



Case 2263 and 2264

To: Oxford Planning Commission
From: Judy Daniel, AICP, Planning Director
Date: January 8, 2018

Applicant: #2263 Kenlan Development Oxford, LLC
#2264 Rebel Hospitality, LLC

Owner: Same

Request: #2263 Rezone +/- 3.90 acres in three lots in Oxford Commons
(Tract A1 - Phase 2, lots 10,11,12) to from PUD to Suburban Corridor
(PPINS #27719, #27720 & #27721)

#2264 Rezone +/- 2.44 acres in two lots in Oxford Commons
(Tract C - Phase 1, lots 16, 17) from PUD to Suburban Center
(PPINs #33597 & #33598)

Location: Oxford Commons Development – Sisk Avenue at Hwy 7 North
Zoning: Planned Unit Development (PUD), Underlying Zoning - Suburban Center and
Suburban Corridor

Surrounding Zoning: All surrounding properties are zoned Planned Unit Development (PUD),
with underlying zoning of Suburban Corridor, Suburban Center, Traditional Neighborhood
Business, or Suburban Multi-Family.

Planners Comments: This report is a response to the request of the two owners in the
commercial area of this development to be rezoned out of the “PUD” District, to the underlying
zoning district of their properties: Suburban Corridor and Suburban Center. (See PUD Tract Guide
properties A1.3, A 1.4, A .5, C4 and C5.) This request stems from disputes among property owners
at Oxford Commons about the limits on density allowed and uses allowed in the
development. This is partly due to the changing economic and market conditions that led to prior
modifications to this development, but one reason that the disputes exist is the limited central
managing authority that exists in this development as explained later in this report.

Both owners wish to be allowed to have mixed-use development, not just commercial development, as is now allowed citywide in the underlying zoning districts, Suburban Corridor and Suburban Center. In support of these requests both applications included the following statements:

The underlying zoning of the Property and the surrounding properties, has changed to [Suburban Corridor/ Suburban Center], allowing for and encouraging mixed-use development. The PUD Zoning of these lots is inconsistent. Covenants and restrictions that govern the property and surrounding properties, recorded in 2005, allow for and encourage mixed-use, consistent with [underlying] zoning. No “error” per se, only the assurance that the intended use of the property, the zoning, and the covenants and restrictions are consistent.

In order to evaluate these requests, staff undertook an evaluation of the Oxford Commons development to consider how it has evolved and if there is a basis for supporting a zoning change for these properties. During the recent process (2017) of adopting a new Land Development Code and Zoning Map staff did not conduct in-depth research of the the existing zoning districts, including the PUDs. The City took comments from property owners and the only comment received regarding this development was from David Blackburn who requested that the PUD be left as is. Once the request for rezoning was received, however, staff began in-depth research of the history of this development in order to prepare a response and recommendation.

That study revealed many troubling problems with the overall development that have accumulated since before 2010 and need to be addressed with or without a rezoning, as the City has a vested interest in the success of this development, and growth in general in this area of Oxford. The central factor (with many aspects) that appeared in this research, is that while this development has zoning designation of Planned Unit Development, it has incomplete and limited central governing authority which has led to confusion and mistakes in its application.

History

The Oxford Commons “Planned Unit Development” has a long and convoluted history of change of uses and densities, and changing ownership. It was initiated by Kenland Development in 2004, but during the next several years, ownership of most undeveloped portions changed to Thomas and Murray Avent, and management of the development to the RJ Allen Companies, managed by David Blackburn. Two large Tracts (D and O) are now owned by the Oxford School District, and contain the high school and an elementary school (with recently proposed plans for an administrative office structure as well); and there are multiple owners of all the already developed properties. Most of the yet to be developed properties are owned by the Avent family (working with Blackburn Group), and others are owned by Malco and Kenlan; but Kenlan’s are seemingly under contract to other entities (owned by Blake Tarrt or David Blackburn). Rebel Hospitality owns the two lots in Tract C.

2004-2006

Kenlan Development introduced Oxford Commons in December 2004 as a special exception (Case #1162), but the zoning code had to be changed to allow PUDs in a Shopping Center district. After that was accomplished the First Phase of the Oxford Commons development was approved by the City of Oxford in March of 2005 as a Special Exception/Overlay authorized by the Mayor and Board of Aldermen. Phase 1 was to be comprised of Tracts A-F (current Tracts A, A2, B1, a portion of Tract L, Tract C, Tract D, Tract E, Tract S, and a portion of Tract J). At the time it was wholly owned by Kenlan Development and there were plans for eventual expansion to the size of the current development. During 2005 subdivision plats were approved creating lots in the current Tracts A1, B1, C, and D.

The 2005 approval introduced the Plan Data Table on a map as the only means of determining allowed uses and allocation of density. The map (see attached Original PUD Map) indicated:

- Mixed Uses in Tract A (comprised of the current Tracts A and A1 (to include residential, commercial, and multi-family residential); Tract J and Tract M.
- Business in Tract B1 (still Tract B1), Tract C, and Tract E
- Residential in Tract B2 (now reconfigured and indicated for a church), Tract F (now a mix of business and residential on Tracts J and E), and on Tracts G, H, I, K, L, N, O, P, Q, and R (reconfigured but still residential)
- School on Tract D (generally the current Tract D but smaller)

There were nine conditions limiting certain types of development and tying development into completion of new access roads. There was no provision for how the allotted square feet or residential units were to be distributed among the various properties with various owners of lots in the commercial tracts, but at the time there was common ownership of the development. And there was no differentiation between detached and multi-family residential development. That approval limited it to 2,293 dwelling units and 1,685,000 sf of commercial development.

During the rest of 2005, Kenlan introduced covenants that covered what was a portion of Phase 1, which included what is currently the southern portion of Tract A-1 (15,16,17,18), and Tract B1.

By **2006** the Avent family was involved. In February 2006, Case #1280 a subdivision was approved for seven lots in what is now a portion of Tract C and a portion of what is now Tract D (the elementary school). Covenants for these properties were prepared by the Avent family for this area. There was no further activity until 2010.

No other managing covenants were files and after the Malco and the Wendy's restaurant were built development lagged until 2010. During those years the PUD type development evolved into a zoning district after court rulings in other Mississippi jurisdictions.

2010-2013

With the majority owners being the Avent family (Thomas and Murray Avent) Oxford Commons was proposed for significant modifications and expansion in 2010 to include the full 560 acres. The modification was submitted on behalf of the Avent Family and the Kenneth Farrell Company (Case #1162/ #1564) and approved. Kenlan seemed to retain ownership only of the original PUD areas of 2005 north of Sisk (the current Tract A1 and Tract B1). It was stated that there was now more interest in residential, and hospitality to serve the convention center. The request stated:

Economic circumstances under which the original development was approved have changed and so there is a need to revisit the original assumptions of the approval.

This change affected the entire former Phase 1 and Phase 2, and proposed significant changes to some of the Tracts in use type and density. It also modified some of the conditions of approval from 2005 related to roadway connections. Modifications were approved to Tracts C, D, E, F, I, J, K, L, M, N, O, P, Q, and R. (See attached 2010 PUD PLAT for detail.) And although the development now had split ownership in the commercial area Tracts there was no provision for how the square feet or residential units were to be distributed among the various properties with various owners of lots in the commercial tracts. The approved modifications reduced residential potential to 1,566 (reduced by 727), and increased commercial potential to 2,000,000 (an additional 315,000 sf).

Also during 2013, the Avent Family filed covenants for what mostly became The Park at Oxford Commons office condominium in portions of Tract C, but also what became what is now Tract B2, the church site. Other lots in Tract C were not included on this set of covenants.

2014

In May of 2014 a Site Plan for The Blake assisted living facility was approved on a 4.01 acre portion of Tract E for an 84,185 sf facility. (The staff report states that it was part of Tract C, but it was on Tract E.) Then when the PUD was amended in June of 2014, this site became Tract S, and allotted only 60,000 square feet; even though it was already approved for the larger structure. This mistake must have been an oversight.

Then Oxford Commons was further modified in 2014 (Case #1808) as ownership of Tracts and subsets of Tracts changed, and market based desires for commercial vs. residential uses evolved. In June of 2014 a request was made by David Blackburn and the R.J. Allen Company with a primary stated reason to correct a mistake in Tract M, but multiple other changes to use and density allocation were made. There is no explanation of all proposed changes in City records, but changes were approved to Tracts B2, E, J, L, M, N, O, P, Q, and the new Tract S was created. (See attached 2014 PUD PLAT map for detail.) And once again, there was no provision for how the square feet or residential units were to be distributed among the various properties with various owners of lots in the commercial tracts. The change further reduced residential potential to 1,462 (reduced by 104) and also decreased commercial potential to 1,285,000 (reduced by 715,000 sf).

2015

In December of 2015, David Blackburn, now representing the Blackburn Group on behalf of Oxford Commons, proposed more substantial modifications to the Plan Data Table and Map for the Oxford Commons development (Case #2018). These included changes to the sizes, use designations, and density allotment of the Plan Data Table, a reduction in the number of roads to the north and south, and a correction regarding the designation of Commercial vs. General Business requested by City staff. The submitted proof of change that was given to support the request included:

1. A major change in land use character of the areas due to platting of the Preserve and Heights subdivisions (although the southern portion of The Heights is not in the PUD);
2. Over 50 acres of green space had been set aside in Tracts E, G, and N;
3. That the northern connection from Sisk to Hwy. 30 was complete and the Sisk Extension south to Hwy 6 was being planned; and
4. A small commercial area (Tract P) was needed for service commercial uses in the residential area.

