Postponed from September)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video began at 6:28- 8:48)

### **Planning Comments:**

The subject property fronts Grand Oaks Boulevard, and is located between Highway 7, and Barron Street. The property is zoned (SCO) Suburban Corridor District and measures +/- 1.43 acres. The applicant proposes two commercial buildings, a 2,400 SF bank and a 6,000 SF commercial building (use is not yet specified). A Special Exception for the build-to-line maximum associated with this property is also on the current Planning Commission agenda, Case #3141.

**Use and Parking**—The applicant proposes two commercial structures, which complies with the density limitations of the site. The proposed parking is sufficient for the site according to the requirements of the code.

**Coverage**—Coverage in SCO is allowed up to 80%, 65.8% is proposed.

### **Other Elements**

- **Landscaping & Mitigation**—A landscaping package has been provided that indicates street trees, foundation plantings, parking lot trees, and other screening that meets the Land Development Code standards. The site, currently an open lot, does not have any trees which require mitigation, and no trees are to be removed as a part of this building's construction.

- **Building Height & Materials**— Both buildings are one-story, with a maximum height of 30'. The primary material is stucco, with architectural metal paneling, accents, and sunshades.

### **Engineering Comments:**

This project proposes to construct two commercial buildings on Lot 1 of the Grand Oaks Commercial Subdivision, Common Interest Development, Phase 1. The buildings will have their access from Barron Street, a privately owned and maintained street.

### **Water and Sewer**

Water and sewer facilities to the proposed buildings will be made via connections to existing city infrastructure within Barron Street. The water main into the site will be publicly owned and maintained while the sewer will be privately owned and maintained within the site.

### **Stormwater Management**

A proposed regional stormwater management facility to service the common interest development, consisting of drainage pipes and an above-ground detention basin located in the southwest corner of lot 1 of Grand Oaks Commercial Subdivision, will meet the stormwater management requirements for this site plan. The facility will discharge to the west into an existing ditch within the Highway 7 right-of-way.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff is awaiting a resubmittal to address comments but does not anticipate any issues preventing approval of the stormwater management plan.

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

1. Approval is for the plan as submitted subject to necessary revisions by the Site Plan Review Committee (Planning).
2. Signage is not included as a part of this approval and will be addressed through the sign

permitting process (Planning).

3. All Engineering comments related to preliminary site plan drawings are to be addressed before a land disturbance permit is issued (Engineering).
4. Approval of the stormwater management plan (Engineering).
5. Water and sewer fees shall be paid before building permits are issued (Engineering).
6. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued (Engineering).
7. An indemnity agreement, holding the city harmless for access to proposed fire hydrants on site, shall be executed and submitted to the City Engineer's office prior to a certificate of occupancy being issued (Engineering).

**Summary of discussion:** With no questions from the audience or commission a motion was made.

Commissioner Spragins made a motion to approved subject to staff conditions. Commissioner Milan seconded. All in favor.

Move: David Spragins Second: Kirk Milam Status: Passed

3. Public Hearing for Case #3142 – Greg Gowen has filed a request for a Variance from Section 3.2.18.1 Retaining Walls for property located at 991 Morris Drive (PPIN #8949)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 8:51-12:50)

**Planning Comments:**

The subject property is located on Morris Drive in the Grand Oaks subdivision. The property measures +/- .90 acres and is zoned Estate Residential. The proposed plans include a new single-family home to be constructed on the lot, and the applicant seeks the retaining wall variance to allow for that construction.

According to section 3.2.8 of the Land Development Code, in all developments of single-family detached dwellings, retaining walls in a side or rear yard shall not exceed six feet in height, and when located in a front yard the height shall not exceed four feet in height. The proposal includes 4 walls that would exceed that maximum at 6' (front yard), 12', and 11.1'.

The applicant provided extensive comments illustrating the challenges of the site: existing natural topography of the lot, proximity to the public sewer easement, and the positioning of the subject property between a lot with much higher elevation than the subject property and the common open space/regional detention pond.

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. Staff finds that the unique nature of the lot—particularly the challenges associated with its neighboring properties—is a supportable hardship.

**Recommendation:** Staff recommends approval of the Variance with the following conditions:

1. Approval is for the plan as submitted.

**Summary of discussion:** Commissioner Murphy asked about if the neighboring property was notified. Mr. Granberry responded that they have allowed the applicant to grade on their property to make sure it drains properly and has met with the contractor. With no further questions from the audience of commission a motion was made.

Commissioner Milam made a motion to approve subject to staff conditions. Commissioner Logan

seconded. All in favor

Move: Kirk Milam Second: Yolanda Logan Status: Passed

4. Public Hearing for Case #3143 – R.W. Reed Company has filed a request for Site Plan Approval for 'The Breakaway' property located at 1009 North Lamar Boulevard (PPIN #5110)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 13:03 - 16:06)

### **Planning Comments:**

The subject property is the site of an existing gas station on N Lamar Boulevard, and measures +/- .603 acres. The proposed project would include demolition of the existing gas station to build a new three-story building. The new building would house 7,256 sq ft of commercial space on the ground floor, with a combined 6 – three-bedroom units on the second and third floors.

**Use and Parking** — The applicant proposes a commercial ground floor and residential upper floors, which complies with the density limitations of the site.

The proposed parking is sufficient for the site according to the requirements of the code, with 42 spaces provided. On-street parking on North Lamar Boulevard is proposed, consisting of 12 spaces, including the two provided ADA spaces.

**Coverage** — Coverage in the TNB is allowed up to 80%, 79.7% is proposed.

### **Other Elements**

- **Landscaping and Mitigation**—A landscaping package has been provided that indicates street trees, foundation plantings, parking lot trees, and other screening that meets the Land Development Code standards.
- **Building Height and Materials**—Primary building materials include brick veneer, fiber cement lap siding, and aluminum storefronts, all acceptable according to the requirements of the Land Development Code. The building does not exceed the 40' height maximum as laid out in the Code.
- **Connectivity** – Sidewalks are provided along the front of the building in-between the on-street parking and the entrance. Sidewalks also connect along the north side and rear (west) of the building. Cross-access to the property to the north of this site is provided through a shared access agreement with the neighboring property owner.

### **Engineering Comments:**

This project proposes to construct a new mixed-use building at 1009 North Lamar Boulevard. The project will have access to North Lamar, will provide on-street parking, and will have cross access with the neighboring property to the north.

### **Water and Sewer**

Water and sewer facilities to the proposed building will be made via connections to existing city infrastructure within North Lamar right-of-way.

### **Stormwater Management**

The stormwater management requirements for this site plan will be met by conveying stormwater runoff through inlets and pipes to an underground detention basin located on the north side (rear) of the property beneath the driveway. The detention basin will discharge to the north through a pipe that connects to the drainage pipes approved as part of Case #2973, the North Lamar Storage Facility's site plan.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff is awaiting a resubmittal to address comments

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

1. Approval is for the plan as submitted subject to necessary revisions by the Site Plan Review Committee (Planning).

2. Signage is not included as a part of this approval and will be addressed through the sign permitting process (Planning).
3. A Special-Use for the mixed-use CID shall be granted prior to the issuance of permits (Planning).
4. All Engineering comments related to preliminary site plan drawings are to be addressed before a land disturbance or building permit is issued (Engineering).
5. Approval of the stormwater management plan (Engineering).
6. Water and sewer fees per unit shall be paid before building permits are issued (Engineering).
7. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued (Engineering).

**Summary of discussion:** With no questions from the audience or commission a motion to approve was made.

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

Move: Erin Smith Second: Kirk Milam Status: Passed

5. Public Hearing for Case #3144 – The Grove on North Lamar, LLC (Jay Evans) has filed a request for Special Exception as provided in section 2.6.7 Ground Floor Residential for property located at 1401 Chickasaw Road (PPIN #4983)

Mr. Ben Requet presented on behalf of the city. (YouTube video begins at 16:09 - 20:47)  
Commissioner Alexander was recused.

**Planning Comments:** The subject property measures slightly over an acre in area, and it is located in the northwest corner of the recently constructed roundabout at Molly Barr Road and Chickasaw Road. The property is zoned Traditional Neighborhood Business and is undeveloped. The applicant is seeking a Special Exception, as provided in Section 2.6.7, to allow ground floor residential at this location.

The applicant believes that this property is unique because of the significant elevation difference between this site and Molly Barr Road. The site is approximately 14' below the Molly Barr Road roundabout, and the applicant believes that the elevation difference makes this site present a significant hardship for a business to thrive. The application also notes that this site is adjacent to the multi-family portions of Rowandale, and their proposal would be in better harmony with the area than a commercial business.

The proposal indicates 2 – three-story buildings, like one constructed in the Savannah Square development on Pleasant Drive. Building 1 incorporates all two-bedroom units, while Building 2 has two-bedroom units on both ends of the building with two one-bedroom units in the middle, per floor. The proposal complies with the density limitations of 42 bedrooms. The site plan provided with this application indicates a total of 50 parking spaces is required and 44 are proposed in the concept., however, a condition for parking is provided with the recommendation. A site plan has not been submitted for review by the Site Plan Review Committee. It is likely that changes will be required to the proposal that is provided in the application.

Staff does agree that the elevation difference of the property creates a challenge in marketing the property for commercial activity. Commercial uses that do not require visibility could potentially work at this location, but this property has sat vacant for many years due to this topographical challenge. It is also worth noting that there are many trees planted in the City right of way that also contribute to visibility issues at this location. Staff is supportive of the requested Special Exception

for ground floor residential.

**Recommendation:** If the Commission finds that the circumstances in this application are unique due to the challenging topography, then Staff recommends approval of the Special Exception with the following conditions:

1. The Special Exception shall expire in 18 months if no building permit has been issued.
2. The granting of this approval by the Planning Commission will not adversely affect the public interest.
3. The submitted site plan shall comply with the parking requirements.

**Summary of discussion:** Commissioner Murphy made sure the parking amount would be addressed during site plan review. With no further questions or comments a motion was made.

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

Move: Kirk Milam Second: David Spragins Status: Passed

6. Public Hearing for Case #3145 – DV Homes, LLC (David Vanlandeghem) and J.P. Corp General Contractors (Josh Parker) have filed a request for a Special Exception as provided in Section 2.6.7 Ground Floor Residential for 'The Concourse' property located at 1007 College Hill Road (PPIN #6493)

Mr. Robert Baxter presented on behalf of the city. (YouTube video begins at 20:50- 23:20)

**Planning Comments:** The subject property is a +/- 1.21-acre site on College Hill Rd and was previously the site of King's Steakhouse. The applicant is proposing to construct a three-story mixed used building with commercial and residential on the ground floor and two stories of residential above. The use of residential on a ground floor is a Special Exception in the TNB districts.

The applicant states that the properties to the north and south are commercial while the properties to the rear (west) are residential. The project proposes to keep the commercial frontage while having residential units at the rear to 'keep the harmony of the neighborhood.'

This small section of Old College Hill has limited traffic, so not building the full commercial potential of this lot makes sense. As long as sufficient parking is provided for the residential units, Staff has no objection to residential on the back half of the ground floor at this location.

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

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

**Summary of discussion:** With no questions from the audience or commission a motion to approve was made.

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

Move: David Spragins Second: Erin Smith Status: Passed

7. Public Hearing for Case #3146 – DV Homes, LLC (David Vanlandeghem) and J.P. Corp General Contractors (Josh Parker) have filed a request for Site Plan Approval for 'The Concourse' property located at 1007 College Hill Road (PPIN #6493)

Mr. Robert Baxter presented on behalf of the city (YouTube video begins at 23:21 - 27:47)

**Planning Comments:** The subject property is a +/- 1.21-acre site on College Hill Rd and was previously the site of King's Steakhouse. The applicant is proposing to construct a three-story mixed used building with commercial and residential on the ground floor and two stories of residential above.

Use and Parking – Upper floor residential is allowed by-right in the TNB district and the applicant has applied for a Special Exception for ground-floor residential. As of now, the commercial areas are proposed as shells with no specific uses proposed. Use will be reevaluated at the time of tenant build out. The applicant has filed a Special Use for a Mixed-Use CID. At this time the structure is proposed to be single-ownership; if this changes in the future, a new CID application will be required.

Each of the proposed residential units is proposed at 2 BR. For the 20 proposed units, 40 spaces plus 7 guest spaces are required. For the 4,700 sf of commercial space, 1 space is need for every 200 sf to account for the possibility of restaurant space. 24 spaces are needed in this instance. A total of 71 spaces are required and the applicant is only proposing 63. A waiver request has been made for a downward departure from the required minimum based on the mixed-use nature of the development as allowed in Section 4.9.2.1.

Coverage – TNB Districts allow for 80% coverage; 60.7% is proposed.

Structure Height – Buildings in TNB districts are allowed a maximum height of 40 feet and 3 stories by-right. The proposed structure will be three stories with a roof height of 37 feet.

