

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, March 2, 2021 at 5:30 pm

Members Present:

- Mayor Alton Craft
- Bill Newman, Chairman
- Lance Turner, Vice Chairman
- Charlotte Hubbard, Council Member
- Danny Shears
- Fred Denney

Members Absent

- Jake Pollard
- Melissa Craven
- Clyde Huckeba

Also, Present:

Mike Roberts, Chief Building Official

Visitors: Mary Palmer with Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Archie and Diana Durham, Bobby Cook, Jim Webb, Rusty Gann, City Engineer, Kristi Durham and Brian Waits

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 February 2, 2021. Mayor Alton Craft made a motion to approve the minutes. Lance Turner 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.
2. Public Hearing - request from AT&T to place a cell tower on the property at 161 Industrial Drive. Mary Palmer with Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. here tonight on behalf of AT&T requesting to build a 195-monopole tower on Industrial Drive. Ms. Palmer stated we came before this board in 2014 and received approval. At that time AT&T was looking at potentially merging or buying T-Mobile, so they put a hold on new towers. Now, that the City of Oxford is growing, it isn't only a coverage issue but also a capacity issue. There may be service and that there may not been service This tower will hand off to the Quintard Mall site and the Golden Springs site. The pink area on the map shows where the customers are experiencing a drop in calls but due to the increase in capacity and traffic congestion in the City of Oxford, we need another cell tower to hand off to so our customers have continuous service. Ms. Palmer stated this will also be First Net site. AT&T is working with the Federal Communications Commission (FCC) for First Net, where they provide first responders equipment during hurricanes and tornados in parts of Florida and Alabama. It will be a single one pole monopole and AT&T will be the first tenant on there and will be available to other carriers. Fred Denney stated he would refrain from commenting. Mike Roberts asked about the type of enclosure around the tower. Ms. Palmer stated we usually lease a 100 by 100 or a 50 by 50 lease area. It is fenced in with a 6-foot fence with an additional 2 foot for security which is usually barbwire fencing. This one does not have landscaping but if you want landscaping you can put that condition on there. Mr. Denney stated this one is 60 by 80. Ms. Palmer stated once constructed it would be visited once a month for maintenance. Charlotte Hubbard stated in the past we have asked for an 8-foot fence and landscaping. Ms. Palmer stated it shows for a 6-foot chain link fence with an extra 2 feet of barbed wire around the top to make it 8 feet. Mr. Roberts asked if 195 was the tallest monopole. Ms. Palmer stated it is not, ideally in Florida they build a 350 and they are self-support. Mrs. Hubbard stated this is the same one we voted on a few years ago. Ms. Palmer stated everything is identical to what we requested in 2014. After discussion, Lance Turner made a motion to recommend this to Council. Mayor Craft seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 5; Nays: 0; Abstained 1. Chairman Bill Newman announced the motion passed.

