

MINUTES OF THE REGULAR MEETING
OF THE OXFORD PLANNING & ZONING BOARD

The Oxford City Planning and Zoning Board met in a regular meeting at the Oxford Public Works Building
Tuesday, February 6, 2024, at 5:30 pm

Members Present:

- Bill Newman, Chairman
- Mayor Alton Craft
- Lance Turner, Vice Chairman
- Charlotte Hubbard, Council Member
- Melissa Craven
- Clyde Huckleba
- Jane Cunningham

Members Absent

- Fred Denney
- Jake Pollard

Also, Present:

Mike Roberts

Visitors: See sign in sheet, Michael Turner representing Creekmart Exchange, Michael Ray, James and Teresa Denney, Stacy Holmes representing Mike Hicks and Kristi Durham

1. Noting that a quorum was present, the meeting was called to order by Chairman, Bill Newman. Following a review of the minutes of the regular meetings of January 2, 2024. Mayor Craft made a motion to approve the minutes. Melissa Craven seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 3; Nays: 0; Abstained 3. Chairman, Bill Newman announced the motion passed.
2. Public Hearing –Creekmart Exchange LLC requesting to rezone the property off Leon Smith Parkway and Boiling Springs Road (Parcel # 21-08-27-0-000-011.002) from Flood Control (FC) to Area Shopping Center (ASC). Michael Turner representing Creekmart Exchange stated we are in the preliminary stages of purchasing this property from Excel LLC. We are looking to put a 4,500 to 5,000 square foot convenience store on the property next to Candlewood Suites. We would like to make sure that it gets rezoned properly before we complete the contract. Charlotte Hubbard asked where the access to the convenience store will be coming from? Mr. Turner stated my understanding is it will be off Boiling Springs Road. At the red light on Leon Smith Parkway at Choccolocco Park, you will turn left onto Boiling Springs Road. We will have to get with the City to see what we can and can't do because we are not sure about the roadway that is going to the Candlewood Suites. That will be the only entrance in as we do not know the plans for the road to the hotel. Jane Cunningham asked how big of a parcel is this? Mr. Turner stated it is about 1.51 acres. Mrs. Hubbard asked if it is just gas and diesel. Mr. Turner stated gas and diesel. It is not a truck stop. Bill Newman asked if we are okay on the engineering. Mike Roberts stated the property at the present time is Flood Control (FC). The dirt has been brought in and it has been brought up. The paperwork has been done and turned in to get it taken out of the flood. Cindy Maddox stated not good enough. The dirt that has been brought in there, floods me. Mr. Troup and I are constantly being flooded because the water washes down on us instead of off of us. Mrs. Hubbard asked if Creekmart Exchange owns the property. Mr. Turner stated no, we have already put earnest money down on the contract with Excel and waiting to contingencies to use the property for what we are asking for. Clyde Huckleba stated this property isn't directly behind the hotel but at the corner where the red light is. Mrs. Maddox stated it is right along Boiling Springs Road but if they bring more dirt in there for any reason it is going to flood even more. When the road was moved we had water waist high. They came out in June to dig the ditches out so it would flood us again but since then they got upset because they couldn't get a driveway to the cell tower and were supposed to put in a

retention pond. When they couldn't get the driveway they filled the hole up with dirt. I have chickens out there and they have no where to go. Mr. Turner stated the parcel we are looking at, we have done nothing to the parcel. The parcel you may be talking about is the hotel parcel. There has been nothing done to the parcel we are looking at. Howard Maddox stated you have a point but the water is still coming onto our property. Mrs. Maddox stated even on this parcel it is going to flood because they have the other blocked. Where it runs under the road into the pipes is blocked. Mr. Turner stated we do not have anything to do with that. It is a different developer. Mrs. Maddox stated I understand nothing has been done to this piece of property but if you have to build it up, it will flood us even more. Mr. Newman stated they would be responsible for the drainage, and it would have to be engineered. They would be responsible to keep the water off of you. Mrs. Maddox stated Mr. Holmes should be required to take care of the drainage that has not been taken care of now. Larry Troup stated I have pictures from the January rain. We probably had around 4 maybe 5 inches of rain and it flooded a lot of my property. I am not here to cause any problems, but something needs to happen whether it be building a retention pond. When you get the road in there and all of the pavement it will be worse. Mr. Huckeba stated there should be something to discharge the water into the creek. Mr. Newman asked if going under the streets can be done. Stacy Holmes stated yes, that is in design right now. The back part of this property is not in the City of Oxford. It is in design right now for the retention pond to be built on the back part of that property. It will also have to be brought into the city limits. Now, the lot they are talking about, all of these lots have to have retention. It is in design, South and Associates are designing it but some of this retention is not done because the utilities are not finished. There will be an outlet pipe that will have to be cut that is under Boiling Springs Road because the road is backing the water up. The road was built several years ago and the pipe that is under Boiling Springs is not in the right location. There will be a retention pond built on my property and yes, we have had some heavy rain. Mr. Maddox stated that the water was running good until the work was started on the hotel. There is no fall and everything is backing up to Mr. Troup and myself. Mayor Craft asked if this was a city problem or a developer problem. If this is a city problem, we will be out there tomorrow. Mr. Troup asked who takes care of Boiling Springs Road because at one time we were told Calhoun County. Mayor Craft stated we accepted part of it and the county accepted part. I will get with our City Engineer tomorrow. Didn't you tell me at one time water came in behind you. Mr. Troup stated yes. Mayor Craft stated didn't you say it came from Amy Lane and Lori Lane and the ditch is controlled by the Army Corp of Engineers. Mr. Troup stated yes. Mayor Craft stated some of that area is not in the city, correct. Mr. Troup stated correct. Mr. Troup stated the issue is at Boiling Springs Road where it is backing up. Where would the pipe go under Boiling Springs Road. Mr. Holmes stated there is an existing pipe going under Boiling Springs Road and that is where it will still drain to. The pipe has to be sized differently and lowered. Mr. Troup stated the existing pipe, where it runs under the road, it drains out into Choccolocco Creek and let's say the creek gets over the pipe. Mr. Holmes stated they put what is called a controlled structure in on the retention pond where it does not flow backwards. On the other side of Boiling Springs Road there will be a control structure to not allow the water to go the opposite way. Mrs. Hubbard asked who zone the property Flood Control. Mayor Craft stated the city did. Mrs. Hubbard stated it doesn't sound like the zoning needs to be changed based off what is in the zoning ordinance. Mayor Craft stated at one time that area at one time was in the flood plain or floodway. When we moved the road all of that changed to the south part. All of this hasn't been rezoned but my thing is we need to get out there to see what we can fix. Stacy is going to fix his part but if we have to get to the other ditch, which I have been told is the Army Corp of Engineers, then we need to be in discussion with them to get that water off you and more. Mrs. Hubbard stated I do not feel good about rezoning this until that has been done. Mr. Roberts stated that Rusty Gann, City Engineer has the paperwork done for when the road was done, that property was filled and is over the level it needs to be. They do not change the maps but every 10 years, so that is why it is still on the map that way. Mrs. Hubbard stated I know there is a flooding issue out there all of the time. Mr. Turner stated I was unaware of the flooding issue and I am completely for fixing the issue. We were just presented this land for an opportunity. My question is if you aren't going to rezone this, how did you get the hotel and these other properties zoned. Is this going to be approved with no problem. Mrs. Hubbard asked what the hotel property is zoned. Mr. Roberts stated it is zoned Area Shopping Center (ASC) and when it was brought in it was brought in as ASC. Mr. Newman asked what the timeframe is on the utilities. Mr. Holmes stated I wished they were in 6 months ago. Mr. Newman stated once the utilities are in it will be fixed, right. Mr. Holmes stated yes. Ricky Character stated that at one time the area was flooding especially when the Chase's built their house. Jason Keur stated my personal concern is I don't know how the change is going to effect the area overall. A portion of my house is in the zone which requires me to carry flood insurance. If there is another change, does that effect