#### Other Requirements

- Landscaping and Tree Mitigation – The applicant has provided a landscaping package that indicates foundation plantings, parking lot trees, and required screening. A sufficient number of significant trees are being retained that no mitigation trees are required for this proposal.
- Building Materials – The proposed structure will have brick veneer as the primary façade material, with glass storefront windows on the ground floor and black steel balconies for the 2nd and 3rd floors.
- Signage – A separate approval will be required to ensure compliance with the signage requirements of the Land Development Code.

Engineering Comments - This project proposes to construct two new mixed-use buildings at 1007 College Hill Road. The project will have one two-lane access to College Hill Road and will provide on-street parking.

#### Water and Sewer

Water and sewer facilities to the proposed building will be made via connections to existing city infrastructure within College Hill right-of-way.

#### Stormwater Management

The stormwater management requirements for this site plan will be met by conveying stormwater runoff through inlets and pipes to an underground detention basin located on the west side (rear) of the property beneath the driveway.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff is awaiting a resubmittal to address comments but does not anticipate any issues preventing approval of the stormwater management plan.

**Recommendation:** Staff recommends approval of the Site Plan for 'The Concourse' with the following conditions:

1. Approval is for the plan as submitted subject to any necessary technical revisions per the Site Plan Review Committee.
2. Prior to issuance of any permits the applicant will receive a waiver for 8 fewer parking spaces than the required minimum.

3. All engineering comments related to preliminary site plan drawings are to be addressed before a land disturbance or building permit is issued.
4. Approval of the stormwater management plan.
5. Water and sewer fees per unit shall be paid before building permits are issued.
6. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued.

**Summary of discussion:** Commissioner Murphy asked about the water detention system and if you would affect the neighboring properties. Mr. John Crowley replied it will not and does not anticipate any problems with the stormwater detention. With no further questions or comments a motion was made.

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

Move: Kirk Milam Second: Yolanda Logan Status: Passed

8. Public Hearing for Case #3147 – Oxford Farms, LLC (Andy Callicutt) has filed a request for a Zoning Map Amendment for property located at Blackberry Hills (PPIN'S #26268 & #27674).  
**(POSTPONED)**
9. Public Hearing for Case #3148 –Walker & Walker Enterprise, LLC (Ryan Walker) has filed a request for Site Plan Approval for property located at 1511 Chickasaw Road (PPIN #4983)

Mr. Robert Baxter presented on behalf of the city. (YouTube video begins at 27:47-33:37)

**Planning Comments:** The subject property is +/- 5.6 acres located on Chickasaw Rd, north of the intersection with Christman Drive. The existing property is largely undeveloped except for one single-family house and a barn. The applicant proposes to construct a residential common interest development of 35 attached and 12 detached units with a total of 153 bedrooms.

Use, Density, and Parking – The proposed mix of residential units is allowed in the NR district. Over 25% of the total structures are detached units and of the attached units, 25% are 4-bedroom, with the rest of the attached and all the detached being 3-bedroom. This proposal does require a Residential CID, which the applicant has applied for.

NR allows up to 9 dwelling units an acre. This property allows up to 50 units, and the applicant has proposed 47.

Required parking for this development will be 156 spaces, while the applicant has proposed 170 spaces, which is within the 25% parking maximum allowance.

Coverage – NR allows up to 60% coverage. The applicant has proposed 41%.

#### Other Review Elements

- Landscaping - The proposed landscape design meets all standards related to frontage trees, parking lot trees, foundation and edge plantings and through landscaping around the stormwater detention pond.
- Tree Mitigation – Staff is working with the applicant to finalize the mitigation calculations. The landscape plan indicates 134 mitigation trees to be planted on site. If additional mitigation trees are needed, the applicant may plant those on-site or pay into the Tree Escrow Account.
- Architecture and Building Materials – The proposed units will have a similar style to the attached units in South Grove. The primary façade materials will be brick and siding

Engineering Comments - This project proposes to construct 153 new bedrooms on Chickasaw Drive between Molly Barr Road and North Lamar Boulevard.

Water and Sewer

Water to the site is proposed by a new master meter to be set at the entrance to the site. The interior water infrastructure will be privately owned and maintained.

Sewer facilities within the proposed site will be privately owned and maintained. Wastewater will be pumped from a private lift station to a new city manhole set at the intersection of Chrisman and Chickasaw Drives.

#### Stormwater Management

Conveying stormwater runoff through inlets and pipes to an underground detention basin on the property's south side beneath the driveway will meet the stormwater management requirements for this site plan.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff has received responses to their comments regarding the first submittal and anticipates additional comments regarding the second submittal. The engineering staff does believe that any issues currently preventing approval of the stormwater management plan can be resolved.

**Recommendation:** Staff recommends approval of the Site Plan for 'Chickasaw Creek' with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. Approval is contingent on staff approval of a Special Use for a Residential Common Interest Development.
3. All engineering comments related to preliminary site plan drawings are to be addressed before a land disturbance or building permit is issued.
4. Approval of the stormwater management plan.
5. Water connection fee and sewer fees (per unit) shall be paid before building permits are issued
6. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued.

**Summary of discussion:** The location of the storm water detention was clarified for commissioners. With no questions or comments from the audience or commission a motion was made.

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

Move: Harry Alexander Second: Erin Smith Status: Passed

10. Public Hearing for Case #3149 - Blue Delta Capitol, LLC (Kyle Swafford) has filed a request for a Special Exception as provided in section 3.10.3.2.b Districts Permitted – Self Storage Facility for property located at 253 Ricky D. Britt Drive (PPIN #7503)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 34:10- 59:45)

**Planning Comments:** The applicant seeks a Special Exception to allow a climatized self-storage facility in a Suburban Corridor (SCO) zoning district. The proposal includes a one-story, 40,000-45,000 sq ft climate controlled storage facility.

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

The Special Exception requirements for this use in this zoning district require four parking spaces

near the leasing office and five are proposed. Additionally, a storage facility cannot be located on a site of more than three acres. The proposed site measures 2.78 acres, but is located in a larger 6.63-acre tract. The site was subdivided in January, 2024 to allow for this facility's location on this site.

There was a two-story self-storage building that was previously approved for this site. Staff worked extensively with the project architect on that design in an attempt to mitigate the project's location next to residences (south) of the site.

The applicant states in the Special Exception application that the building will be, "an attractive and appropriately sized brick and glass structure that will complement its neighbors. The soft white and warm grey exterior color palette was directly influenced by its neighbors, therefore the proposed structure will blend-in to the streetscape."

While the footprint of the building remains the same, the architectural detailing is significantly stripped back with the new building design. After discussion between the applicant and staff, faux windows (herringbone brick, slightly recessed), and awnings were added to the North and South elevations. The building is a more traditional storage building than the previous design, which was more compatible with the neighborhood. However, requirements of the code for this Special Exception do not include specific architectural elements, but it is something that the Commission may consider with the residential uses near this development proposal.

**Recommendation:** If the Commission finds that the proposed architecture is compatible with the character of the neighborhood, then Staff recommends approval of the Special Exception with the following conditions:

1. No retail or wholesale uses, residential activities, and storage of hazardous materials, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both (Planning).
2. Boats on trailers, storage trailers, recreation vehicles, and campers are not to be stored outside as the provided parking would not accommodate such vehicles (Planning).
3. The Special Exception shall expire in 18 months if no building permit has been issued (Planning).
4. The granting of this approval by the Planning Commission will not adversely affect the public interest (Planning).

**Summary of discussion:** Commissioner Murphy began the discussion with asked why the design has changed. The applicant, Kyle Swafford was present and replied that the drive thru function, cost and keeping with the rhythm of the neighborhood were factors in changing the design, he also pointed out the elements of the originally approved design that would remain the same. Commissioner Murphy expressed his concerns with the new design and fitting into the neighborhood. The brick color and landscape design were discussed.

Commissioner Milam asked how the amount of parking spots is determined. Ms. Kenwright responded that was noted for approval for Special Exception and it will be evaluated during site plan review if this request is approved. Commissioner Milam asked about outdoor storage like boats or trailers. Ms. Kenwright wrote it in the conditions, but it is also written in the ordinance. Commissioner Alexander asked if the height of the building only 10 feet tall. Mr. Requet said yes, it is the parapet was 17 feet and wrapped around the north and east of the building but is also a pitched roof. Commissioner Alexander asked if they considered smaller footprint but same design as approved. Mr. Swafford did not consider that but going one story was the easiest route.

Commissioner Milam asked if the faux windows are tinted instead of brick. Mr. Swafford said that it was brick due to the interior layout but is willing to consider tinting instead of brick. Commissioner Logan asked what security measures have changes. Mr. Swafford mentioned the cameras and

alarms have not changed. The windows were discussed further. Commissioner Alexander mentioned the concerns of staff. The applicant, requested to table this proposal and present a different request that better suits the feedback

Commissioner Spragins made a motion to approve the applicants request to table. Commissioner Alexander seconded. All in favor.

Move: Second: Status: Tabled

11. Public Hearing for Case #3150 – Mike Halford has filed a request for Preliminary Plat Approval for 'The Grove at Grand Oaks, Phase 6B' for Property located at Lakeshore Lane (PPIN #26136)

Mr. Ben Requet presented on behalf of the city. (YouTube video begins at 59:50- 1:04:52)

**Planning Comments:** The subject property is an undeveloped parcel measuring approximately 5 acres in the Grand Oaks II Planned Unit Development. According to the PUD Site Data Table, these 5 acres are located in Parcel 23B. Parcel 23B was originally 9.9 acres, and it allowed a total of 99 units to be constructed. In 2017, approximately 4.9 acres were subdivided, and developed the Cottages of Grand Oaks (a residential development consisting of a total of 21 units). The remaining density in Parcel 23B is 78 units. The applicant is proposing 8 single family detached lots, similar to other phases of the Grove at Grand Oaks. Lots in this proposed subdivision are approximately ½ acre in lot area.

This site is located in an area of established pine trees, but the submitting engineer notes that all pine trees are smaller than 24 inches in diameter and mitigation is not required for this site. The Land Development Code requires frontage trees be installed every 50' for a large tree, or every 35' for a small tree. A note is included on the plat that the installation of these trees will be the responsibility of the lot owners. There is a common area indicated on the subdivision that requires the installation of frontage trees and will be the responsibility of the developer. A condition of approval is added that addresses these concerns.

**Engineering Comments:** This project proposes to construct 8 new lots within the Grand Oaks Development. The development will have access to public streets via Northshore Lane and Lakeshore Drive.

#### Water and Sewer

Water and sewer to the site will connect to existing public infrastructure. Water and sewer infrastructure will be owned and maintained by the City of Oxford.

#### Stormwater Management

The proposed long-term stormwater management for this subdivision would be achieved by directing runoff to a proposed lake bordering the subdivision on the south side. A temporary stormwater management facility will be needed for this subdivision until the proposed lake is constructed.

The Engineering Department has not approved the Stormwater Management Plan for this project, but the engineering staff does not anticipate any issues preventing its approval.

**Recommendation:** Staff recommends approval of the Preliminary Plat for 'The Grove at Grand Oaks, Phase 6B' with the following conditions:

1. Approval is for the plans as submitted subject to any necessary technical revisions per the Site Plan Review Committee.
2. Approval of The Grove at Grand Oaks – Phase 6B, by the Mayor and Board of Aldermen.
3. Prior to the issuance of a building permit, each lot owner shall provide a landscaping plan that indicates the specimen, size and location of the required frontage trees to be installed in close proximity to the property line along Lakeshore Drive.

4. The applicant shall be responsible for the installation of frontage trees on the proposed common area.
5. All engineering comments related to preliminary site plan drawings are to be addressed before a land disturbance or building permit is issued.
6. Approval of the stormwater management plan.
7. Water connection and sewer fees shall be paid before building permits are issued.
8. The completed stormwater management facility must be certified by the civil engineer before certificates of occupancy are issued.

**Summary of discussion:** Commissioner Alexander asked about the storm water detention and proposed run off near the lake. Mr. Joey Moore, on behalf of the applicant said a temporary pond will be used until approval from the city is received. With no questions from the audience or commission a motion was made.

Commissioner Smith made a motion to recommend approval to the Mayor and Board of Alderman. Commissioner Spragins seconded. All in favor.

Move: Erin Smith Second: David Spragins Status: Passed

## 12. Adjourn

All in favor.

Move: Kirk Milam Second: Yolanda Logan Status: Passed

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

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Tuesday, November 12, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In Attendance

Angie Gragson; Benjamin Requet; David Spragins; Erin Smith; Harry Alexander; Hollis Green; J.R. Rigby; Jaclyn Colameta; John Crawley; Joseph Murphy; Kate Kenwright; Kirk Milam; Paul Watkins; Robert Baxter; Yolanda Logan

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

If you would like to participate in this meeting, please open the attachment for the virtual meeting information.

To view the video of this public meeting please click the link below.

[https://www.youtube.com/watch?v=JvAv\\_D9Q59c](https://www.youtube.com/watch?v=JvAv_D9Q59c)

#### B. November Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

Commissioner Smith moved that Case #3162 be moved to the top of the agenda. All in favor.