There is no explanation of the intent of all proposed changes in City records, but changes were approved to Tracts A (split into A and A1), B1, B2, G, H, I, J, L, M, N, P, Q, and R. (See attached 2015 PUD PLAT Map for details). A new restriction was added that all residential units in Tract A were to be limited to individual ownership. No reason for that restriction is noted in the files. Also, once again, there is no provision for how the square feet or residential units are to be distributed among any future owners of the various commercial properties and lots in Tracts A, A1, B1, C, and J. But overall development potential did not change, remaining at 1,462 residential units (detached and multi-family) and 1,285,000 sf of commercial development.

Staff was concerned to learn that the road network requirements were reduced with this modification. One of the big concerns at Oxford Commons is the insufficient connectivity for this fast growing neighborhood. No explanation of the reason why the change was accepted is in City records. This change resulted in further reductions to the residential and commercial potential overall for reasons that are not stated.

2016

Construction proceeded in the residential and commercial areas after this approval; but a problem arose when a very large preliminary plat (#2060 in May) for 597 lots (of which 461 were to be in the residential areas of Oxford Commons, and 136 (10 north of Tract G and the rest south of Tract M) in Lafayette County. It included all or parts of Tracts E, G, N, and M + plus areas of "The Heights" and "The Preserve" in Lafayette County. It resulted in two problems.

First, the required traffic study revealed that development was generating more traffic than had been anticipated. While the Preliminary Plat was approved the traffic study indicated that between the new residential development, the expanding commercial development, and the opening of Oxford High School; trip generation was exceeding what had been expected and development would have to be limited until improvements were made to the Hwy 7 and Sisk intersection. A letter in September of 2016 from the Director of Public Works and the Director of Planning informed the owners of the major remaining undeveloped areas of this restriction. Since that time attempts have proceeded to resolve the intersection constraint without resolution.

Second, the Preliminary Plat will expire in May of 2018 unless all lots have received a Final Plat. At this time that appears very unlikely. To date, no lots in Tract N have received a Final Plat, and ten lots north of the PUD boundary have not. It is unknown if Lafayette County has given Final Plats to the lots in The Heights.

2017

In March the owner of lots 10,11, and 12 in Phase 1 (Sites A 1.3, A 1.4, and A 1.5 on the PUD Tract Guide) proposed combining those lots (Case #2164). The effort was stopped by opposition from the owners of Tract A.

In May (Case #2184) the owner of two lots in Tract C (Sites C 4 and C 5 in the PUD Tract Guide) proposed combining those lots. That effort was stopped by opposition from owners in The Park at Oxford Commons. Also in May an unauthorized subdivision of a lot in Tract A1 (Sites A1.11, A 1.12, and A 1.13 on the PUD Tract Guide) was corrected (Case #2165) by creating three additional lots. There was no opposition.

In June a site plan for a Hyatt Hotel (Case #2199) was approved for a portion of a property in Tract A1 (Site A 1.1 on the PUD Tract Guide). Also in June a subdivision modification (Case #2198) was approved to adjust lot boundaries of several lots in Tract A1 (Sites A 1.1, A 1.2, A 1.6 and A 1.7 on the PUD Tract Guide). There was no opposition.

In November a Site Plan was approved for a mixed retail center, The Alexis, (Case # 2246) was approved (Site A 1.6 on the PUD Tract Guide). And on November 17, staff received a letter from Kenlan Development stating that they were removing three tracts (Phase 1, lots 10,11, and 12) (Sites A 1.3, A 1.4, and A 1.5 on the PUD Tract Guide) from the PUD, although this had no impact on the zoning of the property.

In late November of 2017, the new Land Development Code and zoning map were adopted, and on December 4 the rezoning requests were received. On December 11, as a part of the research required for this report, staff sent a letter to David Blackburn requesting any covenants applicable to the entirety of Oxford Commons. The evaluation of Oxford Commons resulting from those requests led to the assessment and recommendations below.

Assessment

The development plans for Oxford Commons retains the original intended characteristics of single family detached housing of varied densities to the east, and commercial, multi-family, or mixed-use development to the west. Major changes made since the initial 2005 version include changing the use of large properties to accommodate a schools and a church; and ongoing changes back and forth of some properties from mixed-use to single purpose development. The modifications approved in 2010, 2014, and 2015 reflected changes ownership, size or location of Tracts, density changes, mix of uses desired; with the change requested by representatives of the majority property owner. Such changes in PUDs usually reflect changing market conditions and are not unusual for such a large property over a twelve-year span of development to have seen such modifications.

What is unusual for such a development is that while it has a Planned Unit Development zoning, there does not appear to be any centrally planned management of the development such as central controlling covenants. There are covenants for the Office Park, for the Residential Areas (and accompanying Design Guidelines), and (although seemingly not enforced) covenants for the original PUD area (Part 1 – current Tracts A1 and B1). The only, albeit limited, central controlling information is the Plan Data table (with footnotes) on the maps submitted when changes were proposed and that has no provision for how density is to be distributed among the various properties that comprise some of the Tracts. Further, there is no evidence of any covenants for the other portions of the commercial areas encompassing the current Tract A, portions of Tract C not in The Park at Oxford Commons, Tract J, and Tract S.

The majority of remaining undeveloped property in Oxford Commons is designated for residential uses: to the east Tract N with lower density residential uses, and to the south Tract E with higher density residential uses. Tracts G, L, and M (and the residual portions of The Heights) are already substantially approved or developed. There are few management problems with this portion of the development as it remains under central ownership. Its current constraint is an agreement with the City to limit annual home construction in the residential areas prevent “clear cutting” on the large residential areas of the large Preliminary Plat, and traffic constraints which are holding up any construction at this time. Tract E, designated for higher density residential uses cannot proceed until access roads to the south are available to develop.

The majority of remaining undeveloped property designated for commercial and mixed use development is in the current Tract A and Tract B1. These, so far, retain central ownership and thus control. The areas of greatest concern are the remaining undeveloped commercial areas in Tract A1 (6 lots with three owners), Tract C (5 lots with two owners), Tract J (two geographically separated small areas (one a lot and one a portion of a larger property with one owner). These are problematic because of previously discussed issues with density and distribution.

This fractured ownership is the center of the problem with the remaining commercial areas of the Oxford Commons development. The mixed ownership within this PUD district, the lack of a distribution system for allotted density in the commercial areas, and an evolving economic climate, have led to frustrations of some owners, and mistakes in the application of the Plan Data sheet. The examples below (noted more fully on the provided attachment) are indicative:

- Tract A1 - Within Tract A1, there are four remaining vacant properties. A total of 223,750 square feet was allotted to this Tract, but 234,806 square feet have already been authorized for approval. This means the City has authorized over 11,000 more square feet of development beyond what it had approved in 2015, and that the owners of the six remaining vacant tracts (on just over 7 acres) are left with no development potential.
- Tract C - Within Tract C, of the 347,802 square feet allotted in the Plan Data Table, the five remaining vacant lots facing Sisk (on just over six acres) with no approved development are to share only 138,602 remaining square feet with no method in place to determine distribution.
- Tract J – Tract J is shown on the 2015 Map in two separate locations with a total of 4 acres, but just the northern portion contains over five acres; so the stated size and allocations are not correct.
- Tract S - The Blake development, was approved to be 84,185 sf in May 2014; and then authorized in Tract S on the Plan Data Table in June 2014 for only 60,000 square feet, exceeding its allotment by over 20,000 sf.

These are just some of the problems discovered in the analysis of the Oxford Commons that need to be resolved. There are three elements that must be managed and balanced for a successful Planned Unit Development – the zoning (regulatory), the governance (management), and the development (marketing). Those elements are not working together at Oxford Commons.

Evaluation

After a deep and careful analysis, the staff finds that the development situation in the commercial/mixed-use portions of Oxford Commons are complex, confused, and convoluted, stemming from the lack of sufficient central planning that is supposed to be the centerpiece of this type of development. The result has been inadequate oversight, further confusing the evolving ownership pattern. Mistakes have been made by the developer and the City.

A Planned Unit Development (PUD) is traditionally controlled by a central set of governing covenants, with clear standards for what can be developed where. Usually building lots are sold by the developer to developers who fully understand the limits and controls on the property. At Oxford Commons, in the western portions, ownership is fractured and diverse

with only the “Plan Data” table that sets densities for residential and commercial areas for the various Tracts (A-S) in the PUD mapped area without other controls to rationally distribute the allotted density to the various parcels and lots in those Tracts.

Further, the Plan Data sheet just sets limits for “residential units” vs. “commercial square feet”. That is contrary to how the new Land Development Code governs uses, in that multi-family residential uses are now governed by limits on bedrooms, not units; and there are also square foot limits for the zoning district as a whole, not just for commercial uses. Just limiting dwelling units is inadequate regulatory control for multi-family development. This leaves the commercial and multi-family areas of Oxford Commons at odds with the prevailing and adopted standards for the rest of the City for mixed-use development and multi-family housing. Whatever decision is made regarding zoning for any properties in this development, these standards need to be modified to reflect the current direction of the City in regard to the nature of commercial zoning districts and how multi-family residential density is calculated.

Further, in reviewing the Plan Data Table adopted in 2015, it was realized that the limiting data are now in substantial conflict with the current Comprehensive Plan and Land Development Code both in philosophy as well as regulatory standards. The densities set in the commercial areas are very lot by current standards and are at odds with the direction of the City for sites with commercial zoning located at intersections along Hwy 6 or Hwy 7.