3. Public Hearing – request to amend Article 4 – Residential Districts, General Regulations to include recreational vehicles, campers, boats and similar vehicles must be stored behind the front building line. Mr. Newman stated you have a new Article 4 stating recreational vehicles, campers, boats and similar vehicles must be stored 25 feet from the front property line. We discussed this last month at our meeting. Mike Roberts stated that is a new option that we discussed in our office. The way we had it stated before is that it has to be behind the front line of the house and in the side yard. This is just an option that we put out there. If we kept the motor home back 25 feet from the front property line that would give the next-door neighbor plenty of room to see when they back out of their driveway and it wouldn't be in the front yard. Mrs. Hubbard stated when we last spoke about this didn't, we discuss putting it in the back yard. Mr. Denney stated he responded to a text that was sent out that we should make it the back building line. Mr. Roberts stated we have some motor home owners here I believe. Archie Durham stated I have had a motor home in my yard for 22 years and it sits in my back yard. An inspector came out to look at where it was parked at and said I was good. If you went from the front, I would be okay. Mrs. Hubbard asked are you saying 25 feet from the back. Mr. Roberts stated I am saying 25 feet from the front property line. If we say it that way, they could back it all the way to the back of their property line and be okay. Just have a minimum of 25 feet in that front yard that they have to be behind. Mrs. Hubbard stated let's do the math on how long a drive way is in a subdivision. Mr. Roberts stated front property line in a residential subdivision is normally 30 feet minimum on house. So, if you have any size motor home if you move it 25 feet back you will be in your back bedroom. So, you are going to have to go to the side and pull it 25 feet back from the property line. It is still legal and okay to back it up 40 feet or as far back as you want to put it but you have to leave 25 feet so traffic can see backing in and out of their own driveways. I know in some neighborhoods a motor home sitting in the front yard doesn't look good. Jim Webb stated I have 50 feet from my property line to mine and it is in the back yard. Of course, it has only been there 20 years. Mr. Denney stated let the front of the motor home be even with the back of the house. Mrs. Hubbard stated that is what I thought we did last meeting. Mr. Roberts stated so you are saying not to pull them up any further than the back. Mr. Denney stated that way people looking out of their windows don't see it. They will be able to see next door and see what is going on. Mr. Roberts stated I think you are going to have a hard time with that in some cases. Mrs. Hubbard stated it is good in subdivisions where there is enough space but in some of our older subdivisions like Forest Hills, Meadowbrook and Del Ray the houses are closer together so if someone parked next to their house and there is a house next to it, that is all that house will see. Normally there is more space in the back yard. If we pull back further the house next door will at least have a clear view. I know someone said let the Home Owner's Association (HOA) take care of it. HOA's have no authority and have no enforcement rules, so I don't think we need to put this on them. Some neighborhoods do not have HOA's. Mayor Craft asked what is the purpose, are we trying to get them out of the road. I thought we were just trying to get them out of the road and I didn't know we were trying to put them in the back yard. Mrs. Hubbard stated that is one purpose. Mayor Craft stated some of these rv's are more expensive than the house and some of these are nice. Mrs. Hubbard stated I know they are and my point is that they are big. We are beginning to get some younger people in some of our older neighborhoods and they are taking more pride in their homes. We have more home ownership instead of renting or leasing and they have no one to speak up for them. It is not just rv's but boats, jet skis and all of those kinds of things. It becomes an extension of the carport into the yard but if they had to put it in the back. Mr. Webb asked about the 30 feet. Mr. Roberts stated the house standard is the front of the house has to be 30 feet from the front property line. Mr. Webb stated the motor home or rv needs to be back that far because of traffic or view of traffic. Mr. Roberts stated that is one reason. Mr. Webb stated I can understand that blocking the view of traffic but what she is saying is you want the rv or travel trailer back far enough that your neighbor can look out their window and not see it. Mr. Denney stated the eve of the back house line. Mr. Roberts stated this isn't just for motor homes, this will be for any type of recreational vehicles. We are having a lot of issues with them being in the front yard. Mayor Craft stated I thought this was getting them out of the front yard because most people have a carport. If you're a neighbor you can look right in the carport where you will see a riding lawn mower or something. Mayor Craft stated backing them up 25 feet is good to me but Mrs. Hubbard and the Council will have to vote on this correct. Mr. Roberts stated yes. Danny Shears stated I could see it being a problem if they have a carport and a nice bass boat that he keeps covered up when not using it, parks it next to the carport because he has a fenced in back yard that will not allow him to pull it back there. Now, if we change this and they have to go to the back of the house line I can see that being a problem. If the purpose is to get them off the site line of the road where the neighbors can back in and out I

would obviously go long with that but going to the back house line I think we would open up problems. I don't know how you would grandfather that in or if you say from here on it has to be this way and you have to build a pad to park it on. Mrs. Hubbard stated I think that would be hard to enforce. Mr. Denney stated neighbors are security for neighbors. So, if something is going on next door, I can look out my window and see what is going on but if I have a motor home or something there that is blocking my view, I am not being any help. Mr. Durham stated in my case that is exactly what would happen if I have to back mine further up. I live on the corner and I back in from the side. If I have to back mine further back then no one will see my house and right now they can see part of my house. Mrs. Hubbard stated again if people would be responsible, do the right thing and think about this we wouldn't have to be talking about this. Mayor Craft stated if you force everyone to put their rv's in the back you are going to make it, that is when you will have a problem with people living in them. That is going to be hard for them to enforce. Now, they will have to get out and walk around to the back yard and most people do not want you in their back yard. With 25 feet from the road, you will be able to see most of everything unless these houses are 15 feet apart. Mr. Webb stated some of the newer subdivisions have covenants that would help cover that. Some of the older ones where I live and it will not affect me because mine is 75 feet from the front property line. Lance Turner asked what about the property owner that lives in a townhouse or patio homes who do not have a side yard. Mr. Roberts stated that they would take it a storage unit place and store it. They wouldn't be able to get it on their property I would think. Just what Mayor Craft was talking about, if you have 15 feet between houses 7 ½ feet goes to each person and most motor homes are more than 7 ½ feet wide. Mr. Newman asked Mr. Durham how far from the front property line is his. Mr. Durham stated 15 to 20 feet. Mr. Newman stated so 25 feet will still affect you. Mr. Durham stated yes, I will probably have to back up a little bit more. Mr. Shears asked if that was on the side yard or the front yard. Mr. Durham stated in the back yard. I live on the corner and I back in from the side. Mr. Shears stated what we are looking at is 25 feet from every side of the property right? Mr. Newman stated from the front property line. Mr. Shears stated in his case he would still be okay. Mr. Newman asked how far are you from the front property line. Mr. Durham stated I am a good way from the front property line. Mr. Newman asked Mr. Webb how far he was from the front property line. Mr. Webb stated I am probably close to 100 feet from the front property line. Mr. Newman asked Bobby Cook. Mr. Cook stated I am probably over 120 feet from the front. Mr. Newman stated hearing that I am wondering if maybe we should compromise and move them a little further back. With 25 feet from the front, you still are not going to be lined up even with the front of the house. So, should we consider going further back than 25 but not all the way to the back. Mr. Shears stated I would ask the reason behind that. If 25 feet gets it back off the road why are we asking them to move them back further, for the aesthetics or are we over stepping our bounds by asking that. Mr. Newman stated yes for how it looks. Mr. Denney stated I would rather look at the next house than a motor home. Mr. Cook stated my rv cost more than my house did and I live in Sherwood Forest. Mr. Shears asked are there any designations under residential for setback requirements or is this new. Mr. Newman stated this is new. Mr. Shears stated so up until this point we have had no setback requirements for rv's, boats or anything. Mr. Roberts stated this is new. After discussion, Mayor Craft made a motion to recommend to Council. Danny Shears seconded the motion. Upon vote on the motion, the following votes were recorded: Yeas: 4; Nays: 1; Abstained 1. Chairman Bill Newman announced the motion passed.