Move: David Spragins Second: Joseph Murphy Status: Passed

##### 3. Approval of minutes from the October 12, 2024 Meeting

All in favor.

Move: Kirk Milam Second: Erin Smith Status: Passed

##### 4. Staff Report

###### a. Planning Staff Report

###### b. Building Official's Report

##### 5. Map of Cases this Month

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

#### C. Administrative Approvals

#### D. Consent Agenda

All in favor.

Move: Harry Alexander Second: Erin Smith Status: Passed

1. Public Hearing for Case #3140 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Plat Amendment for 'The Summit, Phase 1, Lots 2-6' for property located at Ed Perry Blvd (PPIN'S #40349, #40350, #40351, #40352, #40329) (POSTPONED from October)
2. Public Hearing for Case #3151 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Final Plat for 'The Summit Phase 2' for property located at Ed Perry Blvd (PPIN# 4707)
3. Public Hearing for Case #3152 – The Citizen Bank (Corey Addy) has filed a request for a Special Exception as provided in Section 2.6.9. Suburban Center – Front Yard Setback Line, minimum for property located at 708 Sisk Avenue (PPIN #26553)
4. Public Hearing for Case #3153 – Ran Management (Aman Devij) has filed a request for a Special Exception as provided in Section 3.8.11.2.b Service Station – Districts Allowed for 'Evergreen's C-Store' for property located at 3800 McAlexander Drive (PPIN #40377)
5. Public Hearing for Case #3154 - Ran Management (Aman Devij) has filed a request for a Site Plan Amendment for 'Evergreen's C-Store' for property located at 3800 McAlexander Drive (PPIN #40377)
6. Public Hearing for Case #3156 – Lonesome Oaks, LLC (Wil Matthews) has filed a request for Preliminary and Final Plat Approval for 'Village Station' for property located at 3004 Old Taylor Road (PPIN #7730)

#### **E. Public Hearings**

1. Public Hearing for Case #3147 – Oxford Farms, LLC (Andy Callicutt) and Oxford 216, LLC. (Lawrence Cavanaugh) has filed a request for a Zoning Map Amendment 'Blackberry Hills PUD' property located at Blackberry Hills Parkway (PPIN'S #26268 & #27674). **POSTPONED**

Mr. Robert Baxter presented on behalf of the city. (YouTube video begins at...)

Summary of discussion:

2. Public Hearing for Case #3149 - Blue Delta Capitol, LLC (Kyle Swafford) has filed a request for a Special Exception as provided in Section 3.10.3.2.b Districts Permitted – Self Storage Facility for property located at 253 Ricky D. Britt Drive (PPIN #7503) (TABLED from October) **POSTPONED**
3. Public Hearing for Case #3155 – Alger Design Studios, PA (Corey Alger) has filed a request for a Variance from Section 2.6.7 Traditional Neighborhood Business – Rear Yard Setback Line, minimum for property located at 401 East Jackson Avenue (PPIN #25284)

Mr. Robert Baxter presented on behalf of the city. (YouTube video begins at 42:55 - 47:45)

**Planning Comments:** The subject property is +/- 0.27 acres situated between the Courtyard Marriott (west) and Sammy's Gourmet Deli & Gyro (formerly Oxford Bicycle). The applicant was recently approved (Case #3072, May 2024) for a mixed-use building consisting of three floors. The building will consist of a total building area of +/- 17,253 square feet. The ground floor consists of approximately 537 sq/ft of commercial space with the remainder of the floor being used for parking (16 spaces), ancillary uses (trash, storage & a riser room), and a lobby with the elevator. The second and third floors consist of three residential units (2 – 2-bedroom units & 1 – 3-bedroom unit), with each floor measuring 5,751 square feet.

During the construction process the applicant staked the proposed building footprint and found that the southeast corner would be in conflict with a 12.25-foot apparent utility easement as well as an electrical transformer and fiber optic cable box.

The applicant is requesting to move the entire building footprint fifteen feet towards the rear (north) property line. The rear setback in TNB is 25 feet and this request would push the building to within 13 feet, 12 feet over the setback.

The applicant raises that to the rear is a portion of the Marriot property (42' depth) and beyond that is Oxford School District property and that neither one would be adversely affected. Additionally, they raise that the knowledge of the utility easement was not known until very recently. Moving the building back will also reduce interruptions to traffic on Jackson while the stormwater detention is

being constructed as this will allow them to re-route the discharge pipe from the city road back onto private property.

A variance may only be granted the Planning Commission after the applicant demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

In this particular case, the existence of this previously unknown utility easement limits the buildable area of the lot by about 12.5 feet in the front. Due to how the easement was filed, it did not show up on the title search and was not discovered until after permitting. Staff agrees that the property to the rear would not be adversely affected because of the unique nature of the flag of Marriot property. This property, in all practicality, could only really be developed into parking or potentially a small accessory structure, neither of which placement would be impacted by this building being closer to the property line. The proposed structure will remain more than 10' from the property line, so fire access will be maintained around the perimeter. The structure will still be within the required front build-to and side setbacks.

**Recommendation:** For the above reasons, Staff is supportive of this variance request. Should the Commission find that sufficient hardship exists in this instance, Staff recommends the following conditions:

1. Approval is for the plan as submitted.

**Summary of discussion:** Commissioner Murphy asked about the easement on file. Mr. Walt Davis on behalf of Corey Alger, explained it was not on file due to the adjacent property owner granting the easement. With no further questions or comments a motion was made.

Commissioner Milam made a motion to approve. Commissioner Murphy seconded. All in favor.

Move: Kirk Milam Second: Joseph Murphy Status: Passed

4. Public Hearing for Case #3157 – Ran Management (Dwight Barker) has filed a request for a Special Exception as provided in Section 3.8.11.2.b Service Station – Districts Allowed for property located at University Avenue and MS Highway 6 (PPIN #9145)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 47:47 - 55:10 )

**Planning Comments:** The subject property is +/- 28 acres located on Highway 6 near the University Avenue/FD Buddy East roundabout. The applicant proposes construction of a service station with 5 pumps and a convenience store, and 3 more bays of retail space. 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.

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

- a. All standards that apply to service stations as primary uses also apply to service stations as accessory uses. The primary use is as a service station.
- b. Stacking space for vehicle access to pumps at accessory services stations or service stations on out-parcels of a larger development site must not interfere with onsite traffic flow not associated with the service station use. The plan provides adequate stacking space.
- c. Pump areas on corner lots in the TNB and RCN districts must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area. The pumps are

- located at the rear of the building. However, due to the building's location, the "rear" of the building is also a front, facing Highway 6. Due to the nature of the lot, it is difficult to locate the pumps.
- d. Primary buildings in the TNB must meet standard front build-to lines. The building meets the front build-to-line on the University Avenue side. A Special Exception is needed for the front setback on the Hwy 6 side.
- e. All fuel pumps shall be located a minimum of 20 feet from property lines. The proposal complies with this requirement.
- f. Wrecked, partially dismantled, or inoperative vehicles associated with an accessory motor vehicle repair service must be stored in an enclosed building. There is no indication that vehicle repair will be carried out at this location.
- g. The pump island shall be situated to provide stacking space for a minimum of one vehicle behind the vehicle parked at the pump closest to the entrance or exit driveway without impeding onsite circulation. The proposal complies with this requirement.
- h. All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing. Elevations showing the pump canopy are not included with the application, and renderings show a simple metal pole. This will have to be remedied as a part of the Site Plan Approval and is included as a condition with this application.
- i. The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials, and architectural detailing. Elevations showing the pump canopy are not included with the application, and renderings show a simple metal pole. This will have to be remedied as a part of the Site Plan Approval and is included as a condition with this application.
- j. All display items for sale should occur within the main building or within designated areas that are screened from public streets. The proposal does not address this requirement, but it will be a condition of approval.
- k. Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials. Elevations showing the pump canopy are not included with the application, and renderings show a simple metal pole. This will have to be remedied as a part of the Site Plan Approval and is included as a condition with this application.
- l. All lighting must meet the standards of Article 5, with fully shielded lighting under the canopy.
- m. Screening for the use must meet all standards in Article 5. The provided landscape plan shows that the screening is appropriate based on these requirements. While coverage amounts were not included with this application, adequate permeable surface area will be confirmed as a part of the site plan process.

**Recommendation:** Staff recommends approval of the requested Special Exception after making the finding that the addition of a commercial business will be a benefit to the site & surrounding area. A service station with c-store will be used by passing motorists on Highway 6 East, and the other retail bays will bring retail to an area that is currently lacking. Staff recommends approval of the requested Special Exception as provided in Section 3.8.11.2.b Service Stations: Districts Allowed with the following conditions:

1. Approval is for the plan as submitted (including elevations & materials) subject to necessary revisions per the Site Plan Review Committee
2. Applicant agrees that all display items for sale will occur within the main building or within other designated areas and will be screened from public streets.
3. If building permits have not been issued within 18 months, the Special Exception shall expire.
4. Wraps for the pump canopy and columns to match the building architecture are required before a Site Plan Approval is issued.
5. Site is limited to 3 total signs per business. Signage shall be approved through a separate permitting process. Canopy and fuel pumps are subject to the signage requirements.
6. The necessary Special Exception to the required front build-to-line maximum is obtained for the Highway 6 side.

**Summary of discussion:** Byron Houston on behalf of the applicant spoke about the conditions

being agreed upon by the applicant. He explained the applicant does not have plans to have a repair shop on site, it is intended for retail space. With no further questions or comments a motion was made.

Commissioner Smith made a motion to approve subject to staff conditions. Commissioner Alexander seconded. All in favor.

Move: Erin Smith Second: Harry Alexander Status: Passed

5. Public Hearing for Case #3158 – MV Commercial Construction LLC (Dean Fairweather) has filed a request for a Special Exception as provided in Section 3.10.3.2 Storage Facilities – Districts Permitted for property located at 1669 Bainbridge Street (PPIN #4563)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 55:20- 57:49)

**Planning Comments:** The applicant seeks a Special Exception to allow a climatized self-storage facility in a Suburban Corridor (SCO) zoning district. The proposal includes a 3-story climate-controlled storage facility, with a footprint of 35,719 sf and a gross square footage of 104,784.

Nearby uses include a pharmacy, paint store, auto repair, and a planned multi-family development.

The Special Exception requirements for this use in this zoning district require four parking spaces near the leasing office and 6 are proposed, including 2 ADA spaces. Additionally, a storage facility cannot be located on a site of more than three acres. The proposed site measures 1.6 acres. It was subdivided as a part of the approval for Phase 2 of Colonnade Crossing in May of 2022.

The proposed building features a brick veneer base and accent, with metal accent paneling and aluminum storefront and awnings. The brick veneer is the primary materials. While signage is indicated on the building, the final sign approvals will require review and approval, and the relevant permits. The design is appropriate to the site and also provides architectural detailing on the east and south elevations, which will front public streets. The applicant notes that the location of the site is important given the multi-family development under construction in Colonnade Crossing, as well as stating that it is appropriate given the variety of uses in Colonnade Crossing.

**Recommendation:** After making the finding that the location of the self-storage is appropriate and will not adversely affect the public interest, Staff recommends approval of the Special Exception with the following conditions:

1. No retail or wholesale uses, residential activities, and storage of hazardous materials, or any other use other than personal storage shall be conducted within or from the storage units. Notice of such prohibition shall be provided to customers by a conspicuous sign posted at the entrance of the property or by provisions in the lease agreement, or both (Planning).
2. Boats on trailers, storage trailers, recreation vehicles, and campers are not to be stored outside as the provided parking would not accommodate such vehicles (Planning).
3. The Special Exception shall expire in 18 months if no building permit has been issued (Planning).
4. The granting of this approval by the Planning Commission will not adversely affect the public interest (Planning).
5. Signage will receive a separate approval and the necessary permits.

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

Commissioner Murphy made a motion to approve subject to staff conditions. Commissioner Alexander seconded.

Move: Joseph Murphy Second: Harry Alexander Status: Passed

6. Public Hearing for Case #3159 – RISE (Sarah Nichols) has filed a request for a) a Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business – Building Height (Second Story requirements) b) a Variance from Section 3.5.5.3 Dwellings – Multi-Family, Parking for RISE property located at 1886 Reserve Loop (PPIN'S #19332 & #34543)

Mr. Ben Requet presented on behalf of the City (YouTube video begins at 57:50- 1:21:50)

**Planning Comments:** The subject properties are located on Oxford Way near the roundabout, just west of The Archive. The applicant proposes Rise Ole Miss, a mixed-use development that is primarily residential in nature, located in the northeast, southeast and southwest portions of the roundabout. The properties for this development consist of three different zoning districts, including Traditional Neighborhood Business (TNB), Suburban Multi-Family (SMF) and Neighborhood Residential (NR). The total area for the proposed development measures approximately +/- 12.26 acres with +/- 2.75 acres of TNB, +/- 5.52 acres of SMF, and +/- 3.99 acres of NR.

a) Special Exception as provided in Section 2.6.7 Traditional Neighborhood Business – Building Height

The applicant is requesting a Special Exception from the building height provisions of the TNB district. A building in the TNB district is required to have a second story, defined as at least 51% of the building footprint to be used as functional space. The applicant proposes a two-story building with a footprint measuring approximately 13,707 square feet. The second floor consists of approximately 1,800 square feet used for two residential units. The second floor equates to approximately 13.1% of the building footprint.

