

**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, November 1, 2022, at 5:30 pm

Members Present:

- Mayor Alton Craft
- Bill Newman, Chairman
- Lance Turner, Vice Chairman
- Charlotte Hubbard, Council Member
- Melissa Craven
- Jane Cunningham
- Fred Denney
- Jake Pollard

Members Absent

- Clyde Huckleba

Also, Present:

Mike Roberts, Chief Building Official

Visitors: See sign in sheet, Gary Sparks with the Oxford Fire Department, 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 October 4, 2022. Mayor Craft made a motion to approve the minutes. Charlotte Hubbard seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 8; Nays: 0; Abstained 0. Chairman, Bill Newman announced the motion passed.
2. Public Hearing – Anthony Diez requesting to rezone the property at 570 Coldwater Road from NSC (Neighborhood Shopping Center) to M-2 (General Manufacturing). Anthony Diez stated there are 16 acres behind Baggett Transportation. I would like to change the zoning from Neighborhood Shopping Center to General Manufacturing (M-2) which will be contingent with the areas around us and with what we are wanting to do. Jane Cunningham arrived to the meeting. I would like to put a truck service center there with additional truck parking. Mr. Newman asked Mr. Diez to tell the board more about what he is wanting to do with the property. Mr. Diez stated I am wanting to put an 8 bay truck service facility for semi-trucks. It will be state of the art with more EV (Electric Vehicles) coming soon. We also want to maintain the vehicles in the area. Most everything is computer generated these days. The truck parking is to take some of the trucks off the streets with truck parking an issue. Mr. Diez stated there is a lack of parking for semi-trucks around. They park in parking lots, on the side of the road and at rest stops. Other than the rest stops the other places are illegal for them to park. They are only allowed to drive for so many hours before they must stop, or they could lose their licenses. The facility will be well lighted, gated and fenced for security. The building will be 12,000 square feet. Mr. Newman asked how much Mr. Diez would be spending on the building. Mr. Diez stated around \$2,000,000.00 by the time all the dirt work is completed. Mike Roberts asked Mr. Diez if he would be doing any landscaping on the property. Mr. Diez stated we are going to do some. Probably along the roadway at Alabama Highway 202. We are not using Alabama Highway 202 as an entry and exit. There will be one entry and exit on Coldwater Road. After discussion, Fred Denney made a motion to send to the Council with the recommendation to rezone the property to M-2. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 9; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.
3. Public Hearing – Danny and Kathy Butterworth requesting to zone for annexation the property at 3768 McIntosh Road to AG (Agriculture). Danny Butterworth stated we would like in the City to take advantage of the police,

fire and trash pickup. My niece and two nephews adjoin and are in the City. After discussion, Fred Denney made a motion to send to the Council to zone the property AG. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 9; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.