Recommendation:

Staff believes that the requests for rezoning for the three lots that comprise Case #2263 and the two lots that comprise Case #2264 are not supportable. To take five lots out of the current PUD zoning; leaving the residual portions of the development within that zoning is not rational, and the requests are not recommended for approval.

Staff is, however, deeply concerned regarding the haphazard management structure discovered at Oxford Commons with no central governing documents, and no discernable method of determining distribution of development potential within the commercial Tracts comprised of multiple lots with multiple owners. Staff is equally concerned with the mistakes discovered in the development approvals for Oxford Commons, and also that the regulatory structure differs so significantly than elsewhere in Oxford.

For these, and the other supporting reasons below, the staff contemplated recommending either:

1. Rezoning of the entire PUD district, or just the commercial portions, of Oxford Commons to the underlying zoning, or
2. Modifying and updated the PUD regulatory structure to correct the mistakes and to provide a better and more rational system for managing the development of residual properties at Oxford Commons.

After extensive evaluation, staff is recommending modifications to the PUD rather than a reversion of the zoning to underlying zones for the reasons noted below.

Rezoning: Given the difficult history of this development, as outlined below and in attached documents, staff believes that it could be prudent to consider rezoning the entire development to the current underlying zoning. In some ways this would actually be the least disruptive change, since this property does not function as intended in a Planned Unit Development, and the recently adopted underlying zoning would be rational for the development that is planned or contemplated and would be more market flexible.

The residential areas would see little substantive change if the zoning were changed, since the underlying zoning reflects the intended uses on the Plan Data Table. And since most of the residential areas are already development or platted, and are already governed by covenants and design guidelines, they could function and be managed without PUD zoning.

But outside the areas designated for residential uses, there is insufficient central planning and there are too many owners with differing development plans. While The Park at Oxford Commons functions coherently, and the schools function coherently; the remaining vacant properties have multiple owners and with differing development plans. Further, the current constraints do not reflect current marketing trends or the direction of the Vision 2037 Comprehensive Plan.

But such an “unzoning” would leave other complex issues to resolve given the past history of this project. Therefore, staff has instead decided to recommend modifications to the PUD.

Modification: Although this will be a more complicated approach, staff believes it will ultimately be the least disruptive to property owners and residents at Oxford Commons. As noted both the intended development pattern and the application of it are riddled with problems and it must be corrected as well as updated. Changes necessary to “fix” the PUD management will need to include:

1. Establish methods for distribution of allotted density (residential and commercial) for each property in each Tract;
2. Changing all Tracts designated for Commercial to allow Mixed-Use development (as is allowed in all other commercial districts in Oxford);
3. Establish baseline square feet (based on floor area ratio) for each Tract with mixed-use potential to include both residential and commercial potential;
4. Changing the density calculation method for multi-family residential uses to bedrooms per acre rather than per unit (as is now used throughout Oxford);

5. Modifying the overall densities to allow sufficient development potential for the remaining vacant commercial properties. While the potential will be higher than what is currently allowed, staff is recommending a lower density potential for commercial and residential uses than allowed in the underlying zoning districts reflecting the generally lower density that has been previously approved at Oxford Commons.
6. Modify the Tract G boundaries and amend the Plan Data Table to include the 10 lots approved in the Preliminary Plat that have now been annexed into the City.
7. Establishing “subsets” for Tracts A, A1, C, D, and J to reflect that they are already multiple properties, some with mixed zoning, some developed, some still vacant.

While these changes are complex, they are collectively a less drastic measure than a full change in the zoning for these properties; but will still correct existing problems and mistakes and allow reasonable development potential for the remaining undeveloped commercial properties.

The proposed revised Map and Plan Data Table (with revised footnotes) are attached (see Proposed Plan Data Sheet and PUD PLAT Map). This increased level of detail will also allow staff to avoid the mistakes in development review for future submittals from Oxford Commons. All proposed changes going forward would be considered in relation to the detailed Plan Data Table and it can be updated as necessary to avoid confusion and problems of interpretation.

The City has the authority to propose these changes to protect both the property owners and the interests of the City at this location. But it is a modification of the existing zoning limitations for the district and requires justification in terms of mistake, change and need. Given the many mistakes and problems at Oxford Commons, staff believes there is sufficient evidence of mistakes, change, and need regarding the Planning Unit Development zoning district for the properties known as the Oxford Commons Development to support the recommended modifications. This revision provides reasonable development potential for all Tracts allowing commercial or multi-family uses with vacant property, but does not modify the proposed detached dwelling development potential.

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

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

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

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

EVIDENCE OF CHANGE AND NEED OR MISTAKE

Mistakes

- A mistake was made by the City in 2017 during the most recent comprehensive zoning in not modifying the residential designation on the Plan Data sheet to indicate a limit based on bedrooms per acre with a square footage upper limit; changing the “Commercial” designation to “Mixed-Use” as is now allowed in every other commercial district in the City, and establishing overall development limits.
- Mistakes were made in 2015 by the developer and the City in approving less development for Tract S than had already received site plan approval, and approved more development in Tract A1 than was authorized on the Plan Data sheet.
- Mistakes were made in 2015 in accounting for the location, actual size and proportional development potential for the two sites shown collectively as Tract J.
- Mistakes were made in not differentiating between the portion of Tract D used for an Elementary School and establishing a density threshold for the portion of Tract D that is intended to be used for School Board Administrative office.
- A mistake was made by the developer in 2015 in not proposing, and the City by not requiring, a density distribution method for a development that did not retain common ownership until development. This resulted in insufficient density to allow any development of some properties without a modification to the district, and leaving only limited development potential for other lots.

Change:

- The Vision 2037 Comprehensive Plan, adopted August 2016, encourages mixed-use higher density development at certain locations, particularly near intersections with commercial zoning adjoining Hwy 6 and Hwy 7; not reflected in the 2015 Oxford Commons modifications.
- The Vision 2037 Comprehensive Plan sets a direction for Oxford that is aligned very strongly to the original intent for Oxford Commons. The first approvals indicated a mixed-use town center with multi-story buildings that incorporated the potential for residences. Beyond that were the residential areas. The current allowed densities that evolved since 2005, culminating with the 2015 modification, are substantially less than in the original vision, and less aligned to the current Comprehensive Plan.
- An area north of Tract G was approved within the 2016 Preliminary Plat to include 10 subdivision lots. At the time it was in Lafayette County, but has since been annexed. Since these lots will only have access through the PUD area, the boundary of the PUD should be expanded to include these ten lots as an addition to Tract G.
- The Preliminary Plat approved in May of 2016 for 567 lots in all likelihood cannot be fully built within the required time frame of two years (May 2018) due to restrictions on building agreed to by the developer at the Planning Commission. Final plats have been recorded for areas within Tracts G and M; but not the larger bulk of lots within Tract N or the 10 lots in the most northern portion that was annexed in 2017. Also, not all areas of The Heights, located in Lafayette County, have received Final Plat approval. This pending expiration needs to be considered.
- Densities closer to what is allowed in the underlying zoning would allow more than the currently allowed density, but less than allowed in the underlying districts, would be more aligned to the development intensity patterns envisioned in the Vision 2037 Comprehensive Plan and Future Land Use Map.
- With the adoption of the Vision 2037 Comprehensive Plan and the new Land Development Code adopted in November of 2017, the City of Oxford has moved away from single purpose commercial zoning districts. Residential uses (albeit with restrictions to avoid “purpose built” student oriented housing) are now encouraged as a means of supporting retail and office options nearby or on lower floors. Modeled on the beloved mix of The Square, mixed-use centers, whether commercial next to residential, or commercial and residential in the same buildings, are designated for the future for Oxford. The residential mix is needed to provide the number of residents needed to support the walkable Town Centers that are desired.

- Another substantial change since 2015 is in the increasing bifurcation of ownership at Oxford Commons of the remaining undeveloped properties in the commercial areas; made confusing and problematic by the lack of a system for distributing allowed density.
- By-right mixed-use potential is now encouraged in all commercially zoned properties in Oxford; leaving Oxford Commons and its restrictions as the only remaining location of properties without by-right mixed-use potential.

Need

The City of Oxford is swiftly evolving from being a small city with a university into a regional center for education (housing a major university), medical care, shopping and dining, and entertainment. Along with that has come substantial growth in population among a wide range of types – students and educators, families and single professionals, service professionals and support personnel, and retirees are all coming to Oxford to work and enjoy our diverse and admirable quality of life. This has led to shortages of housing options for all but one group – undergraduate university students, and a general lack of affordable housing options.

A part of the Vision 2037 Plan vision, encompassed in the new Land Development Code, is to encourage a broader scope of housing availability. Modifying the restrictions that are encoded on the Plan Data sheet that accompanies this PUD zoning district would allow in a few areas, most to the north and taking access to the road that leads north to the Hwy 30/Hwy 7 intersections, more development potential than currently allowed. Any development would still be constrained by required traffic studies, but with more roads being built and others soon to be contemplated in a Transportation Plan now underway; allowing additional development with mixed-use potential, would work toward that vision of more and more diverse forms of housing beyond what is intended to serve undergraduate college students.