The application notes that the building is designed to appear as a two-story building, but the functional space is limited as described above. Also noted in the application is that the development proposes buildings on the south side of the roundabout that will be three stories, consisting of 100% usable space on the second and third stories. The Planning Commission granted a Special Exception for these buildings to be all residential.

Requests of this nature are not presented to the Commission often, but when they are, Staff has not typically supported them unless there are contextual elements of the application. In this instance, the Commission has granted a Special Exception for ground floor residential on the south portion of the roundabout, and as previously stated, those buildings will be three stories. The proposed building in this development will read as a two-story building from the road, and the location is on the interior of the Oxford Farms Development, surrounded by existing and proposed housing. Staff finds that this building will appear as a two-story building and that the reduced functional area of the second floor will not adversely affect the public interest, especially with the property being surrounded by existing or planned residential. Therefore, recommends approval of this request.

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

1. The Special Exception shall expire in 18 months if no building permit has been issued (Planning).
2. The granting of this approval by the Planning Commission will not adversely affect the public interest. (Planning)
3. The request is for the plan as submitted with any necessary technical changes required by the Site Plan Review Committee. (Planning)

b) Variance from Section 3.5.5.2 Dwellings – Multi-Family, Parking

The applicant is seeking a variance from the multi-family parking requirements. As proposed, the site plan requires a total of 595 parking spaces. The applicant is requesting a variance of 25 spaces (or 4.2%) from this requirement. If this variance is granted, the total parking provided will be 570 (including 12 ADA spaces) parking spaces. The Rise Oxford development proposes a total of 216 residential units with a total of 510 bedrooms. While there is ample parking provided for every

bedroom in the development, a total of 60 spaces will be available for visitor parking.

The application notes that the Rise will own and manage the entire development for years to come and will be responsible for managing any parking issues that may arise, removing the burden from the City of Oxford. As stated, Rise (or another future owner) will own and manage the development, however, the City has recently had to address issues related to parking enforcement in existing apartment complexes with the adoption of the Consensual Towing Ordinance.

Also pointed out that the parking provisions of the Land Development Code were modified earlier this year (2024), but the calculation methods were not changed for calculating parking in a multi-family development.

A variance may only be granted the Planning Commission after the applicant demonstrates:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

The challenges in providing the minimum provided parking may be attributed to design, especially with a development that maximizes the entire property. Areas are proposed for common amenities (pool, pickleball courts, clubhouse, etc.) that could be utilized for additional parking to satisfy this requirement. This will obviously eliminate these amenity areas for the development, but the Commission may determine that is necessary in order to provide the required parking count for this development.

This is a purpose-built student housing development that is likely to be fully occupied. It is more likely that Staff could support a parking reduction if this was a conventional multi-family development because there is often an overlap in parking with families being in a unit. In a purpose-built student housing development nearly, every bedroom is occupied by people that have their own car. This results in a limited quantity of parking available for guests at the development.

**Recommendation:** Staff does not find evidence of a hardship in this instance. Therefore, Staff recommends denial of the requested variance. Should the Commission grant the requested parking variance, Staff recommends the following conditions of approval:

1. The variance is for the plan as provided with any necessary technical changes required by the Site Plan Review Committee or the Commission.
2. The applicant shall comply with the impervious coverage requirements.

**Summary of discussion:** Mr. Joey Moore, on behalf of the applicant was present. Commissioner Milam asked if they considered adding unit on the single-story corner building and add parking in place of one of the buildings. Mr. Moore spoke about the esthetics of higher ceilings in the clubhouse. The applicant Sarah Nichols spoke a clause in the code for occupying the second floor without an elevator, more units would change those criteria and previous approvals for this site. Commissioner Murphy expressed concern about the parking variance and felt the spaces are needed. Mr. Moore spoke about the ratio of other locations and the felt having unnecessary spaces would be a risk for security. He explained that the management would be responsible for any on site issues with parking. Chairman Rigby spoke about the towing problem within the city that was recently discussed with changes to the ordinance. Mr. Moore suggested leaving the pickleball court vacant and then reassessing the number of spaces being used at a later date to determine if the pickleball can be added or if it will be used for parking. Commissioner Milam stated that they could reduce the number to 2 courts and make the required parking space. He continued that majority of students and people have a car in Oxford, which should be considered. Commissioner Murphy asked how the evaluation would be conducted after a year. Mr. Paul

Watkins spoke that the city does not have a mechanism in place to monitor the towing. Mr. Moore replied that it would be self-governing. Mr. Requet asked if residents are assigned spots at other locations. Ms. Nichols responded that they have prior but did not discuss that with this property, however it is not out of the question for them to do. She continued to mention that they did not feel Oxford met the safety criteria of being gated. With no further questions or comments a motion was made on each request.

Special exception - Commissioner Alexander made a motion to approve subject to staff conditions. Commissioner Murphy seconded. All in favor.

Variance - Commissioner Milam made a motion to deny. Commissioner Spragins seconded. All in favor of denial.

7. Public Hearing for Case #3160 – RISE (Sarah Nichols) has filed a request for a Preliminary and Final Plat for 'Oxford Farms, Phase 12' located at 1913 Oxford Farms Drive (PPIN #19332)

Mr. Ben Requet presented on behalf of the city. (YouTube video begins at 1:21:55 - 1:23:40)

**Planning Comments:** The subject properties are located on Oxford Way near the roundabout, just west of The Archive. The applicant proposes Rise Ole Miss, a mixed-use development that is primarily residential in nature, located in the northeast, southeast and southwest portions of the roundabout. The applicant is proposing a one lot subdivision for the property located on the south side of the roundabout. The proposed lot measures approximately +/- 5.20 acres. The applicant provided covenants in draft form; however, the applicant shall provide a stamped recorded copy of the covenants prior to the issuance of a Certificate of Occupancy.

Engineering Comments:

Access

This one lot subdivision lies within the Oxford Farms Development will have access to Oxford Way via the existing roundabout on Oxford Way.

Water and Sewer

Water to the property will be a proposed public water main. Sewer facilities will be collected by a private sewer collection system and transmitted to a public sewer manhole in Oxford Way for transport and treatment Stormwater Management

Site-specific stormwater management will be required for this lot. Stormwater management will be addressed during the site plan review when the lot is developed.

**Recommendation:** Staff recommends approval of the Preliminary and Final Plat for Oxford Farms, Phase 12 with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. Approval by the Mayor and Board of Aldermen of the Final Plat for 'Oxford Farms, Phase 12'.
3. Covenants are required to be provided to Staff for review, and a copy of the stamped recorded covenants shall be provided to the City at the time the plat is recorded with the Chancery Clerk.

**Summary of discussion:** With no questions or comments from the commission or audience a motion was made.

Commissioner Alexander made a motion to recommend approval to the Mayor and Board of Alderman. Commissioner seconded. All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

8. Public Hearing for Case #3161 – Oxford Farms, LLC (Andy Callicutt) has filed a request for Zoning

Map Amendment for property located at Oxford Way (PPIN #7984)

Mr. Ben Requet presented on behalf of the city. (YouTube video begins at 1:23:45 - )

**Planning Comments:** The subject property is located on the south side of Oxford Way in the Oxford Farms Development. It measures approximately +/- 52.7 acres, and it is zoned Suburban Residential (SR). The property is immediately south of The Archive, and the property to the west is the site being considered for a development known as Rise Oxford, while the property to the east is undeveloped. Currently, this property contains one existing structure, but it is mostly undeveloped. The applicant is requesting a Zoning Map Amendment to change the zoning for all +/- 52.7 acres from Suburban Residential (SR) to Suburban Multi-Family (SMF).

State Requirements for Rezoning:

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

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

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

Finally, Fondren North Renaissance v. Mayor and City Council of City of Jackson, 1999, stated:

“Under the “change and mistake” rule of municipal zoning, based on the presumption that the original zoning is well-planned and designed to be permanent, before a zoning board may reclassify property from one zone to another, there must be proof either: (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification, and (b) that there was a public need for rezoning. Therefore, the merits of the applicant’s request for rezoning, based on the criteria established in the cited cases, is as follows:

Change and Need:

In the application, the applicant provided the following justifications for the change in the character of the neighborhood and the public need.

1. Shift in Neighborhood Character: Overtime, neighborhoods evolve, and it is crucial for zoning regulations to reflect these changes. In the case of the property in question, the character of the surrounding area has shifted substantially. The City of Oxford has recently expanded its city limits significantly in and around the area. Although the property was already within the city limits, the expansion has created a more integrated and comprehensive urban landscape. This growth necessitates an update to the zoning to ensure cohesive development and proper utilization of the newly incorporated areas.

2. Completion of Oxford Way Construction: Another significant factor contributing to the changed character of the neighborhood is the completion of Oxford Way and the development adjacent to roadway. Oxford Way provides a crucial east-west connection between S. Lamar Avenue and Old Taylor Road. This roadway significantly improves accessibility and traffic flow in the area, making the Oxford Farms property more viable and attractive for multi-family residential development. Rezoning the property to a higher residential density will align with the enhanced connectivity and support the increased residential demand anticipated from this new infrastructure.

The applicant also believes that there are other circumstances to justify the proposed zoning map amendment.

3. University of Mississippi Growth: The University of Mississippi has experienced substantial growth in recent years, increasing its student enrollment, faculty, and staff numbers. This expansion has led to a heightened demand for housing options that are conveniently located near

the campus. The Oxford Farms property is ideally situated to meet this demand, providing a strategic location for multi-family residential development.

4. Increased Enrollment and Housing Demand: As enrollment at the University of Mississippi continues to rise, the need for nearby housing options has become more pressing. The existing housing market is struggling to keep pace with the influx of students, leading to higher rental prices and limited availability. Rezoning the Oxford Farms property to SMF will help address this shortfall by increasing the supply of housing units, thereby easing the pressure on the housing market.

5. Proximity to Campus: The Oxford Farms property's proximity to the University of Mississippi makes it an ideal location for suburban multi-family housing. The short commute to campus will be highly attractive to students, faculty, and staff, providing convenient and accessible living options. This proximity supports the university community by reducing travel times and improving the overall quality of life for residents.

6. Economic and Social Benefits: The influx of university students and staff will bring economic benefits to the area, including increased local spending and job creation. The development of SMF housing will cater to this demographic, providing affordable and accessible living options. Additionally, the diverse population will contribute to the social fabric of the community, enhancing its vibrancy and inclusivity.

Mistake: There is no mistake in this instance.

The applicant points out that there have been changes in the character of the neighborhood partly attributed to Oxford's most recent annexation. Also noted is the completed construction of Oxford Way, which has created a needed connection between Old Taylor Road and South Lamar. This area continues to develop with housing and a mixed-use commercial center has been approved near this site. The City plans for a connection from Oxford Way to Belk Boulevard near the hospital.

This location confronts The Archive, a student housing development, and is near an area of Oxford with multi-family housing development that include Faulkner Flats, The Mark, The Domain, The Azul, and Taylor Bend.

As the community has seen over the past few years, there is considerable demand and need for housing in Oxford as the University enrollment has grown considerably since COVID. A multi-family facility at this location is in close proximity to the Ole Miss campus and could provide much needed housing for the Oxford community.

**Recommendation:** Staff believes that there is sufficient evidence of change and need to support the rezoning of this property as requested.

**Summary of discussion:** Commissioner Murphy expressed concerns about the size of the surrounding roads and the increase of traffic. Mr. Requet spoke about Oxford Way and the design that went into it, existing constraints with infrastructure and roads being expanded when possible. Commissioner Murphy asked about the road proposed near the hospital. Mr. Joey Moore explained that there are negotiations happening with the hospital to access an easement. He also explained the limited supply of suburban multi-family zoning and that this will help to increase housing. Mr. Requet mentioned that a larger right of way could also help in proposing new site plans for developments. Ms. Anne Kligen, spoke about the lack of affordable housing for citizens working in Lafayette County and that increasing student housing takes away from community involvement. Chairman Rigby spoke about the demand driving the price of housing, and that having a larger supply will help with the cost. With no further questions or comments a motion was made.

Commissioner Murphy made a motion to recommend approval to the Mayor and Board of Alderman. Commissioner Spragins seconded. Commissioners Smith, Logan, Milam and Rigby for. Commissioner Alexander against.

Move: Joseph Murphy Second: David Spragins Status: Passed

9. Public Hearing got Case #3162 - Velvet Ditch Seafood (Jared Foster) has filed a request for a Site Plan Approval for property located at 430 South Lamar Boulevard (PPIN #8287)

Ms. Kate Kenwright presented on behalf of the city. (YouTube video begins at 11:10 - 42:55)

**Planning Comments:** The applicant seeks approval for a Site Plan that includes several changes to the existing building and site. 430 S Lamar Boulevard, formerly the site of Abner's Chicken, is zoned (HUCN) Historic Urban Center District and is located in the Courthouse Square Historic District.