4. Public Hearing – PAC Enterprises requesting approval for a six-unit apartment complex at 134 Mattison Road. Stan Bush stated we are just following up from the last meeting when we had the property rezoned to Planned Development 3 (PD-3) and we were supposed to bring back more of an image and site plan of what we are wanting to do and see if that would be acceptable. On the first page we have our overall site plan. On the bottom of that is the house that is already on Mattison Road. We are wanting to take that to a small commercial and we may put our offices in there. At the top is where we would like to put the six-unit apartments. There are also some sketches. We have already started some renovations on the existing house. Mayor Craft stated so the house isn't a duplex, it is going to be offices. Mr. Bush stated we haven't gotten that approved yet, but we will either put our offices in there or rent it out as offices. We thought carrying that down the street may set the tone for the future. Jane Cunningham asked what the rent would be on the apartments. Mr. Bush stated we are looking at \$900.00. The apartments will be a two bedroom and two bath. After discussion, Fred Denney made a motion to approve. Lance Turner seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 9; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.
5. Public Hearing –GC Group Holdings LLC requesting preliminary plat approval for a subdivision off Carterton Heights. Ben Watson with Live Oak Engineering stated we are requesting 107 lot subdivision from Carterton Heights to Mahaffey Road. There is a solid street all the way through so there would be no dead in traffic. There is a loop road in the middle with a 6-lot cul-de-sac. There are 7 lots that face Carterton Heights. Mayor Craft asked if the Building Department has looked at this. Mr. Roberts stated we have looked at it several times. I think they have been here three times. What they are asking for is a preliminary plat approval. We have a copy of the drawings on the table and if there are any changes that we need to make we need to get those on here tonight, so they can make the changes and bring this back to us. Mr. Roberts spoke with Rusty Gann, City Engineer. The things that he found were some common areas, they have some places where they can put some common areas for picnic tables, swings, a dog park in these areas. A minimum of 5 feet on the sidewalks and no sewer mains under the road. We know you are going to have to come under the road with some stuff but no water or sewer mains under the road. Mayor Craft asked will they have enough room for parking, so they are not parking on the streets. Mr. Roberts stated they have the minimum on the driveways. Mr. Watson stated they are all two car garages. A car can park in the driveway and the rear of the car is not blocking the sidewalk. Mr. Roberts stated they will have to meet the minimum on the driveway. Mayor Craft asked about the drainage. Mr. Roberts stated Mr. Gann was good with the drainage. Mr. Gann has already looked at the civil engineer drawings on this. Mr. Roberts stated Mr. Gann was also good with allowing them to go ahead and start moving dirt until we get the rest of this finished if you all are good with it. Joey Callahan with GC Group Holdings stated we want to build a nice subdivision that is an asset or an attribute to the City of Oxford. We keep all of our construction sites clean. Mr. Newman stated this will be a similar development to Deer Brook in Lincoln. I can vouch for Mr. Callahan that they do keep it clean, do great dirt work and set it up nice. Mrs. Hubbard asked if Mr. Callahan will build all of the homes in the subdivision. Mr. Callahan stated no ma'am I will not build all of the homes. We will build the subdivision and a home builder will build the homes. Mr. Roberts stated they will develop the subdivision, all of the lots, roads and utilities. The lots will be handed over to home builders. Mrs. Hubbard asked if this will come back to the board. Mr. Roberts stated they have one more time to come to the board with the changes we all agree upon then they will come back with that plan and the board can approve that plan. Mr. Newman stated what we are asking are 5-foot sidewalks, no mains under the road (no sewer mains and no water mains) and common spaces. Mrs. Hubbard asked if they were aware of the roads and how they have to be built. Mr. Callahan stated that is standard throughout. Mr. Denney stated this is just the preliminary drawings and they will have to come back. After discussion, Fred Denney made a motion to recommend to Council. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 9; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.