Significant changes to the development patterns at Oxford Commons have occurred in the 13 years since the PUD district was originally approved, reflecting fluctuating market conditions. Such changes not unusual, and should be expected. The development potential staff proposes for the remaining developable properties in Tracts A, A1, C, E, J, and P are appropriate for this location and respectful of the original intent for the Oxford Commons development. Densities lower than allowed in the underlying zoning are proposed, but they reflect current planning philosophy, and current methods of setting a total limit on development, not just for commercial potential; and regulating multi-family residential by bedroom limits, not dwelling units. (There is an option to request higher multi-family density in some Tracts by special exception.)

Conclusion:

The Oxford Commons development is not what it was originally going to be, it is lower density and more suburban than the original intent. It is not where the City of Oxford is now philosophically; which is more neighborhood type mixed-use centers with higher density surrounded by lower density residential areas. It does not do what it was supposed to do, and it is riddled with mistakes and problems. There have been mistakes on the part of the various developers and the City, there have been changes affecting the Plan Data Sheet and the general regulatory direction of the City, and there is need to change to address problems and to correct mistakes. Staff recommends that the Planned Unit Development zoning district be modified to reflect the attached corrected and expanded Map, Plan Data Table and accompanying footnotes.

If no changes are made at Oxford Commons, there will be substantial negative economic impact on current owners, the City, and owners of remaining developable property. It is in the best interests of all concerned for this zoning to either be removed, or the controlling mechanisms to be corrected and modified to allow development that will be appropriate at this important location along Hwy 7, near Hwy 30. What was stated in the rationale for the 2010 changes is valid now, and staff believes that:

“Economic circumstances under which the original development was approved have changed and so there is a need to revisit the original assumptions of the approval.”

Further, as that applicant (Murray Avent) stated in the June 2014 submittal “A Planned Unit Development requires and encourages mixed use development”, yet the submittal the very next year limited mixed use potential in Oxford Commons. That potential need to be restored. At this time, economic circumstances, regulatory mechanisms, City of Oxford Land Use policies have changed. These necessitate revisions to the 2015 Map and Plan Data Table for Oxford Commons.

Consequences of No Action - If no changes are made at Oxford Commons, having completed the study that reveals the multiple mistakes and problems, staff will not be able to process any additional requests for site plan or subdivisions there until there is a proposal from the entity purporting to represent all of Oxford Commons for correcting the mistakes and discrepancies discovered in the noted Tracts. There are, again, corrections needed to adjust Tract A1, Tract C, Tract D, Tract E, Tract G, and Tract J. The corrections are to overall acres, distribution of density, size of Tracts, and size of already completed development.

Further, for any submittal going forward the development will be required to submit evidence that supports the requirement (Note 1) of limiting development (land area occupied by residential, business, public and other, buildings and accessory structures) to 45%, and that the requirement (Note 2) of providing 20% of total land area for passive or active recreation (112 acres) is being met. There is no collective summary supporting data for either in the city records.

Further, for any proposals to modify the Plan Data Table, the submitter will be required to provide evidence that all owners of vacant property in the PUD have been informed as to the proposed changes; and that proof of agreement to the change to property they own must be submitted in writing.

Further, for any submittal going forward, the development will be required to indicate which Tract or Tracts are affected by the proposal, and to show that all affected property owners in a Tract have agreed to the proportion of allotted density assigned to the property on the submitted site plan.

ATTACHMENTS LIST:

Rezoning Request
PUD Tract Guide
PUD PLAT 2005
PUD PLAT 2010
PUD PLAT 2014
PUD PLAT 2015
Oxford Commons "As Built" Analysis
Oxford Commons Proposed Plan Data Table
Oxford Commons Plan Data Table Notes Modification 2018
Oxford Commons Revised PUD PLAT
Oxford Commons Summary 2018 PUD Map Modifications
Traffic Memorandum September 2016
Letter Requesting Oxford Commons Managing Documents



OXFORD

PLANNING
DEPARTMENT

APPLICATION FOR ZONING MAP AMENDMENT

Applicant's Name Kentlan Development-Oxford, LLC

Mailing Address 5100 Wheelis Drive Suite 210 Memphis TN 38117

Address of Property in Question Commonwealth Blvd PPIN # _____

Telephone Number (s) Day 901.383.2424 ext. 302 901.491.4489

Interest in Property ☒ Owner ☐ Leaseholder ☐ Option to Purchase ☐ Other Legal Interest

Present Zoning Classification of Property PUD

Proposed Zoning Classification of Property Suburban Corridor

Legal Description of Property (Include all subdivision lot numbers or metes and bounds description and tax parcel numbers)

Lots 10, 11 and 12 of Oxford Commons Phase Two

What changed or changing conditions make the passage of this amendment necessary?

The underlying zoning of the Property - and the surrounding properties - has changed to Suburban Corridor, allowing for and encouraging mixed use development. The current PUA zoning of these lots is inconsistent.

What other circumstances justify the proposed change?

Covenants and restrictions that govern the Property and surrounding properties - recorded in 2005 - allow for and encourage mixed use, consistent with Suburban Corridor zoning.

What error(s), if any, in the Zoning Map would be corrected by the proposed amendment?

No "error" per se, only the assurance that the intended use of the Property, the zoning and the covenants and restrictions are consistent.

Signature of Owner or Authorized Agent H. Lane Fournet, Jr. Date 12.4.17

A legal description and a plat showing the land area affected by the proposed amendment, zoning classification of the area and all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties must be attached along with a filing fee payable to the City of Oxford.

FOR CITY USE ONLY

Date Filed _____

Date of Public Hearing _____

Decision of Board of Adjustment _____

Effective Date _____

Zoning Administrator

Date



APPLICATION FOR ZONING MAP AMENDMENT

Applicant's Name REBEL Hospitality, LLC

Mailing Address P.O. Box 8039 Meridian, MS 39303

Address of Property in Question Lots 16 & 17 Oxford Commons PUD Phase I Tract C Part 2 PPIN # 33597 & 33598

Telephone Number (s) Day _____

Interest in Property ☒ Owner ☐ Leaseholder ☐ Option to Purchase ☐ Other Legal Interest

Present Zoning Classification of Property PUD (Agriculture underlying zoning)

Proposed Zoning Classification of Property PUD (SCN underlying zoning) Suburban Center

Legal Description of Property (Include all subdivision lot numbers or metes and bounds description and tax parcel numbers)

Lots 16 and 17 Oxford Commons Phase One

What changed or changing conditions make the passage of this amendment necessary?

The underlying zoning has changed to Suburban Center, as has that of the surrounding property. This zoning allows for and encourages mixed use development and density. The current PUD zoning is inconsistent and unduly restrictive.

What other circumstances justify the proposed change?

There are recorded covenants and restrictions that govern the Property that are consistent with Suburban Center zoning and encourage mixed use development. The current PUD zoning is inconsistent with these CC&Rs as well.

What error(s), if any, in the Zoning Map would be corrected by the proposed amendment?

No "error" per se, only the assurance that the intended use of the Property, the zoning and recorded covenants are consistent.

Signature of Owner or Authorized Agent [Signature] Date 12/1/17

A legal description and a plat showing the land area affected by the proposed amendment, zoning classification of the area and all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties must be attached along with a filing fee payable to the City of Oxford.