This case was approved by the Planning Commission at their meeting on September 9, 2024. The project received a Certificate of Appropriateness (COA) at the July 1, 2024, meeting of the Courthouse Square Historic Preservation Commission. That case was appealed to the Mayor and Board of Aldermen and the approval was upheld at the July 16, 2024, meeting. The Site Plan was also appealed to the Mayor and Board of Aldermen at the October 2, 2024 meeting and the Site Plan approval was overturned. The applicant returns with a new Site Plan to incorporate feedback from the Mayor and Board of Aldermen. A COA, for this new plan, was considered and approved with conditions by the Courthouse Square Historic Preservation Commission on November 4, 2024.

The most significant change since the previous approval is to the overall site plan. The entire outdoor dining area is now set back 10' from the property line on both sides. A previous condition of approval for the site plan required the applicant to install curb and gutter along South Lamar Boulevard and University Avenue. The applicant proposes 6" curb islands with 3' decorative metal bollards on the South Lamar Boulevard and University Avenue City rights of way. The location of bollards in the rights-of-way will require approval from the Mayor and Board of Aldermen.

**Use and Parking —** The use of the property as a restaurant & bar is acceptable in the (HUCN) Historic Urban Center. Restaurants are required by code (3.8.9.5.a) to comply with the City of Oxford Sound Ordinance that regulates amplified music, loudspeakers, and other similar sounds.

On-site parking shall not be required for any allowed use where on-street or nearby public parking exists.

**Coverage —** Coverage in the HUCN is allowable up to 100%.

#### Other Elements

- **Landscaping and Mitigation —** While a landscaping plan is required for any new site plan, the applicant is working with the existing site which is currently fully paved. The applicant proposes planters around the edges of the site and some plantings between the proposed boil room location and the neighbor on the west side of the property.

- **Building Height and Materials —** The proposed new additions are consistent with building materials on the site and are one-story like the existing building. The current design was approved by the Courthouse Square Historic Preservation Commission (with several conditions) and any changes will be required to go before the Commission to ensure that new additions meet the recommendations of the Oxford Design Guidelines.

- o There was significant discussion about the proposed "Main Bar" and the "Boil Room" at the Courthouse Square Commission hearing for this plan. Concern was expressed by the Commission about the appearance of a bar on the prominent corner of South Lamar Blvd and University Ave. The applicant agreed to incorporate the Main Bar into the forthcoming design for the Boil Room, on the west side of the property. Plans for that building will come before the Courthouse Square Commission for review and approval. Staff recommends that this plan is approved with the condition that Staff will approve a revised Site Plan incorporating this change—that the existing Main Bar area will instead feature tables and chairs, and that the Boil Room will incorporate a bar area.

- o the proposal indicates condensing units (with metal shrouds) that are mounted to the façade facing South Lamar Boulevard. This element was of concern to the Courthouse Square Commission, and they added a condition of approval that the condensing units (with metal

shrouds) are relocated to the north façade or the rooftop. If the applicant relocates them to the rooftop, the applicant shall screen them with a parapet on all sides. The code does allow for a screen wall to be considered by Special Exception.

The City Fire Department has preliminarily reviewed this site plan. The number of exits (2) is acceptable for the site, and both exceed the required 36" opening. Proposed furniture will have to be arranged so that there is a direct lane to the (FDC) Fire Department Connection which is mounted on the front of the building.

The previous plan for this site was approved with several conditions. They are listed below for consideration by the Planning Commission as a part of this updated approval, and those not satisfied by the changes to this new Site Plan are included as a part of the Staff recommendation below.

- The Site Plan is approved with changes to the site plan (in particular the location of the bathroom and boiling room additions) delegated to Planning Staff approval (Planning).
- This approval does not cover signage, and any signage will receive a Certificate of Appropriateness and a Sign permit (Planning).
- The restaurant will comply with section 3.8.9.5 (a) stating that restaurants will comply with the City of Oxford Sound Ordinance (Code 1968, Chapter 34, Article III) (Planning).
- Any future improvements to the site may trigger stormwater management provisions (Engineering).
- New concrete curb and gutter are required along the frontage of University Avenue (with the exception of the gated entrance) and South Lamar Boulevard adjacent to the existing sidewalk (Engineering). This is no longer relevant as the new Site Plan includes curb and gutter.
- The site shall provide adequate provisions for storage of all waste including liquid, solid and gas/odors as to not become a nuisance. (Planning)
- Tables and chairs will not be removable for the purpose to increase capacity. (Planning)
- Applicant will seek to resolve the boundary issue with the adjacent property owner. (Planning)

Engineering Comments:

Engineering recommends approval of the revised Site Plan with the conditions included below.

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

1. The Site Plan is approved with changes to the site plan (in particular the changes to the Main Bar and Boil Room) delegated to Planning Staff approval (Planning).
2. The restaurant will comply with section 3.8.9.5 (a) stating that restaurants will comply with the City of Oxford Sound Ordinance (Code 1968, Chapter 34, Article III) (Planning).
3. The necessary revokable license to locate bollards in the City's rights-of-way is obtained from the Mayor and Board of Aldermen (Planning).
4. If the applicant relocates the condensing units to the rooftop, they shall be appropriately screened as required by the Land Development Code (Planning).
5. The site shall provide adequate provisions for storage of all waste including liquid, solid and gas/odors as to not become a nuisance. (Planning)
6. Tables and chairs will not be removable for the purpose to increase capacity. (Planning)
7. Applicant will seek to resolve the boundary issue with the adjacent property owner. (Planning)
8. A minimum of 18" is required between the face of the new curb and decorative bollards shown along South Lamar Boulevard and University Avenue (Engineering).
9. An ADA compliant sidewalk will be required between the new curb island and perimeter fencing, which will include the crosswalk area at the intersection (Engineering).
10. Should the site ever be amended to provide a covering over the existing parking lot, stormwater

management will be required (Engineering).

11. All other site plan comments provided by Engineering during the Site Plan review must be addressed before work commences (Engineering).

**Summary of discussion:** Chairman Rigby condensed the staff report that the bar location and set back with new proposed sidewalk is all that has changed. Mr. Al Povall, a neighboring citizen, asked what the capacity was of the inside and outside. Mr. Requet responded that the exterior capacity is not determined until a certificate of occupancy is issued, the fire department estimates approximately 300. Mr. Jared Foster, the applicant, replied that the interior capacity cannot be given until seating is complete on premise, which would include the outside seating. Commissioner Milam asked about the seating proposed and if it will be a match for what will be installed. Mr. Foster replied yes it will. Mr. Requet explained that the Fire Department determines that capacity with and without the furniture. Mr. Foster added that the tables and chair will not be removed to increase the capacity.

Mr. Foster commented on the changes he has made to the corner and sidewalk for safety concerns. Ms. Lauren Ward, an attorney employed by the citizens of South Lamar spoke about issues like capacity, noise and parking. Mr. Howorth, the architect on this proposed project, spoke about the resolution of capacity in terms of traffic. Mr. Foster added that with this plan, capacity will be controlled by management.

Commissioner Smith asked what the plan was for the line to get in. Mr. Foster explained the plan for a rope to keep customers separate and away from the sidewalk and to leave it open for people to pass through safely. Mr. Povall spoke again about the concern of traffic and congestion at the intersection. Chairman Rigby spoke about the code being administered by this commission and felt that the applicant has met the code. With no further questions or concerns a motion was made.

Commissioner Alexander made a motion to approve with staff conditions. Commissioner Spragins seconded. All in favor.

Move: Harry Alexander Second: David Spragins Status: Passed

10. Adjourn

All in favor.

Move: Kirk Milam 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)

## MINUTES

City of Oxford  
Planning Commission  
Planning Commission  
Monday, December 9, 2024, 5:00 pm - 8:00 pm  
City Hall Courtroom

### In-Person Attendance

Benjamin Requet; Erin Smith; Harry Alexander; J.R. Rigby; Jaclyn Colameta; John Crawley; Joseph Murphy; Kate Kenwright; Kirk Milam; Robert Baxter; Yolanda Logan

### Remote Attendance

David Spragins

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

If you would like to participate in this meeting, please open the attachment for the virtual meeting information.

To view the recording of this public meeting please click the link below.

<https://www.youtube.com/watch?v=EFVtX6cvBwM&list=PLOF67Ud5n0KH9-Kw4TVSrhuNgQ0AqLEL8&index=56>

#### B. December Legal Advertisements

##### 1. Call to Order

##### 2. Approval of the Agenda

All in favor.

Move: Kirk Milam Second: Harry Alexander Status: Passed

##### 3. Approval of minutes from the November 12, 2024 Meeting

All in favor.

Move: Erin Smith Second: Harry Alexander Status: Passed

##### 4. Staff Report

###### a. Planning Staff Report

###### b. Building Official's Report

##### 5. Map of Cases this Month

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

#### C. Administrative Approvals

#### D. Consent Agenda

All in favor.

Move: Joseph Murphy Second: Erin Smith Status: Passed

1. Public Hearing for Case #3163 - Kathari, LLC (Petty Hardin) has filed a request for Final Plat Amendment for 'Six West Properties' property located at 401 Highway 6 West (PPIN #7686)

**E. Public Hearings**

1. Public Hearing for Case #3147 – Oxford Farms, LLC (Andy Callicutt) and Oxford 216, LLC. (Lawrence Cavanaugh) has filed a request for a Zoning Map Amendment 'Blackberry Hills PUD' property located at Blackberry Hills Parkway (PPIN'S #26268 & #27674). (POSTPONED)
2. Public Hearing for Case #3149 - Blue Delta Capitol, LLC (Kyle Swafford) has filed a request for a Special Exception as provided in Section 3.10.3.2.b Districts Permitted – Self Storage Facility for property located at 253 Ricky D. Britt Drive (PPIN #7503) (TABLED from October) (POSTPONED)
3. Public Hearing for Case #3164 – Andy Shull has filed a request for a Variance from section 5.8.4.4 Neighborhood Conservation District – Side Yard Set Back for property located at 317 Williams Avenue (PPIN #5223)

Ms. Kenwright presented on behalf of the City (YouTube video begins at 10:05 - 12:12)

**Planning Comments:** The applicant seeks approval for a side-yard setback variance to allow for a new addition to the existing building.

The building as-is sits within the setback as it is located approximately 18" from the property line in the southeast (front right) corner and extends back, with both sides of the building extending back into the side setbacks.

The applicant purchased the home with this nonconformity. Their application notes that they did explore going up with the addition rather than back, but it was not practical as the entire roof would have to be removed and would result in a much taller building than the surrounding structures.

A variance may be granted if special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. It is not the fault of the applicant that the existing building is built over the required setbacks. Extending the existing rooflines and building lines of a house for the purposes of adding on is commonly done, and there is no way to do that in this instance without increasing the building footprint further into the side setback.

**Staff Recommendation:** For the above reason, Staff supports this variance request. Should the Commission find that sufficient hardship exists in this instance, Staff recommends approval of the Variance with the following conditions:

1. Approval is for the plan as submitted.

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

Commissioner Smith made a motion to approve subject to staff conditions. Commissioner Logan seconded. All in favor.

Move: Erin Smith Second: Yolanda Logan Status: Passed

4. Public Hearing for Case #3171 – Povall Design Studio (Stuart Povall) has filed a request for a Variance from section 3.11.1.5.d Additional Standards for Accessory Uses and Structures for property located at 1005 Fillmore Avenue (PPIN #8447)

Ms. Kenwright presented on behalf of the city (YouTube video begins at 12:22 - 15:01)

**Planning Comments:** The subject property measures +/- 0.32 acres and is located one lot west of the intersection of Fillmore Avenue and South 11th Street. The existing building is listed as contributing in the South Lamar Historic District. These plans will require review and approval for a Certificate of Appropriateness by the Historic Preservation Commission.

The applicant proposes the addition of an outdoor covered patio at the rear of the property. The applicant seeks a Variance from section 3.11.1.5.d, Additional Standards for Accessory Uses and Structures. The new covered patio would encroach into the side and rear setbacks.

According to the applicant, "This lot is a shallow lot at about half the depth of the other lots on the street. Additionally, the house is situated far to the side of the lot with the common areas (kitchen, living, etc.) being on the same side of the house as the tighter lot line. It is in proximity to these types of spaces that an outdoor living area is best placed."

The applicant plans to extend the existing house structure to form the roof for the new patio, and will not extend further into the side setback than the existing side elevation.

A variance may be granted if special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Extending the existing rooflines and building lines of a house for the purposes of adding on is commonly done, and there is no way to do that in this instance without increasing the building footprint further into the side and rear setbacks.