other properties in that area. Mrs. Hubbard stated maybe we wait until this is done. Mayor Craft stated we are just recommending this to the Council. It would be up to the Council to change the zoning. Mrs. Hubbard stated I would not send this to the Council until the issues are taken care of. Mr. Holmes stated mine will be taken care of and will take care of all of my properties. This piece is not my property. Mr. Huckleba stated that his pond should take care of a lot of it. Mr. Troup asked Mr. Holmes if he has a plan for the near future as we will need some relief. Mr. Holmes stated I rode through there after the rain and the County came out about 3 days later to clean out their ditches. My engineer is waiting on some of these utilities that the city has their hands on to finish this development. I would love to be doing it right now instead of a month from now. Ms. Cunningham stated I know Stacy will do the right thing and I know the problem because I have been on the other side of that with the utilities. I also know what it is like to have water run onto my property and I would not feel right until this is under control adding more to it. After discussion, Charlotte Hubbard made a motion to not recommend to Council to rezone the property from FC to ASC. Jane Cunningham seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas 6; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.

3. Public Hearing –Michael Ray requesting to zone for annexation the property at 3084 Gunnells Lane to Residential (R-1). Michael Ray stated I would like to be in the city limits. I grew up in Oxford and in the same house I am living in. I bought the house from my mom. I have two kids and I want to send them to Oxford schools. After discussion, Mayor Craft made a motion to approve. Clyde Huckleba seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas 6; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.
4. Public Hearing – James and Teresa Denney requesting to zone for annexation the property at 200 Denney Road to Agriculture (AG). James Denney stated we bought a piece of property, built a home and want to be in the City of Oxford. Mr. Newman stated it is touching Residential 1 (R-1) and Agriculture (AG). Mr. Huckleba asked are we zoning it R-1 or AG. Mr. Newman asked Mr. Denney if he would be okay with it being zoned R-1. Mr. Denney stated he wouldn't move away because of it. I don't know what life may be like in 30 or 40 years with my heirs, but I don't plan to do anything. I have a small dog. Mr. Newman stated you will be okay with R-1. Mr. Denney stated yes sir. Mr. Huckleba stated it is touching both. Mr. Denney stated there is a piece of property between me and the subdivision. It is 50 feet wide. Mr. Newman stated it is a single family dwelling. After discussion, Clyde Huckleba made a motion to approve. Mayor Craft seconded the motion. Mr. Newman asked R-1. Mr. Huckleba stated whatever you are good with. Upon vote on the motion, the following votes were recorded: Yeas 6; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.
5. Public Hearing – Mike Hicks requesting approval for a revised plat (combining lots 1 and 2) at 1017 Quintard Drive, 1 Recreation Drive and 3 Recreation Drive. Stacy Holmes stated he was representing the request for Mike Hicks. They have made lot 1 larger and cleaned up some of the easements on the property. Mike Roberts stated that they combined two lots. Mr. Newman stated so we are combining lots 1 and 2. Mr. Holmes stated yes. After discussion, Charlotte Hubbard made a motion to approve. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas 6; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.

Mr. Newman asked for any other business. There was none.

There being no further business, Mayor Craft made a motion to adjourn the meeting. Melissa Craven seconded the motion.

Respectfully,

Kristi Durham, Secretary