FOR CITY USE ONLY

Date Filed _____

Date of Public Hearing _____

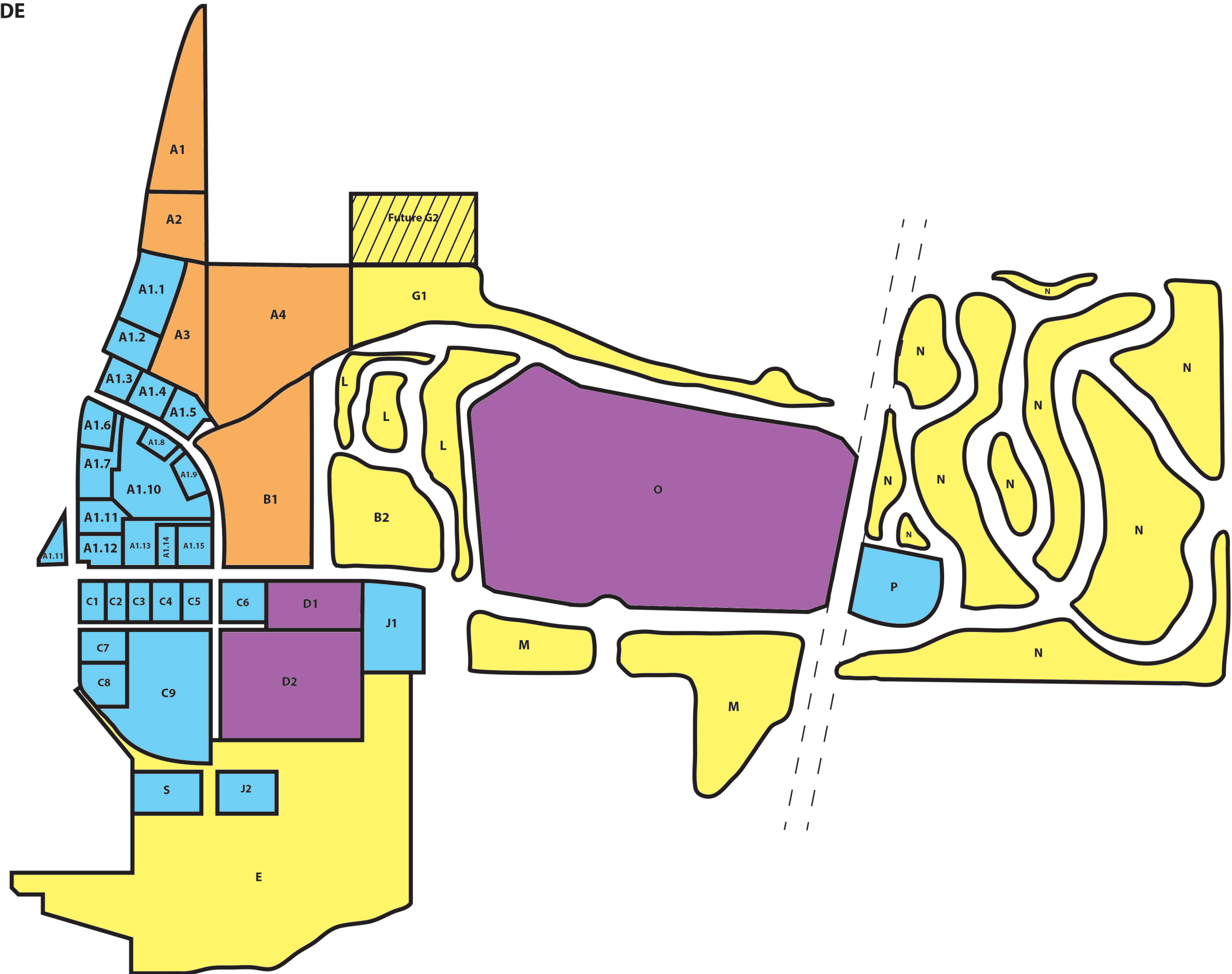
Decision of Board of Adjustment _____

Effective Date _____

Zoning Administrator

Date

OXFORD COMMONS
PUD TRACT GUIDE
(Revised)



Plan Data

Tract	Tract Area	Residential Units	General Business/ Mixed Use
Tract A*	± 63.9 Ac.	± 64 Units*	± 775,000 s.f.*
Tract B1	± 16.7 Ac.		± 180,000 s.f.
Tract B2	± 10.8 Ac.	± 108 Units	
Tract C	± 28.6 Ac.		± 310,000 s.f.
Tract D	± 15.0 Ac.		
Tract E	± 25.9 Ac.		± 280,000 s.f.
Tract F	± 34.1 Ac.	± 195 Units	
Tract G	± 17.1 Ac.	± 100 Units	
Tract H	± 12.8 Ac.	± 128 Units	
Tract I	± 6.1 Ac.	± 72 Units	
Tract J*	± 5.2 Ac.	± 70 Units*	± 56,000 s.f.*
Tract K	± 3.4 Ac.	± 40 Units	
Tract L	± 53.9 Ac.	± 540 Units	
Tract M*	± 8.3 Ac.	± 112 Units*	± 84,000 s.f.*
Tract N	± 28.4 Ac.	± 284 Units	
Tract O	± 31.9 Ac.	± 185 Units	
Tract P	± 30.6 Ac.	± 175 Units	
Tract Q	± 29.7 Ac.	± 172 Units	
Tract R	± 47.8 Ac.	± 48 Units	
Lake	± 43.1 Ac.		
ROW/Misc.	± 46.7 Ac.		
Total	± 560 Ac.	± 2,293 Units	± 1,685,000 s.f.

Notes:

1. Land Area Occupied by Residential, Business, Public and Other Buildings and Accessory Structures Shall Not Exceed 45% of the Total Land Area.
 2. Oxford Commons Planned Unit Development Shall Provide at Least 20% of Total Land Area for Passive or Active Recreational Purposes.
 3. Business Uses Not to Exceed 25% of Total Land Area.
 4. At the Submittal of the Recorded Plan the Developer Shall Establish a Set of Covenants Running with the Land Providing for an Automatic Membership in the Homes Association.
- * Residential Units and General Business SF Totals which occur within Mixed Use Areas.

LEGEND

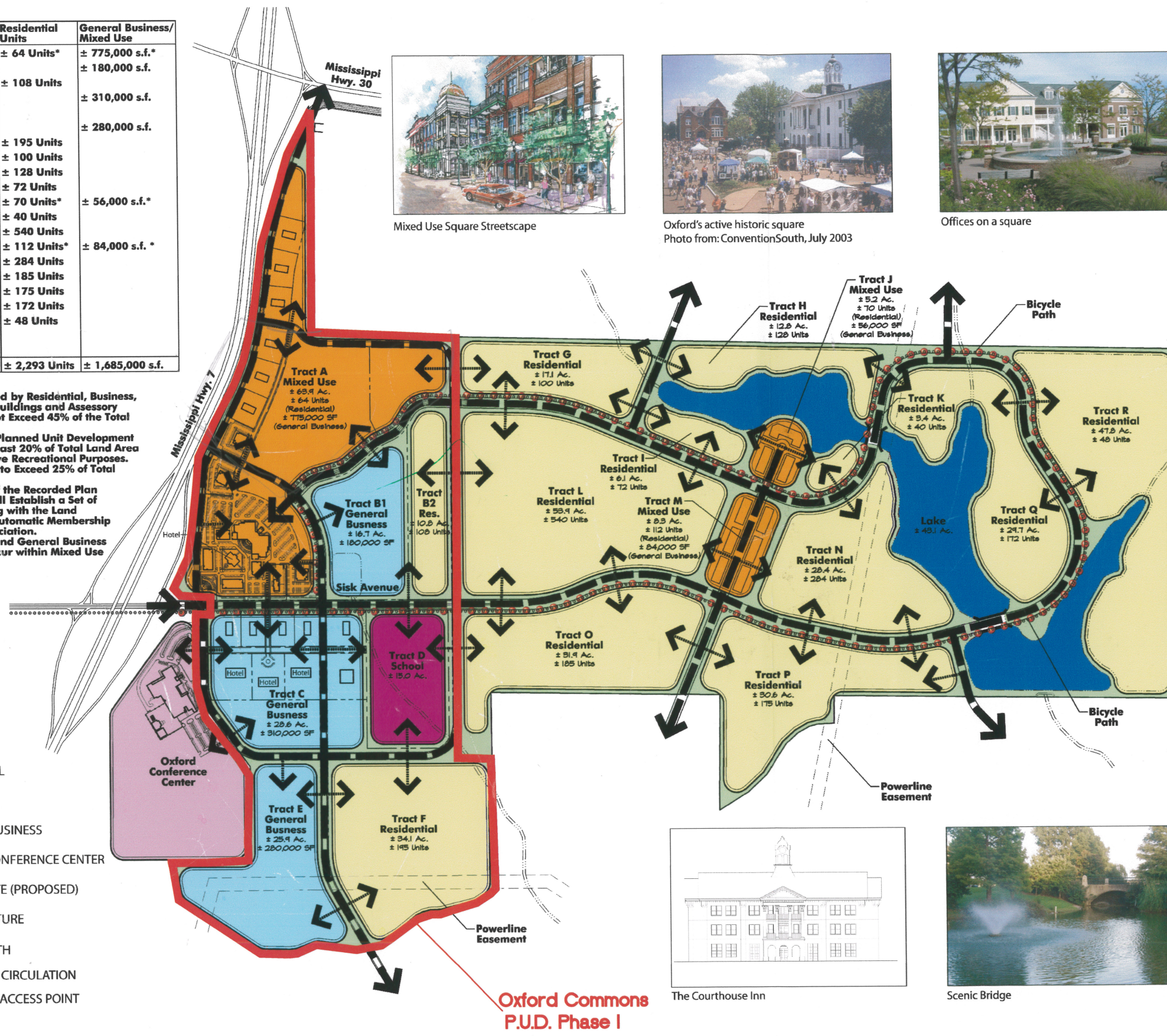
- RESIDENTIAL
- MIXED USE
- GENERAL BUSINESS
- OXFORD CONFERENCE CENTER
- SCHOOL SITE (PROPOSED)
- WATER FEATURE
- BICYCLE PATH
- VEHICULAR CIRCULATION
- POTENTIAL ACCESS POINT
- BRIDGE

Oxford Commons

Planned Unit Development
Kenlan Development, LLC • Memphis, TN
01.03166.07 • February 15, 2005
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**Oxford Commons
P.U.D. Phase I**

ORIGINAL PUD PLAT



Mixed Use Square Streetscape



Oxford's active historic square
Photo from: ConventionSouth, July 2003



Offices on a square



Waterfront estate residential



Bungalow residential



Cottage residential



Attached waterfront residential



Estate residential



The Courthouse Inn



Scenic Bridge



175 Toyota Plaza, Suite 600
Memphis, Tennessee 38103
Telephone 901 521 1440
Fax 901 525 2760
Internet www.lrk.com
Celebration Rosemary Beach
Memphis Nashville Princeton
Architecture Planning Interiors Research

Plan Data

Tract	Tract Area	Residential Units	General Business/ Mixed Use
Tract A*	+/- 63.9 Ac.	+/- 64 Units*	+/- 775,000 s.f.*
Tract B1	+/- 16.7 Ac.		+/- 180,000 s.f.
Tract B2	+/- 10.8 Ac.	+/- 108 Units	
Tract C	+/- 23.3 Ac.		+/- 249,000 s.f.
Tract D	+/- 20.2 Ac.	Residential / School	
Tract E/F	+/- 60.0 Ac.		+/- 650,000 s.f.
Tract G	+/- 17.1 Ac.	+/- 100 Units	
Tract H	+/- 12.8 Ac.	+/- 128 Units	
Tract I	+/- 9.0 Ac.	+/- 106 Units	
Tract J	+/- 7.6 Ac.		+/- 81,000 s.f.
Tract L	+/- 21.0 Ac.	+/- 210 Units	
Tract M	+/- 23.4 Ac.	+/- 185 Units*	+/- 65,000 s.f.*
Tract N	+/- 14.5 Ac.	+/- 145 Units	
Tract O	+/- 65.0 Ac.	Residential / School**	
Tract P	+/- 29.0 Ac.	+/- 170 Units	
Tract Q	+/- 29.5 Ac.	+/- 295 Units	
Tract R	+/- 54.5 Ac.	+/- 55 Units	
Lakes	+/- 35.0 Ac.		
ROW/Misc.	+/- 46.7 Ac.		
Total	+/- 560.0 Ac.	+/- 1566 Units***	+/- 2,000,000 s.f.