**Staff Recommendation:** For the above reason, Staff supports this variance request. Should the Commission find that sufficient hardship exists in this instance, Staff recommends approval of the Variance with the following conditions:

1. Approval is for the plan as submitted.

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

Commissioner Alexander made a motion to approve subject to staff conditions. Commissioner Murphy seconded. All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

5. Public Hearing for Case # 3165 – Oxford Commons Lots, LLC (David Blackburn) has filed a request for Preliminary Plat Approval for 'The Summit Phase 3' property located at Ed Perry Boulevard (PPIN #4712)

Mr. Baxter presented on behalf of the city. (YouTube video begins at 15:05 -17:29)

**Planning Comments:** The subject property is +/- 20.515 acres located mostly in the Oxford Commons PUD, west of 'The Preserve', south of 'The Summit, Phase 2' and north of 'The Pearl'. The applicant proposes a 2-lot subdivision of +/- 9.844 acres and +/- 7.996 acres to be the third phase of 'The Summit'. This phase will connect Lakewood Hill Drive to Summit Drive providing access to Ed Perry Boulevard.

Both of these lots meet the dimensional standards of the underlying SCN zoning. Those areas inside the PUD will have additional standards for use, intensity, and density as prescribed in the Oxford Commons PUD plan (Case #3001, October 2023).

### **Engineering Comments:**

#### **Access**

This project proposes 2 lots and the construction of 2 proposed public streets. One street is the proposed "Summit Drive", which will connect from the north in Summit Phase 2, to the south at the existing roundabout constructed as part of the Pearl development. The other is a proposed extension of Lakewood Hill Drive from the Preserve development to the east.

#### **Water & Sewer**

The project proposed to construct new water and sewer facilities to serve this development.

#### **Stormwater Management**

A brief history of the stormwater approvals is provided for reference: As part of the site plan

approval for "The Commons" Lot 4 Phase 1, Case #2660, a stormwater management plan dated February 9, 2021, was presented and approved on March 5, 2021. Subsequently, the site plan approval for an Entertainment center (Case #2774) provided a letter stating that the stormwater design approved in Case #2660 would be used to satisfy the site's stormwater management requirements. Stormwater was not submitted as part of the Final Plat amendment (case 2928), and the case report states that stormwater management was previously approved under Case #2660. The stormwater management plan for the Pearl site plan was approved under Case #2938. Runoff from this phase of the Summit currently passes through these facilities. Peak discharge rates from the stormwater management are limited by the 48-inch diameter pipe draining the facility. The stormwater modeling indicates that this pipe is already operating near its maximum flow capacity under the existing conditions. The additional runoff generated from any development within this phase of the subdivision will be limited due to the pipe size.

The stormwater management plan submitted as part of the Summit Phase 2 final plat documents (Case #3132) proposes modifying the natural channel storage portion of the previously approved stormwater management plan for the Pearl. Additionally, the plan proposes a retention pond in the southeast portion of the subdivision that will function as a regional detention facility for a portion of the subdivision. The primary purpose for enlarging the existing natural channel and constructing the retention ponds is to provide managed storage of the runoff volume since discharge rates from the subdivision are already limited.

Additional site-specific stormwater management may be needed to ensure the storage capacity of the retention pond approved as part of Phase 2 is not exceeded.

The Engineering Department has approved the Stormwater Management Plan for this plat.

**Recommendation:** Staff recommends approval of the requested Preliminary Plat for 'The Summit, Phase 3' with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. Approval by the Mayor and Board of Aldermen of the Preliminary Plat for 'The Summit, Phase 3'.
3. A copy of the stamped recorded covenants shall be provided to the City at the time the plat is recorded with the Chancery Clerk.
4. All engineering comments and conditions relating to the site plan review for this development must be met prior to a land disturbance permit being issued.

**Summary of discussion:** Commissioner Millam asked if the stormwater pipe was at its maximum capacity? Mr. John Crawley responded that it is, and it was accounted for in the design for phase 3 with additional detention. With no further questions or comments a motion to recommend approval was made.

Commissioner Alexander made a motion to recommend approval subject to staff conditions. Commissioner Murphy seconded. All in favor.

Move: Harry Alexander Second: Joseph Murphy Status: Passed

6. Public Hearing for Case #3166 – Citizen Bank (Corey Addy) has filed a request for Site Plan Approval for 'Citizen Bank' property located at 708 Sisk Avenue (PPIN #26553)

Mr. Robert Baxter presented on behalf of the city. (YouTube video begins at 17:36 -20:18)

**Planning Comments:** The subject property is +/- 1.2 acres located at the southwest corner of Sisk Ave and Commonwealth Blvd. The property is lot 17 of Oxford Commons Ph 1, and is located in the Oxford Commons PUD. The applicant proposes to construct a two-story bank with associated drive-through and ATM.

Use and Parking – Banks are allowed in SCN districts by Special Use as long as sufficient space for drive-throughs exists. Stacking will occur around the building, so overflow into the public street should not occur.

Parking for banks is calculated at one space per 300 sf of gross floor area. For 7,982 sf, 27 spaces are required and up to 33 would be allowed. The applicant has provided 31, 2 of which are ADA accessible.

Coverage – Impervious coverage for SCN is limited to 80%. The applicant has proposed 66.17%

Building Height – Structures in SCN are allowed up to 50' in height and 4 stories. The applicant has proposed 28' and two stories.

#### Other Review Elements

- Additional PUD Requirements – This lot is Tract C5 in the Oxford Commons PUD Master Plan (Case #3001 November 2023). C5 is allocated 26,401 sf of commercial space. This plan would leave 18,419 sf remaining.

- Landscaping - A landscape package has been included that indicates parking lot trees, frontage trees, foundation plantings, and landscape screening that all meet the requirements of the LDC.

- Building Materials – The proposed elevations indicate the primary façade material will be brick veneer with aluminum composite panels as accents.

- Dumpster – No dumpster is indicated on this site plan. The applicant proposes a shared dumpster with the site to the west at the time of that site plan. Until that time, waste will have to be carried to either the applicant's location to the east down Sisk, or inside the office park to the south where the applicant also has offices. Documentation of this plan will be needed as a condition of approval.

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

#### **Engineering Comments:**

##### Access

This project proposes a new banking facility on Lot 17 of the Oxford Commons PUD, Phase 1, Tract C, Part 1. Access to the site will be from Hopkins Drive and will be shared with Lot 16 to the west.

##### Water & Sewer

Water and sewer will be served to this facility via existing infrastructure and service connections already in place.

##### Stormwater Management

The stormwater management requirements for this site plan will be met by conveying stormwater runoff through inlets and pipes to an underground detention basin located in the southeast corner of the property beneath the driveway.

The Engineering Department has not approved the Stormwater Management Plan for this project. The engineering staff is awaiting a resubmittal to address comments but does not anticipate any issues preventing approval of the stormwater management plan.

Recommendation: Staff recommends approval of the request Site Plan for 'Citizen Bank' with the following conditions:

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

2. Documentation of waste management plan is required prior to issuance of Certificate of Occupancy.

3. A cross-access easement should be shown on the site plan between Lots 16 and 17.
4. Approval of the stormwater management plan.
5. The stormwater management facility must be certified before issuing a Certificate of Occupancy.
6. All engineering comments and conditions relating to the site plan review must be met.

**Summary of discussion:** Commissioner Murphy asked about the stormwater issues. Mr. Crawley responded there are no issues, but the applicant has not submitted an approved design yet. With no further questions or comments a motion to approve was made.

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

Move: Erin Smith Second: Harry Alexander Status: Passed

7. Public Hearing for Case #3167 – The Grove at North Lamar (Jay Evans) has filed a request for Preliminary and Final Plat Approval for 'Savannah Square' property located at 1205 Pleasant Drive (PPIN #5119)

Commissioner Alexander is recused. Mr. Baxter presented on behalf of the city. (YouTube video begins at 20:21 - 23:08)

**Planning Comments:** The subject property is +/- 2.51 acres in the Savannah Square development at the intersection of North Lamar and Pleasant Drive. The applicant was approved for 'Savannah Square Mixed Use' at this location most recently in March 2023 (Case #2940).

The applicant has returned to propose a two-lot subdivision for this property. There will be a +/- 1.22-acre lot associated with 'Building A' towards South Lamar, a +/- 0.90-acre lot associated with 'Building B' towards Pleasant Drive and +/- 0.39 acres associated with common detention. Each of these lots meet the dimensional requirements of the underlying TNB zoning and the lot lines are drawn so as to make sure the existing and under-construction buildings are compliant with setbacks.

#### **Engineering Comments:**

##### **Access**

The preliminary and final plat of this subdivision are a modification of a previously approved common interest development, which was approved in case #2940 in February, 2024.

##### **Stormwater Management**

A stormwater management plan for the plat was approved as part of Case #2940. A surface detention basin meets the stormwater management requirements with inlets and pipes conveying runoff. When Case #2940 came before the planning commission, it was to be a common interest development. Now that it is being changed to a subdivision, the approved detention basin will become a regional detention facility serving the two lots of the subdivision.

The Engineering Department has not approved the Stormwater Management Plan for this plat. Not all of the requirements under Section 98-119 Regional Stormwater Management of the City of Oxford's stormwater management ordinance have been met at the time of this report. Engineering staff is awaiting a resubmittal to address comments but does not anticipate any issues preventing approval of the stormwater management plan.

**Recommendation:** Staff recommends approval of the requested Preliminary and Final Plat for 'Savannah Square Oxford, Phase VII' with the following conditions:

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

Review Committee.

2. Approval of the Preliminary and Final Plat for 'Savannah Square Oxford, Phase VII' by the Mayor and Board of Aldermen.
3. A copy of the stamped and recorded covenants are required prior to the issuance of a Certificate of Occupancy.
4. The stormwater management facility must be certified before issuance of a Certificate of Occupancy.
5. A cross-access easement should be shown on both plats between lots 1 and 2.
6. Approval of the revised stormwater management plan must be obtained before the plats can go to the Board of Alderman.
7. Planned improvements to North Lamar Boulevard, including the installation of a left turn lane into Pleasant Drive must be complete prior to the issuance of certificates of occupancy.

**Summary of discussion:** Commissioner Murphy asked about the stormwater revision. Mr. Crawley stated that original design has changed for this subdivision and the plat language has changed, requiring a revision. With no further questions or comments a motion to recommend approval was made.

Commissioner Murphy made a motion to recommend approval subject to staff conditions. Commissioner Smith seconded. All in favor.

Move: Joseph Murphy Second: Erin Smith Status: Passed

8. Public Hearing for Case #3168 – RISE (Sarah Nichols) has filed a Special Exception as provided in section 3.5.5.6. Residential Bonus for 'RISE' property located at 1913 Oxford Way (PPIN'S #19332 & #34543)

Mr. Baxter presented on behalf of the city. (YouTube video begins at 23:18 - 27:58)

**Planning Comments:** The subject properties are located on Oxford Way near the roundabout, just west of The Archive. The applicant proposes RISE Ole Miss, a mixed-use development that is primarily residential in nature, located in the northeast, southeast and southwest portions of the roundabout. The properties for this development consist of three different zoning districts, including Traditional Neighborhood Business (TNB), Suburban Multi-Family (SMF) and Neighborhood Residential (NR). The total area for the proposed development measures approximately +/- 12.26 acres with +/- 2.75 acres of TNB, +/- 5.52 acres of SMF, and +/- 3.99 acres of NR.

This request is for a Special Exception for a residential bonus of 21 rooms as provided in the multi-family standards (3.5.5.6) as required per the approval of the Special Exception for ground floor residential in TNB (3.5.3.2.b) from Case #3115.

The density limitation for the TNB district is 39 bedrooms per acre. There is approximately +/- 2.75 acres of TNB property, which allows for a total of 107 bedrooms. This development proposal indicates a total of 128 bedrooms in the TNB district, 21 more than is allowed by code. However, the applicant is below the bedroom density limitations in the SMF district. Staff has worked with the developer to create a site layout that compliments existing development along Oxford Way. While the site plan could be revised, to incorporate the additional units in the SMF district, we believe that the design and consistency with the neighborhood would suffer. For these reasons, Staff is supportive of this Special Exception request for only the 21 bedrooms as depicted in this plan. Additionally, proposes a condition that the unused density in the SMF portion of the development would be reduced by 21 bedrooms to account for the bonus.

**Recommendation:** Staff recommends approval of the requested Special Exception with the

following conditions:

1. Approval is for the plan as submitted.
2. The allowed density of the SMF portions will be reduced by 21 bedrooms.
3. If building permits are not issued within 18 months, the Special Exception shall expire.

**Summary of discussion:** Commissioner Milam asked the reasoning for this request. Mr. Baxter responded this request is part of a special exception request from August to include ground floor residential. Mr. Ben Requet added that this request was included with those conditions from the previous approval. With no further questions or comments a motion to approve was made.

Commissioner Rigby made a motion to approve subject to staff conditions. Commissioner Murphy seconded. All in favor.