4. Public Hearing – Approval of Subdivision Regulations. Rusty Gann, City Engineer stated I would like to open it up for discussion on the proposed fees for plan review. That is not something I came up with. Mr. Newman asked what page. Mr. Gann stated page 4. Mr. Newman asked how do you define a major subdivision versus a minor subdivision. Mr. Gann stated a minor subdivision is a subdivision that does not contain any roads. For example, say you were building houses along McIntosh Road. A major subdivision has its own streets. I don't know that we need to charge anything. Mayor Craft stated I think we need to. There are 6 or 7 builders around here like Smith Douglas and I think we need to slow down the development process. Mr. Newman stated if you have 100 lot development that is only \$3,100.00, right? Mr. Gann stated correct. Mrs. Hubbard stated I think that is very reasonable. Look at the time that our people are taking away from their departments to look at this. Mayor Craft stated they would have to talk to Mr. Gann and their accounting department would have to cut a check, mail it in and the processing time may give them a little bit more time. With these developments we end up with water problems and street problems. Mrs. Hubbard asked do we have any others beside Smith Douglas in the city. Mayor Craft stated there are 6 or 7 others in Leeds or Pell City and they are coming this way. Mr.

Shears asked if we could have a list of benefits that would come along with these fees if we decide to charge the fees. Mr. Newman stated I think everyone is used to paying fees. Mr. Turner asked how much is the fee now. Mr. Roberts stated the only fee we have right now is the building permit. Mrs. Hubbard stated this would be Mr. Gann's fee. Mr. Gann stated it is a review fee. Mrs. Hubbard stated if we have these pre-planning meetings that is taking city workers off their jobs and money spent for them not doing something else. I think you could certainly justify this small fee. Mr. Newman stated on page 27 I know what you are saying with collector street, minor street and cul-de-sac, should we look at maybe going wider than the 24 feet, maybe go to 30 feet. Mr. Gann stated we certainly can. I know the City of Jacksonville requires 26 feet. Your lane width on Highway 78 is 12 feet. Mrs. Hubbard asked does that allow for a bus to be able to turn around. Mr. Gann asked in a cul-de-sac? Mrs. Hubbard stated yes. Mr. Gann stated a cul-de-sac is 80 feet in diameter. Mr. Roberts stated that keeps us from the street like in McIntosh Trails that looks like it runs into another street, they will definitely have to have a cul-de-sac. Mr. Gann stated yes. As for increasing the width of the street that is certainly a call you can make. Mr. Shears asked if that invites more people to park on the street. When you have a wider street, they feel like I have room to park here. Where if it is not a certain width I can't park here because I am blocking a lane. At 26 feet you can park and still have room to get around. Mr. Gann stated one thing to keep in mind is the 24 feet is actually just pavement. You still have another foot of gutter on each side. You will have 26 feet of travel way. Mr. Denney stated somewhere it talked about property outside the city limits, what you are able to do, can we do that? Mr. Gann stated we have the authority but we don't currently enforce inspections. Whichever regulations are more stringent, the county or city can be enforced. Mayor Craft stated that is part of a bill with the police jurisdiction that we would not be able to do that anymore. Having it in there is not going to hurt until the state changes the law. Mr. Gann stated the only other comment I want to bring up is the type of bond or the surety of the bond. As of right now to my knowledge they are not required to put up any bond but this will require a performance bond for 150 percent of the cost, so if they left town, we could finish the subdivision. Mayor Craft stated if there are 6 or 7 of these developers coming this way it is only going to get worse. Mr. Denney stated in a bigger town they would have serious problem with them not building the road right then they left and the city took it in. Mr. Newman stated on the bond 150 percent of the estimated cost for installation of the wearing surface, is that only concerning to the road construction. Mr. Gann stated yes. What happens is they build out and no one wants to put the asphalt down while they are doing construction because they do not want to tear up brand new asphalt. Once they build all of the house and then they are gone. Mr. Denney stated I wonder if we need to look at this between now and next meeting. Mr. Shears asked Mr. Gann how he felt about his. Mr. Gann stated it is a good starting point. I have worked under similar regulations my entire career and they work. Mr. Shears stated a lot of protection for us and guidance along the way. Mr. Gann stated most builders are used to them. These start at the state level, the state puts out a model regulation for all cities and counties. Mayor Craft asked if the Council will need to approve these. Mr. Gann stated yes. After discussion, Mayor Craft made a motion to recommend to Council based on the recommendation of Rusty Gann. Danny Shears 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.

Chairman Newman called for any new business or old business.

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

Respectfully,

Secretary