Notes:

1. Land Area Occupied by Residential, Business, Public and Other Buildings and Accessory Structures Shall Not Exceed 45% of the Total Land Area.
2. Oxford Commons Planned Unit Development Shall Provide at Least 20% of Total Land Area for Passive or Active Recreational Purposes.
3. Business Uses Not to Exceed 25% of Total Land Area.
4. At the Submittal of the Recorded Plan the Developer Shall Establish a Set of Covenants Running with the Land Providing for an Automatic Membership in the Homes Association.

LEGEND

- RESIDENTIAL
- MIXED USE
- GENERAL BUSINESS
- OXFORD CONFERENCE CENTER
- SCHOOL SITE (PROPOSED)
- WATER FEATURE
- BICYCLE PATH
- VEHICULAR CIRCULATION
- POTENTIAL ACCESS POINT
- BRIDGE

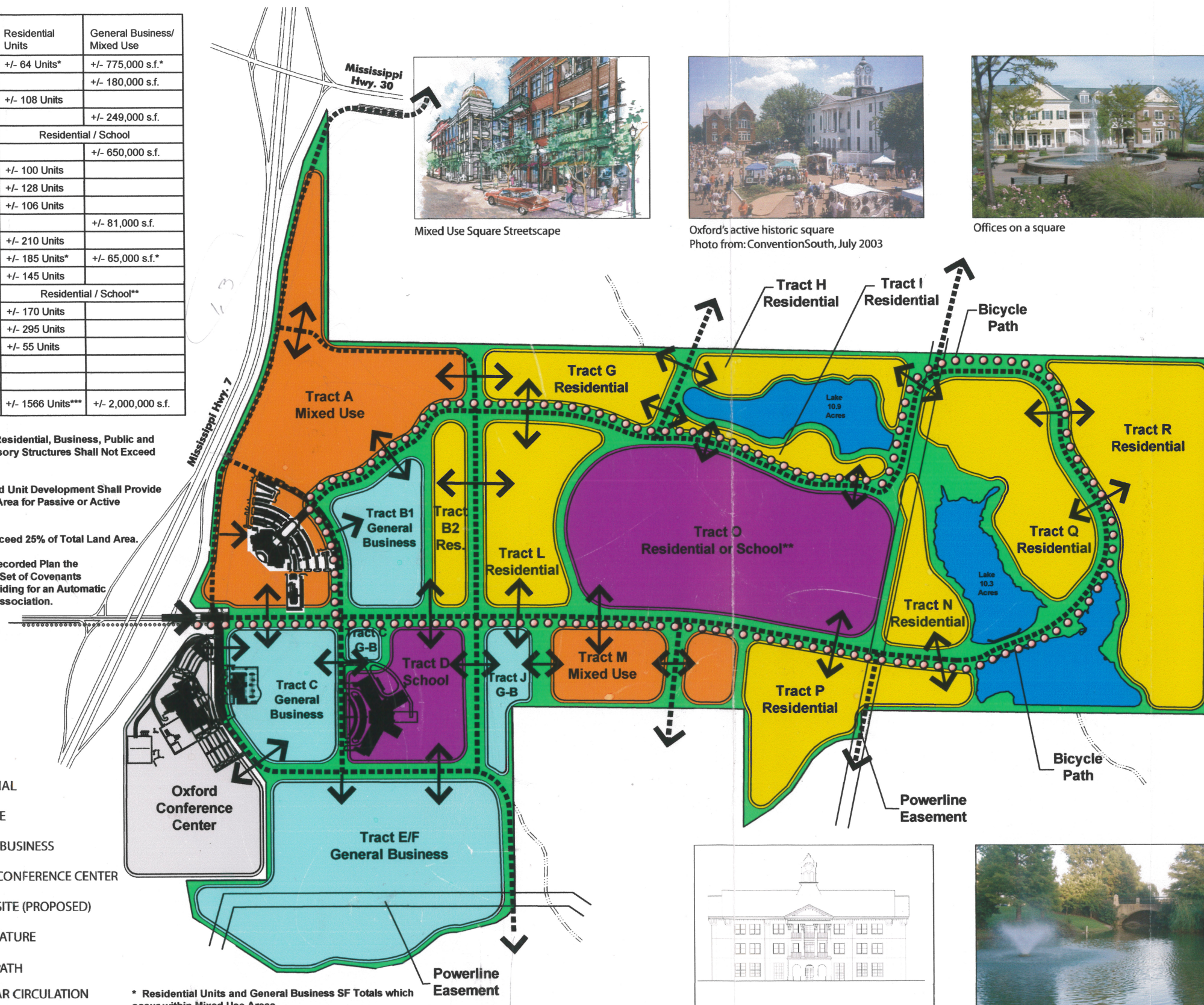
* Residential Units and General Business SF Totals which occur within Mixed Use Areas.
 ** To Be K-12 Public or Private School, College, University or Other Academic Institution of Higher Learning.
 *** If Tract O is Developed as Residential this Number will Increase by 650 Units.

Oxford Commons

Planned Unit Development
 Kenlan Development, LLC • Memphis, TN
 01.03166.07 • February 15, 2005
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REVISED PUD PLAT

2010



Mississippi Hwy. 30



Mixed Use Square Streetscape



Oxford's active historic square
 Photo from: ConventionSouth, July 2003



Offices on a square



Waterfront estate residential



Bungalow residential



Cottage residential



Attached waterfront residential



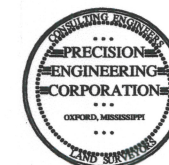
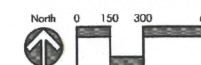
Estate residential



The Courthouse Inn



Scenic Bridge



175 Toyota Plaza, Suite 600
 Memphis, Tennessee 38103
 Telephone 901 521 1440
 Fax 901 525 2760
 Internet www.lrk.com
 Celebration Rosemary Beach
 Memphis Nashville Princeton
 Architecture Planning Interiors Research

Plan Data

Tract	Tract Area	Residential Units	General Business/ Mixed Use
Tract A*	+/- 63.9 Ac.	+/- 64 Units*	+/- 715,000 s.f.*
Tract B1	+/- 16.7 Ac.		+/- 180,000 s.f.
Tract C	+/- 23.3 Ac.		+/- 249,000 s.f.
Tract D	+/- 20.2 Ac.		School
Tract E	+/- 56.0 Ac.	+/- 336 Units	
Tract G	+/- 17.1 Ac.	+/- 100 Units	
Tract H	+/- 12.8 Ac.	+/- 128 Units	
Tract I	+/- 9.0 Ac.	+/- 106 Units	
Tract J	+/- 7.0 Ac.		+/- 81,000 s.f.
Tract L	+/- 31.8 Ac.	Residential / Church**	
Tract M	+/- 13.9 Ac.	+/- 45 Units	
Tract N	+/- 19.7 Ac.	+/- 145 Units	
Tract O	+/- 75.0 Ac.	School	
Tract P	+/- 42.8 Ac.	+/- 170 Units	
Tract Q	+/- 34.7 Ac.	+/- 295 Units	
Tract R	+/- 54.5 Ac.	+/- 73 Units	
Tract S	+/- 4.1 Ac.		+/- 60,000 s.f.
Lakes	+/- 10.9 Ac.		
ROW/Misc.	+/- 46.7 Ac.		
Total	+/- 560.0 Ac.	+/- 1,462 Units***	+/- 1,285,000 s.f.

Notes:

1. Land Area Occupied by Residential, Business, Public and Other, Buildings and Accessory Structures Shall Not Exceed 45% of the Total Land Area.

2. Oxford Commons Planned Unit Development Shall Provide at Least 20% of Total Land Area for Passive or Active Recreational Purposes.

3. Business Uses Not to Exceed 25% of Total Land Area.

4. At the Submittal of the Recorded Plan the Developer Shall Establish a Set of Covenants Running with the Land Providing for an Automatic Membership in the Homes Association.

LEGEND

- RESIDENTIAL
- MIXED USE
- GENERAL BUSINESS
- OXFORD CONFERENCE CENTER
- SCHOOL SITE
- WATER FEATURE
- BICYCLE PATH
- VEHICULAR CIRCULATION
- POTENTIAL ACCESS POINT

* Residential Units and General Business SF Totals which occur within Mixed Use Areas.

** Tract L may be developed as Residential Use with 180 Units maximum or a Church with 15 Acres maximum and the remaining Residential developed at the same proportional density.