Move: J.R. Rigby Second: Joseph Murphy Status: Passed

9. Public Hearing for Case #3169 – RISE (Sarah Nichols) has filed a Site Plan Approval for 'RISE' property located at 1913 Oxford Way (PPIN'S #19332 & #34543)

Mr. Baxter presented on behalf of the city. (YouTube video begins at 28:03 - 31:58)

**Planning Comments:** The subject properties are located on Oxford Way near the roundabout, just west of The Archive. The applicant proposes RISE Ole Miss, a mixed-use development that is primarily residential in nature, located in the northeast, southeast and southwest portions of the roundabout. The properties for this development consist of three different zoning districts, including Traditional Neighborhood Business (TNB), Suburban Multi-Family (SMF) and Neighborhood Residential (NR). The total area for the proposed development measures approximately +/- 12.26 acres with +/- 2.75 acres of TNB, +/- 5.52 acres of SMF, and +/- 3.99 acres of NR.

**Use –** There are multiple uses proposed in each of the different zones. In the NR, 10 detached 4-BR units and 20 attached 4-BR townhomes are proposed. Both of these require Special Exceptions which were granted in August 2024 (Case #3159). In the SMF 24, 1-BR; and 95, 2-BR multifamily units as well as 10, 4-BR townhomes are proposed. Both of these require Special Uses, which the applicant has applied for. In the TNB 8, 1-BR; 25, 2-BR; and 24, 3-BR multifamily units as well as some commercial space with the clubhouse is proposed. Multifamily in TNB requires a SU which has been applied for. The applicant has been granted a Special Exception for ground floor residential (Case #3159) and has applied for a SE for increased density of multifamily in TNB (Case #3167)

**Parking –** The detached units will require 40 spaces and 10 guest spaces; the townhome units will require 120 spaces and 30 guest spaces; the multifamily will require 320 spaces and 75 guest spaces; the commercial will require 7 spaces. In total 595 spaces are required and the applicant has provided 595 spaces.

**Coverage –** Coverage in NR is limited to 60%; 59.2% is proposed. Coverage in TNB is limited to 80%; 78.4% is proposed. Coverage in SMF is limited to 65%; 64.8% is proposed.

**Building Height –** The proposed buildings in NR and SMF comply with the maximum height limitations of: 38' and 2 stories in NR, 40' and 3 stories in SMF. The 2 southern building in TNB comply with the 40' and 2 story minimum/3 story maximum requirements; the northern building received a Special Exception to not have a full second story (Case #3115).

**Other Elements**

- **Landscaping and Lighting –** The applicant has provided a landscaping and lighting plan that indicates foundation planting, frontage trees, parking lot trees, edge plantings, required screening and shielded lighting that all comply with LDC standards.

- **Tree Mitigation –** This site was mostly previously cleared. The areas not previously cleared

consist of small diameter pines that do not require tree mitigation. As such, no mitigation is required for this site.

- **Building Materials** – The buildings will have primary façade materials of brick veneer, board and batten cement siding, fiber cement lap siding, and fiber cement panels.
- **Waste Management** – The entire development will share a single compactor located at the southwest corner of the southern lot. Valet service for trash will be provided for the residents. Documentation of this plan and a shared access for the compactor will be required.
- **Signage** – A separate signage approval will be required to ensure compliance with the signage requirements of the Land Development Code

### **Engineering Comments:**

#### **Access**

This project lies within the Oxford Farms Development, Phase 12, a plat of which was approved in Case #3160 in November, 2024. The site will have connection to Oxford Way via the existing roundabout on Oxford Way.

#### **Water and Sewer**

Water to the property will be a proposed public water main. Sewer facilities will be collected by a private sewer collection system and transmitted to a public sewer manhole in Oxford Way for transport and treatment.

#### **Stormwater Management**

The project site is divided into two parcels by Oxford Way, a north parcel and a south parcel. Each parcel will have its own stormwater management facility to meet the requirements of the stormwater management ordinance.

The north parcel will have an underground detention basin with inlets and pipes conveying runoff. The underground detention basin will be located in the northeast corner of the parcel beneath the parking lot. The underground detention basin will consist of six rows of 8-foot diameter corrugated metal pipe, 190 feet in length. The underground detention basin will discharge to the north through a pipe connected to the Reserve Phase II stormwater management facilities.

The south parcel will have a combination storage facility consisting of an underground detention basin connected to a supplemental surface detention basin with inlets and pipes conveying runoff. The underground detention basin will have five rows of 3.5-foot corrugated metal pipes 230 feet long. The underground detention basin will be located in the east-central part of the parcel beneath the parking lot. The above ground will be approximately 5.6 feet deep with a surface area of 7,200 square feet. The detention basin will discharge at the southeast corner of the parcel.

**Recommendation:** Staff recommends approval of the requested Site Plan for 'RISE Ole Miss' with the following conditions:

1. Approval is for the plan as submitted subject to necessary technical revisions per the Site Plan Review Committee.
2. Approval is contingent upon receipt of a Special Exception for a multifamily density bonus in TNB as proposed in Case #3168.
3. Shared access for the trash compactor must be documented and provided to Environmental Services prior to the issuance of a Certificate of Occupancy.
4. The stormwater management facility must be certified before issuing a Certificate of Occupancy.
5. All water and sewer taps must be paid prior to a building permit being issued.

6. All engineering comments related to the site plan must be met prior to a land disturbance permit being issued.

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

Commissioner Alexander made a motion to approve subject to staff conditions. Commissioner Logan seconded. All in favor.

Move: Harry Alexander Second: Yolanda Logan Status: Passed

10. Public Hearing for Case #3170 – Ran Management (Dwight Barker) has filed a request for a Variance from section 2.6.7. Traditional Neighborhood Business, Front Yard Build-to-Line, Maximum property located at University & Highway 6 (PPIN #9145)

Ms. Kenwright presented on behalf of the city (YouTube video begins at 32:05 - 36:57)

**Planning Comments:** The subject property is +/- 28 acres located on Highway 6 near the University Avenue/FD Buddy East roundabout.

The applicant proposes to construct of a service station with 5 pumps and a convenience store, and 3 more bays of retail space to front University Avenue. This request is for a Variance from section 2.6.7, Front Yard Build-To Line Maximum allowed in Traditional Neighborhood Business District (TNB). The lot technically has three fronts—on University Avenue, FD Buddy East Parkway, and Highway 6 West.

The applicant received a Special Exception for the use of the property for a service station at the November meeting of the Planning Commission.

The orientation of the building is necessitated by restrictions on access to the lot from the south and east by the Mississippi Department of Transportation. The building meets the build-to-line (1-58") on the North side of the property which faces University Avenue. This variance request is for the South side of the lot, which is the portion of the building which fronts Highway 6.

A variance may be granted if special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. This lot is unique as it has frontage on several streets. Locating the proposed building within the front setback on the University side allows that to be the true front of the building, and for the pumps to be located on the Highway 6 side in the space allowed for by this variance should it be approved.

**Recommendation:** For the above reasons, Staff is supportive of this variance request. Should the Commission find that sufficient hardship exists in this instance, Staff recommends approval of the variance with the following conditions:

1. Approval is for the plan as submitted.

**Summary of discussion:** Commissioner Murphy asked about the approval from MDOT for the water detention near the right of way. Mr. John Crawley responded that the detention is near the buffer, the access was changed to limited access when the roundabout was built. Mr. Requet added that the buffer is not adjacent to a residential use and staff will evaluate the buffer during a site plan review process. With no further questions or comments a motion to approve was made.

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

Move: Erin Smith Second: Kirk Milam Status: Passed

11. Public Hearing for Case #3172 – City of Oxford has filed a request for modifications to the Land Development Code.

Mr. Request presented on behalf of the city. (YouTube video begins at 37:01 -1:02:00)

### **Planning Comments:**

Staff is proposing a several modifications to the Land Development Code:

Article 3 (Changes shall also be reflected in the Table of Use 3.3)

#### **3.5.1 Dwellings - Detached.**

3.5.1.1 Definition: A freestanding structure (including modular dwellings) for human habitation that is designed as a single dwelling, which is not attached to any other dwelling by any means.

Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

##### **3.5.1.2 Districts Permitted:**

a. Detached Dwellings are permitted uses in the AG, RCN, ER, and SR; and in NR when five or fewer dwellings are proposed in a development.

b. Detached dwellings in developments of more than five dwellings are special uses in NR if they have 3 or fewer bedrooms when fewer than 25% of the dwellings proposed have four bedrooms.

c. Detached Dwellings in developments of more than five dwellings are special exceptions in the SMF, TNB, SCN, SCO; and in NR when proposed with four or more bedrooms when more than 25% of the dwellings proposed have four or more bedrooms; and in NR if any dwellings proposed are more than four-bedroom units.

##### **3.5.1.3 Parking:**

###### **a. Required Parking**

I. Dwellings on Individual Lots – Two Spaces per Unit

II. Dwellings in RCID

1) One, Two & Three Bedroom Units – Two Spaces per Unit

2) Four Bedroom Unit – One Space per Bedroom

3) One Guest Space for Every 3 Units

##### **3.5.1.4 Loading: None.**

##### **3.5.1.5 Additional Standards: None.**

#### **3.5.2 Dwellings - Detached, Zero Lot Line (Patio Homes).**

3.5.2.1 Definition: A type of detached structure designed for human habitation constructed with one or more walls located upon or near a side or rear lot line (also referred to as “patio homes”). (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

##### **3.5.2.2 Districts Permitted:**

a. Zero Lot Line Dwellings are special uses in the NR, SCN, SCO and SMF districts when three-bedroom or fewer dwelling units are proposed; and in NR and SMF when fewer than 25% of the dwellings proposed have four bedrooms.

b. Zero Lot Line Dwellings are special exceptions in the ER, SR, and TNB, SCN, SCO districts; and in NR and SMF if more than 25% have four or more bedrooms; and in NR and SMF if any dwellings proposed are more than four-bedroom units. five bedroom units.

##### **3.5.2.3 Parking: See Section 4.9 for general requirements.**

###### **a. Required Parking**

I. Dwellings on Individual Lots – Two Spaces per Unit

II. Dwellings in RCID

1) One, Two & Three Bedroom Units – Two Spaces per Unit

2) Four Bedroom Unit – One Space per Bedroom

3) One Guest Space for Every 3 Units

##### **3.5.2.4 Additional Standards:**

a. Front yard Build-To / Setback. The front yard build-to line or setback shall be determined by the requirements of the underlying zoning.

b. Side yard setback. The side yard setback shall measure a minimum of 10 feet along one side of the lot between the side lot line and the surface of the side building wall. No overhang, windows, doors or other openings shall be permitted on this side. No minimum side yard is required for the other side of the principle structure.

c. Where adjacent dwellings are not constructed against a common lot line, the developer

must provide a perpetual wall maintenance easement measuring five feet along the adjacent lot and parallel with such wall. In no case may a zero lot line dwelling be built closer than 10 feet to the lot line of a lot zoned in a different residential district.

d. Rear yard setback. Rear yards shall measure a minimum of 10 feet between the rear lot line and the surface of the rear building wall. Unattached accessory structures may be located a minimum of five feet from a rear or side lot line, but may not be located closer than 60 feet to the front lot line.

e. Minimum lot width. The minimum lot width shall be 40 feet measured at the building setback line.

f. Minimum lot area. The minimum lot size shall be 3,200 square feet in all permitted districts.

g. Maximum building height. The maximum building height shall be 30 feet.

h. Buffer area. Where the adjoining land is not under the ownership of the developer of the zero lot line project, a 10-foot side yard or a 25-foot rear yard shall be maintained between the zero lot line project and adjoining land. Where adjoining land is not owned by the same person owning the development site, a buffer must be maintained. The buffer must contain a minimum side yard buffer of ten feet and a 20-foot rear buffer between the project and the adjoining land.

i. Window and door openings. No window or door openings shall be permitted along the exterior wall of the structure facing a side yard.

j. Rooflines may not overhang the property line.

k. Maximum impervious surface coverage is limited to 60%.

l. Density established by the underlying district.

### 3.5.3 Dwellings, Attached, Townhouse.

3.5.3.1 Definition: A structure designed for human habitation containing dwellings (normally 2-3 stories) that are attached, usually via a common vertical side wall, to other such dwelling units. Also called a "Row House." (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

#### 3.5.3.2 Districts Permitted:

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

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

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

#### 3.5.3.3 Parking:

##### a. Required Unit Parking

I. One Bedroom Unit (including Studio) – One Space per Unit

II. Two & Three Bedroom Unit – Two Spaces per Unit

III. Four Bedroom Unit – One Space per Bedroom

##### b. Required Guest Parking

I. One & Two Bedroom Unit (Including Studio) – One Space for Every 3 Units

II. Three or More Bedroom Unit – One Space per Unit

#### 3.5.3.4 Additional Standards:

a. Townhomes shall have no more than six contiguous attached units built in a row.

b. Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting residential uses in an TER or SR district.