6. Public Hearing – Tillman Infrastructure requesting a new cell tower at 100 Moore Street. Patton Hahn from Baker Donelson stated we are asking to construct a tower at 100 Moore Street. There is currently a tower already on there. This tower will be built next to an existing tower owned by American Tower. The tower being built is at the request of AT&T. AT&T wants to move its equipment off the existing tower onto the tower that Tillman Infrastructure wants to build. We submitted an affidavit from AT&T as part of our application that basically shows that over 20 years AT&T will spend \$4 million more in rent and other charges on its current lease than it would on the one owned by Tillman. The new tower will be 160 feet tall. It is Tillman's hopes that other carriers on the American Tower site would move off of that tower and onto our site. The tower will comply with all the requirements in the ordinance. I don't think the Building Department had any issues with the application. Greg Ford, Pastor of Grace Baptist Church stated our church sites right by the tower. Are we going to have two towers now? Mr. Hahn stated yes. Mr. Ford asked if the existing tower will be functional? Mr. Hahn stated the City's ordinance requires that if the tenants come off the existing tower, then that tower has to be taken down. Mr. Ford stated so that tower will be taken down. Mr. Hahn stated I don't know if all of the tenants will come off that tower but if they do it will have to be taken down. Nicole Hardee with Watkins Eager in Birmingham stated she was here on behalf of SBA structures. We own a tower that is located nine tenths of a mile away from the proposed tower by AT&T. SBA is the leading builder and owner of infrastructure. We have not yet had a chance to review AT&T's application. AT&T or Tillman has the burden to present to the board that it has applied with the requirements of the zoning ordinance. Mrs. Hardee stated that she cannot speak as to whether they have complied with the ordinance. Two questions I can raise without seeing the application are the general question about the current zoning of the proposed tower site by AT&T. My understanding is it is zoned Central Business District. Mr. Hahn stated it is on a residentially zoned lot which is allowed by your ordinance and there is a residence to the north, but we meet the setback requirements for that. There are no other residential structures. Mrs. Hardee stated during her research regarding the address provided from the agenda shows that it is in Central Business District and if it is I have concerns about the ability of AT&T to construct 160-foot tower in a district designed to protect downtown Oxford. My second concern or area I would like to address is the requirement that the City of Oxford has in place in the zoning ordinance for co-location. AT&T or Tillman has the burden to present to the board and City that they have complied with every requirement in the ordinance. Mrs. Hardee requested that this item be continued to the next meeting so she may have the opportunity to review the application. I can say that AT&T cannot fulfill its obligation to submit the required affidavit. The required affidavit is supposed to say there is no existing tower on which the area to be served from the new tower can be served. That is not the case as SBA currently owns a tower or that the applicant has made a good faith effort to have its antenna installed on an existing tower. I can tell you that that has not occurred either. Mr. Hahn stated I find it ironic that a tower company is coming in here and telling you to not allow a tower to be built. It is simply to preserve the monopoly on their end. They use your zoning ordinance like monopoly. They end up in a situation to where they gouge the carriers who provide you service which drives up rates and prevents companies like AT&T from building up their infrastructure. That is all that is trying to be done here. Second, their tower is a mile away. We need a tower approximately somewhere within a .3-mile perimeter. That is the only way we can replicate the service that is on the existing tower. On the monopoly issue, this is like when you see a CVS and a Walgreens right next to each other. You don't tell CVS when they have a piece of property, they can't develop it because there is already a Walgreens there. Jane Cunningham stated I deal with this at the beach. I deal with several companies who rent space on our building, why was that not explored rather than building a new tower? No one likes to look at new towers. Mr. Hahn stated because it is a mile away. Ms. Cunningham stated that is nothing in the cell business. Mr. Hahn stated if we can co-locate on a structure, we will co-locate on a structure. AT&T doesn't build towers just to build towers. They build them where they need a signal, and they need a signal very close to where they are. They are not doing it because it is going to cost too much money. Ms. Cunningham stated so you want us to have 3 towers close together. Mr. Hahn stated if you will look at a map you are going to see towers a mile and half. Ms. Cunningham asked why was this not explored? Mr. Hahn asked to go on the SBA tower? Ms. Cunningham stated yes or another tower. Mr. Hahn stated there are currently two towers, the American Tower which we are trying to get off of and the SBA tower a mile away. We can't move to the SBA tower as it is too far away. Ms. Cunningham asked why are you wanting to get off of this tower? Mr. Hahn stated because it is going to cost us \$4 million to stay on this tower over a 20-year period. After discussion, Jane Cunningham made a motion to table until the next meeting. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 9; Nays: 0; Abstained: 0. Chairman, Bill Newman announced the motion passed.

7. Discussion with Jason Fondren with KPS Group. Mayor Craft stated the reason I asked you all to be here is I don't think all of the Council understands what the overlay is for. My thought process when we started talking about the overlay was to limit what we are trying to get in certain areas and at the same time give the Council the ability to at least look at it a second time before they get blindsided. Your job if you think it is a good thing is to tell the other Council members what you think.

Jason Fondren stated there are two overlays and two different areas, one along the highway and the other is downtown. There are some similar parts to each one. In each case, the purpose of the overlays are to establish some uses that might be permitted in the existing zoning that is in place and prohibit those in the area where the overlay would apply. The existing zoning would still apply. Some uses would be cut out and there are certain uses that would be limited within each of those overlays in how many can be concentrated in any of those areas. They are permitted but you can't have a lot of them together. Both overlays would also put in place some minimum design standards. In the existing ordinance we have the commercial redevelopment district draw in and put in the ordinance when it was updated. We have never applied this on the map. We are taking that and re-vamping it to turn it into this proposed highway overlay. It would extend along US Highway 78 just west of Alabama Highway 202 over to Leon Smith Parkway. It would also go north and south some distance on Quintard Avenue and primarily toward the frontages on the highway as well as some areas is frontage on the interstate. Mr. Fondren went over the uses that would not be allowed in the highway overlay as well as the limited uses that would be allowed but would have to be spaced apart by 500 feet. The design standards would be evaluated by staff to determine if they apply. Mr. Newman stated he strongly disagreed with the design standards. There was discussion among the board members regarding the design standards. Mayor Craft asked the members to look through the information. Mark what you like and mark what you don't like then let's discuss it.

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

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

Respectfully,

Secretary