Oxford Commons
R.J. Allen & Associates, Inc.
2088 Old Taylor Rd.
Oxford, MS 38655
Phone: 662.513.4194
Fax: 662.236.6840
Email: info@rjaa.com

REVISED PUD PLAT (APRIL 2014)



Mixed Use Square Streetscape



Oxford's active historic square
Photo from: ConventionSouth, July 2003



Offices on a square



Waterfront estate residential



Bungalow residential



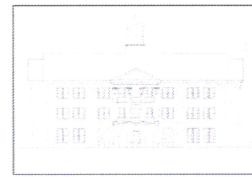
Cottage residential



Attached waterfront residential



Estate residential



The Courthouse Inn



Scenic Bridge



175 Toyota Plaza, Suite 600
Memphis, Tennessee 38103
Telephone 901.521.1440
Fax 901.525.2740
Internet www.lrk.com
Celebration Anniversary Branch
Memphis Nashville Princeton
Architecture Planning Interior Research

Plan Data

Tract	Tract Area	Residential Units	Commercial Use
Tract A*	+/- 40.6 Ac.	+/- 214 Units	+/- 521,250 s.f.
Tract A1	+/- 24.0 Ac.		+/- 223,750 s.f.
Tract B1	+/- 16.0 Ac.	+/- 200 Units	+/- 75,000 s.f.
Tract B2	+/- 10.0 Ac.	Church	
Tract C	+/- 23.3 Ac.		+/- 347,802 s.f.
Tract D	+/- 20.2 Ac.	School	
Tract E	+/- 56.0 Ac.	+/- 464 Units	
Tract G	+/- 25.4 Ac.	+/- 47 Units	
Tract H	OMITTED		
Tract I	OMITTED		
Tract J	+/- 4.0 Ac.		+/- 37,198 s.f.
Tract L	+/-21.8 Ac.	+/- 58 Units	
Tract M	+/- 27.7 Ac.	+/- 93 Units	
Tract N	+/- 145.8 Ac.	+/- 386 Units	
Tract O	+/- 75.0 Ac.	School	
Tract P	+/- 5.9 Ac.		+/- 20,000 s.f.
Tract Q	OMITTED		
Tract R	OMITTED		
Tract S	+/- 4.1 Ac.		+/- 60,000 s.f.
Lakes	+/- 10.9 Ac.		
ROW/Misc.	+/- 49.3 Ac.		
Total	+/- 560.0 Ac.	+/- 1,462 Units	+/- 1,285,000 s.f.

Notes:

1. Land Area Occupied by Residential, Business, Public and Other. Buildings and Accessory Structures Shall Not Exceed 45% of the Total Land Area.
2. Oxford Commons Planned Unit Development Shall Provide at Least 20% of Total Land Area for Passive or Active Recreational Purposes.
3. Business Uses Not to Exceed 25% of Total Land Area.
4. At the Submittal of the Recorded Plan the Developer Shall Establish a Set of Covenants Running with the Land Providing for an Automatic Membership in the Homes Association.
5. Mixed Use Areas can be developed as Commercial and/or Residential Areas as long as they stay within the allotted units and Commercial square footage.

LEGEND

- RESIDENTIAL
- MIXED USE
- COMMERCIAL
- OXFORD CONFERENCE CENTER
- SCHOOL SITE
- WATER FEATURE
- VEHICULAR CIRCULATION
FINAL DESIGN TO BE DETERMINED
- ROADWAY CONSTRUCTION
BY OTHERS
- 36 FT WIDE ROADWAY

Oxford
Conference
Center



Mixed Use Square Streetscape



Oxford's active historic square
Photo from: ConventionSouth, July 2003



Hampton Inn



Estate Residential



Bungalow residential



Cottage residential



Estate Residential



Estate residential



Malco Theater



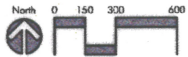
Courtyards

* Residential Units and General Business SF Totals which occur within Mixed Use Areas.

Oxford Commons



REVISED PUD PLAT (DECEMBER 2015)



Oxford Commons Proposed Plan Data Table - January 2018

Tract	Tract Area	Status/ Designated Use	UL Zone	Approved / Built SF	Potential Density	Approved/ Built SFD	Potential MF BR	Potential MF BR [FN3]
A		Commercial (FN2)	SCN	NA	1.5 FAR	20 / 10	39BR/A	52BR/A
A-1	6.89	Vacant			450,192		268	358
A-2	4.05	Vacant			267,627		157	210
A-3	5.22	Vacant			341,075		204	271
A-4	14.49	Vacant			946,777		565	753
A-5	9.9	Built	SR		0	10 / 10	NA	NA
A-6 [FN 1]	10	Approved	SR		0	10 / 10	NA	NA
Tract Total:	50.55				2,005,671		1,194	1,592
A1	(24 acres)	Commercial (FN2)	SCO		1.5 FAR	NA	39BR/A	52BR/A
A 1.1	2.69	Approved Hotel		74,860	0		NA	NA
A 1.2	1.46	Vacant		0	95,396		57	76
A 1.3	1.18	Vacant		0	77,000		46	61
A 1.4	1.32	Vacant		0	86,249		51	68
A 1.5	1.40	Vacant		0	91,476		54	59
A 1.6	1.36	Approved Mixed Retail		15,000	0		NA	NA
A 1.7	2.11	Bowling		35,000	0		NA	NA
A 1.8	0.72	Vacant		0	31,363		28	37
A 1.9	0.93	Vacant		0	40,511		36	48
A 1.10	5.68	Movie		24,000	0		NA	NA
A 1.11	1.70	Approved Hotel		54,632	0		NA	NA
A 1.12	1.70	Approved Dining		7,687	0		NA	NA
A 1.13	1.70	Gas/Retail		6,100	0		NA	NA
A 1.14	0.84	Restaurant		2,000	0		NA	NA
A 1.15	1.59	Mixed Retail		15,525	0		NA	NA
Tract Total:				234,804	421,995		272	349

1. An addition to the size of the PUD is proposed in Tract A (A6) is to account for lots approved outside the PUD that take sole access from the PUD.
2. Commercial zoning in Oxford allows multi-family residential uses above the first floor by-right, and by special exception on the first floor.
3. Higher density multi-family residential (reflecting underlying zoning) allowed by special exception.

Tract	Tract Area	Status/ Designated Use	UL Zone	Built/ Approved SF	Potential SF	Approved/ Built SFD	Potential MF BR	Potential MF BR
B1	16.28	Commercial (FN2)	SCN	NA	1.5 FAR		39BR/A	52BR/A
		Vacant			1,045,440	NA	624	832
B2	10	Church	SR		.4 FAR			
	10			NA	174,240	NA	NA	NA
C	23.3 acres	Commercial (FN2)	SCN		1.5 FAR	NA	39BR/A	52BR/A
C1	1.03	Approved Bank		3,800	0		NA	NA
C2	0.90	Vacant		NA	58,806		35	46
C3	0.95	Vacant		NA	62,073		37	49
C4	1.26	Vacant		NA	82,328		49	65
C5	1.18	Vacant		NA	77,101		46	61
C6	1.91	Vacant		NA	124,799		74	99
C-7	1.54	Hotel		43,400	NA		NA	NA
C-8	1.72	Hotel		68,500	NA		NA	NA
C-9	11.17	Offices		71,000	NA		NA	NA
Tract Totals:	21.66			186,700	405,107		241	320
D (FN)	20.2	School	Mixed		1.5 FAR	NA		
D1	15.41	School	SR	NA	NA		NA	NA
D2	4.63	Vacant/Offices	SCO	NA	302,524		NA	NA
Tract Totals:					302,524			
E	56.77	Residential	SMF		.2 FAR	NA	39BR/A	52BR/A
		Vacant			494,580		2,214	2,952
Tract Totals:					494,580		2,214	2,952

D. Tract D includes two properties with different underlying zoning, so it is now modified to be two subsets, D1 (a school), and D2 (a site for administrative offices).

Tract	Tract Area	Status/ Designated Use	UL Zone	Built/ Approved SF	Potential SF	Approved/ Built SFD	Potential MF BRs	Potential MF BRs
G	25.4	Residential	SR			47 / 44	NA	NA
J (FN)		Commercial	Mixed		1.5 FAR		39BR/A	52BR/A
J1	5.52	Vacant	SCO		360,677		215	287
J2	4.40	Vacant	TNB		98,010		171	228
Tract Totals:	9.92				458,687		386	515
L	21.8	Residential	SR			58 / 36	NA	NA
M	27.7	Residential	SR			93/ 93	NA	NA
N	145.8	Residential	SR			386 / 0	NA	NA
O	75	High School	SR					
P	5.9	Commercial	SR		.2 FAR	6 per acre	NA	NA
		Vacant			51,400	35		
S (FN)	4.1	Commercial	TNB					
		The Blake		84,185	0			
Other Uses								
Lakes	10.9	NA						
ROW/Misc.	49.3							
Totals:								

- J. Tract J was geographically bifurcated in 2015, and the two areas are now shown as Tract J1 and Tract J2. Also it is larger than indicated in 2015.
- S. Tract S was limited to 60,000sf in the 2014 revision, but a site plan for it (The Blake) was approved in May 2015 for 84,185sf, which was not reflected in the June 2015 revision.