### 3.5.4 Dwellings, Attached: Duplex, Triplex, or Quadplex.

3.5.4.1 Definition: A structure designed for human habitation containing dwellings attached to one to three other dwellings (duplex (2-unit), triplex (3-unit), or quadraplex (4-unit) by common walls that may be horizontal or vertical. No more than two attached dwelling units in such a structure may be at ground level. The individual dwellings in such structures are usually of similar size. (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

#### 3.5.4.2 Districts Permitted:

a. All attached dwellings with less than four bedrooms, except quadraplexes, are special uses in the NR, SMF and UCO districts. All attached dwellings with more than three bedrooms are special exceptions in the same districts. Attached dwellings are Special Uses in NR & SMF when three-bedroom or fewer bedroom dwelling units are proposed; and in NR & SMF when fewer than 25% of the dwellings proposed have four bedrooms.

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

b. Quadplexes are special exception uses in NR, SMF, and UCO if four bedroom units are proposed; and in TNB, SCN, SCO, UCN, UCO.

#### 3.5.4.3 Parking:

##### a. Required Unit Parking

I. One Bedroom Unit (Including Studio) – One space per Unit

II. Two & Three Bedroom Unit – Two Spaces per Unit

III. Four Bedroom Unit – One Space Per Bedroom

##### b. Required Guest Parking

I. One & Two Bedroom Unit (Including Studio) – One Space for Every 3 Units

II. Three or More Bedroom Unit – One Space per Unit

#### 3.5.4.4 Loading: None.

#### 3.5.4.5 Additional Standards:

a. Attached dwellings must have an architectural appearance and massing like a large single family home common to the neighborhood in which they are located.

b. The main entrance to attached dwelling units shall be directly from and face the street.

Each ground floor unit must be accessed through a single main entrance. Second story units may be accessed through the main entrance or by an exterior stairway that does not face a public street. Duplexes on corner lots may be designed so that each side facing the public street is a front facade, and each dwelling has primary pedestrian and automobile access from a different street.

c. Trash and recycling receptacles must be located on a portion of the lot not visible from the public street.

d. When a development with attached dwellings backs into an existing street of detached dwellings it must propose lots of similar size as the abutting lots, and no more than 50% attached dwellings.

e. Attached dwellings in NR shall be a special use with up to 25% 4 bedrooms, otherwise a special exception.

f. Duplexes in NR shall be a special exception when more than 25% of the units are proposed to be 3 bedrooms, or when any units are proposed to have 4 bedrooms.

#### 3.5.5 Dwellings - Multi-Family.

3.5.5.1 Definition: A structure designed for human habitation containing more than four attached dwellings. (See also Residential Common Interest Developments.) Occupancy limitations for dwellings are governed, and are subject to the limitations established in Chapter 87, Article IV, Section 87-61 of the City of Oxford Code of Ordinances.

#### 3.5.5.2 Districts Permitted:

a. Multi-Family Dwellings are special uses in the SMF District when three-bedroom or fewer dwelling units are proposed; and in SMF when fewer than 25% of the dwellings proposed have four bedrooms.; and when located on the upper floors of mixed-use buildings in TNB, SCN, SCO, UCN, UCO, and HUCN when fewer than 25% of the dwellings proposed have four bedrooms.

b. Multi-Family dwellings are special exceptions in SMF when more than 25% of the dwellings proposed have four bedrooms; and when located on upper floors of mixed-use buildings in TNB, SCN, SCO, UCN, UCO, and HUCN when more than 25% of the dwellings proposed have four bedrooms; and in TNB, SCN, SCO, UCN, UCO, and HUCN when multi-family dwellings are proposed to be located on the ground floor. TNB, SCO, SCN, UCO, UCN, and HUCN; and in SMF if more than 25% of units are proposed to have four or more bedrooms.

c. Multi-Family dwellings with more than four bedrooms are not allowed.

#### 3.5.5.3 Parking: See Section 4.9 general requirements.

##### a. Required Unit Parking

I. One Bedroom Unit (Including Studio) or Age Restricted Developments (55+) – One Space per Unit

II. Two & Three Bedroom Unit – Two Spaces per Unit

III. Four Bedroom Unit – One Space per Bedroom

b. Required Guest Parking

I. One & Two Bedroom Unit (Including Studio) or Age Restricted Developments (55+) – One space for Every 3 Units

II. Three or More Bedroom Unit – One Space per Unit

3.5.5.4 Loading: None.

3.5.5.5 Additional Standards:

a. Trash and recycling receptacles must be located on portions of the site not visible from the public street and must be screened from dwelling units on at least three sides.

b. On infill development sites in residential districts or when abutting an established residential area sharing a public street, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.

c. Signage – Multi-family residential complexes may have one monument sign not to exceed eight feet in height and 24 square feet in sign area for each street frontage where an entry drive is located, and one wall sign not to exceed 20 square feet in sign area. Alternatively, the master sign plan option in Section 7.1 may be used. For a complete list of additional sign requirements, please refer to Article 7. Sign Regulations.

d. Site design - Site designs shall create a sense of “neighborhood” and shall meet all the following requirements.

i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. In no case shall rear garages and rear facades face primary streets.

ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residential street system.

iii. Parking lots shall be located behind or under buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district of lower density.

iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.

v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located when provided.

e. Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting ER, SR, or NR district.

3.5.5.6 Residential Bonus. In a mixed-use development in the SMF, TNB, SCN, and SCO districts a residential use bonus allowing up to (and no more than) 65 bedrooms per acre may be considered by special exception. A finding must be made that special conditions and circumstances exist which are peculiar to the land, structure, or building(s) involved and which are not applicable to other lands, structures, or buildings in the same district.

3.8.6 Offices - Professional.

3.8.6.1 Definition: A place in which business, clerical, or professional activities are conducted.

3.8.6.2 Districts Allowed:

a. Offices - Professional are permitted in the RCN, SMF, TNB, SCN, SCO, UCN, UCO, HUCN and IND districts.

b. Offices - Professional are special uses in the RCN, SMF and TNB districts.

3.8.6.3 Parking: One space is required for each 300 square feet of gross office floor area. See Article 4 for general requirements.

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

3.8.6.5 Additional Standards: In RCN, TNB SMF one sign shall be permitted for each professional office; and signs for professional offices which may be permitted shall not exceed eight square feet in area or 2 ½ feet in height.

3.8.9 Restaurants.

3.8.9.1 Definition: A business establishment that provides of prepared food for patrons for consumption on the premises (inside or outside service) or for take-out; which establishment may (or may not) provide alcoholic beverages, beer, and light wine; and live entertainment. Alcoholic

beverages (wine, beer, spirits, light wine) may be sold and consumed in conjunction with the food service and shall meet all applicable state and local laws, regulations, and ordinances.

3.8.9.2 Districts Allowed:

- a. Restaurants are special uses in the RCN, TNB, SCN, SCO, UCO, UCN, and HUC districts.
- b. Restaurants are special exceptions in the in RCN and TNB when drive-in service or drive-window pickup are proposed; in the IND district; and in SMF when proposed as part of a multi-family development.

3.8.9.3 Parking: See Article 4 for general requirements.

- a. One space is required for each 100 square feet of patron area.
- b. Restaurants with taverns are also required to provide one additional space for each 100 square feet of patron area.
- c. Restaurants with drive through (fast food) 10 spaces plus 1 space for each 4 seats of total capacity

3.8.9.4 Loading: No use-specific requirement. See Section 4.9 for general requirements.

3.8.9.5 Additional Standards:

- a. They shall comply with the City of Oxford Sound Ordinance (Code 1968, Chapter 34, Article III) that regulates amplified music, loudspeakers and other similar sounds
- b. Drive-in service or Drive-window pickup facilities are allowed only by Special Exception in the TNB and RCN districts and must have sufficient stacking space to prevent backups onto access roads.
- c. Restaurants are allowed only by Special Exception as part of a larger multi-family development in the SMF district.
- d. Service of alcoholic beverages must meet all Mississippi regulations and City ordinances.

3.11.6 Common Interest Developments. Mixed-Use and Non-Residential.

3.11.6.1 Definition: A development of commercial, service, and office uses (such as, but not limited to a shopping center or mixed-use building); or a mix of commercial and residential uses.

3.11.6.2 Districts Permitted: Mixed-Use and Non-Residential Common Interest Developments are special uses in the TNB, SCN, SCO, UCN, UCO, HUCN and IND districts.

3.11.6.3 Parking: See standards for proposed uses and Article 4 for general requirements.

3.11.6.4 Loading: See standards for proposed uses and Article 4 for general requirements.

3.11.6.5 Additional Standards:

- a. There may be individual ownership of structures or individual units in a structure (or structures), or the land upon which structures are built; or alternatively there may be common ownership and management of all structures, with structures or portions of structure functioning as rental properties; and
- b. Common areas may include, but are not limited to: roads, sidewalks, stormwater facilities, parking areas, or other infrastructure or amenity facilities.
- c. Signage. Shopping Complex Signs. Entrance signs may contain additional square footage not to exceed ten square feet for each business located within the shopping center when such additional footage is devoted exclusively to individual businesses located within such shopping center and when no freestanding signs are to be erected. If no individual signs are to be erected as part of the shopping center entrance sign or erected as freestanding signs on the shopping center property, then such shopping center entrance sign may contain a total of 100 square feet.
- d. Alternatively, the master sign plan option in Article 7 may be used.
- e. Development Standards. See standards for the applicable zoning district.

Article 6

6.1.3.2 Trees cleared for agriculture or forestry in districts where allowed, or for the installation or maintenance of public utility easements, or the safety and protection of property are exempted if 50-foot buffers are maintained along property lines, next to bodies of water, and along either side of stream beds.

On a Certified Tree Farm (verification from Mississippi Forestry Commission required) that has been certified and operated as a tree farm since January 1, 2018 or earlier, a final harvest done according to the requirements for harvest on a certified tree farm may be carried out with no Tree Mitigation requirement if completed following Mississippi Best Management Practices for Forestry in Mississippi and the American Forest Foundation Standards of Sustainability, and completed as

required according to the Forest Management Plan established for the Certified Tree Farm.

Prior to the harvest the owner must contact the Planning Department to inform the City of the intended harvest, and the intended harvesting plan. After the harvest, a report from the Forestry Commission must be provided certifying that the harvest was completed as stated in the harvesting plan. The land will then subject to Tree Mitigation based on the trees remaining after that harvest. The harvest must also leave a 50-foot buffer along property lines and around bodies of water; along both sides of any perennial or intermittent stream, and a 25-foot buffer along both sides of any drainage channel, and along any public roads running adjacent to or through the property. A site plan shall be provided to the Planning Department that indicates all required buffers, proposed haul roads on the property and through the City, and a landscaping plan. A land disturbance permit shall be required, and a site restoration bond for the area to be disturbed.

A land disturbance permit to allow tree harvesting may be requested on property of ten or more acres in any zoning district that has been under single ownership since 2007 or earlier. A Tree Inventory is required, no clearing shall be permitted in perimeter site buffer areas, and the site must be seeded and protected after harvesting to prevent erosion. Up to 50 percent of the trees on the property may be harvested before mitigation is required.

## Article 9

9.2.13 Decisions of the Planning Commission. Whenever application for a Site Plan Approval has been denied by the Planning Commission, then the Planning Commission shall not consider any further petition requesting the same or substantially the same change or amendment for the same property within six months from the date of the Planning Commission's final legal action on that petition or from the date of the Planning Commission's decision hearing of that petition. For the purpose of this section, any petition withdrawn prior to a decision the hearing by the Planning Commission may be resubmitted without regard to the six-month limitation.

9.3.3 Decisions of the Planning Commission. Whenever application for a Special Exception has been denied by the Planning Commission, then the Planning Commission shall not consider any further petition requesting the same or substantially the same change or amendment for the same property within six months from the date of the Planning Commission's final legal action on that petition or from the date of the Planning Commission's decision hearing of that petition. For the purpose of this section, any petition withdrawn prior to a decision the hearing by the Planning Commission may be resubmitted without regard to the six-month limitation.

9.4.3 Decisions of the Planning Commission. Whenever application for a variance or has been denied heard or finally acted upon by the Planning Commission, then the Planning Commission shall not consider any further petition requesting the same or substantially the same change or amendment for the same property within six months from the date of the Planning Commission's final legal action on that petition or from the date of the Planning Commission's decision hearing of that petition. For the purpose of this section, any petition withdrawn prior to a decision the hearing by the Planning Commission may be resubmitted without regard to the six-month limitation.

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

**Summary of discussion:** Commissioner Milam clarified a special use for staff approval versus a commission approval for over 25%. Mr. Requet gave an example of a previous requests and would like for there to be more consistency within the code. Chairman Rigby asked what if the proposal is for exactly 25%? Mr. Requet responded it reads as 25% or less is a special use, so greater than 25% would be a special exception. Discussion continued with the industrial district changes to include some commercial uses and language changes for common interest developments. There was discussion about decisions made by the planning staff and commission. Mr. Watkins gave further clarification. After more discussion regarding withdrawals and appeals wordage a motion to recommend approval was made.

Commissioner Milam made a motion to recommend approval. Commissioner seconded. All in favor.

Move: Kirk Milam Second: Joseph Murphy Status: Passed

12. Adjourn

All in favor.

Move: Harry Alexander Second: Erin Smith 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)