Full Summary of Tract Changes

Tract	Tract Area	Designated Use	Potential SF/MF DU 2015 [FN1]	Potential Detached DU 2018	Potential BR @39BR/A 2018	Estimated Potential MF DU [FN 2] 2018	Potential SF 2015	Estimated Potential SF w/DU 2015	Potential SF 2018 [FN3]
A (FN4)	50.55	COM\MU	214	20	1,194	597	521,250	735,250	2,005,671
A1 (FN5)	24.00	COM\MU	0	0	273	136	223,750	223,750	656,799
B1	16.28	COM/MU	200	0	634	317	75,000	275,000	1,045,440
B2 (FN6)	10.00	Church	0	NA	NA	NA	NA	NA	174,240
C (FN 4)	21.66	COM/MU	0	0	241	120	347,802	NA	591,807
D (FN6)	20.20	School	0	NA	NA	NA	NA	NA	302,524
E (FN7)	56.70	Residential	464	Yes	2,211	1,107	0	464,000	494,580
G (FN8)	25.40	Residential	47	44	0	NA	0	NA	NA
J	9.92	COMM/MU	0	0	386	193	37,198	37,198	458,687
L (FN8)	21.80	Residential	58	36	0	0	NA	NA	NA
M (FN8)	27.70	Residential	93	93	0	0	NA	NA	NA
N (FN 8 & 9)	144.32	Residential	386	386	0	0	NA	NA	NA
O	145.80	School	0	NA	0	NA	NA	NA	NA
P	5.90	COMM/MU	0	36	0	0	20,000	20,000	51,401
S (FN 10)	4.10	COMM/MU	0	0	0	0	60,000	60,000	85,000
Lakes	10.90		0	NA	NA	NA	NA	NA	NA
ROW/Misc.	49.30		0	NA	NA	NA	NA	NA	NA
Totals:	644.53		1,462	615	4,939	2,470	1,285,000	1,815,198	5,866,149

NOTES:

1. The 2015 Plan Data Table does not distinguish between types of dwelling units.
2. Dwelling units estimated based on an average of 2 bedrooms per dwelling unit.
3. Change from 2015 - Total density allowed for commercial and residential development.
4. Tract area includes added acres in new A6, approved detached dwelling lots.
5. Multi-family potential bedrooms based on remaining vacant acres in Tract.
6. Maximim density added based on underlying zoning.
7. Detached dwellings may be proposed based on bedrooms per acre density.
8. Potential for detached vs. attached or multi-family units are separated. Only detached are authorized in G, L, M, and N. Detached may be proposed in E and P
9. Preliminary Plat approved May 2016 included lots in Tract N; but no Final Plats have been approved. The plat will expire in May 2018 if Final Plats are not issued
10. Density limit reflect approved and as built The Blake, not reflected on 2014 Plan Data Table.

NOTES:

1. Land area occupied by Residential, Business, Public and Other, Buildings and Accessory Structures Shall not exceed 45% of the Total Land Area (252 acres). Proof of remaining below that threshold must be submitted with each development application.
2. Oxford Commons Planned Unit Development shall provide at least 20% of total land area (112 acres) for passive or active recreational purposes. Proof of how that threshold will be reached must be submitted with each development application.
3. Business uses not to exceed 25% of total land area (140 acres). Proof of remaining below that threshold must be submitted with each development application.
4. At the submittal of the recorded plan the development shall establish a set of covenants running with the land providing for an automatic membership in the Homes Association.
5. Mixed use area can be developed as commercial and/or residential areas as long as the stay within the allotted bedrooms per acre and overall allowed square footage.
6. Each application for development must provide evidence that all owners in the Tract have agreed to any modifications of development potential allotted to each property existing as of the adoption of this modification that results in higher development potential.

Proposed Plan Data Table Note Modifications:

1. Land area occupied by Residential, Business, Public and Other, Buildings and Commercial Accessory Structures shall not exceed 45% of the total land area (252 acres). Proof of remaining below that threshold must be submitted with each development application.

The change reflects the reality that there is no current cumulative tabulation of the land area dedicated to or occupied by the stated structures/uses. It further reflects the reality that it would be very difficult for staff to keep up with a running tabulation of all residential accessory structures. Once a cumulative tabulation is submitted it will be reasonable for staff to keep up with the other items in the future.

2. Oxford Commons Planned Unit Development shall provide at least 20% of total land area (112 acres) for passive or active recreational purposes. Proof of how that threshold will be reached must be submitted with each development application.

The change reflects the reality that there is no current cumulative tabulation of the land area dedicated to the stated purposes. The development should be providing proof of this requirement.

3. Business uses not to exceed 25% of total land area (140 acres). Proof of remaining below that threshold must be submitted with each development application.

Currently the cumulative total of land available for business purposes in Tracts A, A1, B1, C, J, P, and S is just at 130 acres. The change accounts for the reality that most of the commercial area have or will have mixed use potential, so even if land area is used for business purposes, the same structure may also include residential uses. Therefore, the actual land area devoted to business purposes would have to be calculated.

4. At the submittal of the recorded plan the development shall establish a set of covenants running with the land providing for an automatic membership in the Homes Association.

5. Mixed use area can be developed as commercial and/or residential areas as long as they stay within the allotted bedrooms per acre and overall allowed square footage.

The change reflects the modified structure for regulating overall density and residential uses.

6. Each application for development must provide evidence that all owners in the Tract have agreed to any modifications of development potential allotted to each property existing as of the adoption of this modification that results in higher development potential.

The change reflects the need to ensure that all property owners affected by a proposed change have been fully informed as to the impact of the proposed changes on their property.

7. Base multi-family residential density in Tracts A, A1, B1, C, E, and J shall be 39 bedrooms per acre, with a potential for up to 52 bedrooms per acre by Special Exception.

The change reflects an intent to allow greater residential multi-family density in some instances, albeit no greater than the underlying zoning.

Plan Data Table Notes History Notes 2005

1. Land area occupied by Residential, Business, Public and Other, Buildings and Accessory Structures Shall not exceed 45% of the Total Land Area.
2. Oxford Commons Planned Unit Development shall provide at least 20% of total land area for passive or active recreational purposes
3. Business uses not to exceed 25% of total land areas.
4. At the submittal of the recorded plan the development shall establish a set of covenants running with the land providing for an automatic membership in the Homes Association.

Notes 2010 (No changes)

Notes 2014 (No changes)

Notes 2015 (Note #5 added)

5. Mixed use areas can be developed as commercial and/or residential areas as long as they stay within the allotted units and Commercial square footage.

Oxford Commons PUD Map Modifications 2018

Tract A

Reduce size as indicated on Table to reflect acres lost to Tract G.
Change into sub-Tracts 1-4 to reflect existing separate properties.
Adjust residential calculation method and total development potential calculation per Table

Tract A1

Change into sub-Tracts to reflect existing separate properties
Adjust residential calculation method and total development potential calculation per Table

Tract B1

Adjust residential calculation method and total development potential calculation per Table

Tract B2

Adjust development potential calculation per Table

Tract C

Change into sub-Tracts to reflect existing separate properties
Adjust residential calculation method and total development potential calculation per Table

Tract D

Change into Tract D1 and D2 to reflect differing underlying zoning and use intent, and add appropriate development potential calculation for D2.

Tract E

Change into sub-Tracts to reflect existing separate properties
Adjust residential calculation method per Table

Tract G

Adjust size and residential capacity to reflect acres used from Tract A

Tract J

Change into Tract J1 and J2 to reflect differing locations, zoning, and sizes, and add appropriate development potential per Table

Tract P

Adjust residential calculation method and total development potential calculation to reflect underlying Suburban Residential zoning per Table



MEMORANDUM

September 23, 2016

TO: David Blackburn Paul Koshenina
Lance Forsdick Blake Tartt
Thomas Crowson Kevin McLeod

FROM: Bart Robinson, City Engineer *MBR*
Judy Daniel, City Planner *JD*

RE: Probable Development Restrictions at Oxford Commons

We write to all of you, as property owners/developers/consulting engineers in Oxford Commons in regard to what appears to be upcoming temporary restrictions on further development. According to the traffic study done earlier this year for Oxford Commons, 125 more units or developments producing equivalent traffic can be accommodated before improvements at the MDOT-controlled intersection of Hwy 7 and Sisk Avenue would be required. (This study did take into account the new frontage road that has opened to the north.) Those trips, while noted for residential, are inclusive of any other potential development at Oxford Commons.

According to our records, Mr. Blackburn was allotted 50 units for building residential units this year. Last month the Planning Department received a site plan for a new hotel from Mr. Patel. The traffic study determined that it would generate the equivalent traffic of 45 residential unit trips. The hotel site plan will probably be heard at the Planning Commission in November. If it is approved, that will leave only 30 units or equivalent traffic that can be allotted within Oxford Commons until the intersection improvements are at least funded and scheduled to begin, if not under construction. Unless you as a group have determined collectively a different allocation method for the remaining trips that you wish to present to us, they will be allotted in order of application – to the extent they can accommodate what is being proposed.

The City is currently discussing a potential TIF agreement with Mr. Blackburn by which the City and/or MDOT might fund improvements to the MDOT-controlled intersection, but no decisions have been reached. Please note that the City and the County are also actively pursuing a new north/south corridor in the Sisk Extended area that would provide another means of ingress and egress to Oxford Commons. We felt it important that you be aware that the developments you have discussed with us may be delayed because of these intersection improvements, and how we would be dealing with any planned upcoming development proposals. Please contact Bart if you have specific questions about the details of the traffic study.



December 11, 2017

David Blackburn
Murray Avent

Subject: Oxford Commons PUD Development

Dear David and Mr. Avent,

I am writing to you as owners of a substantial amount of developable property in the Oxford Commons development, who have been working with the City on behalf of Oxford Commons as an entity. I am writing to request from you any information in your possession that can verify the status of Oxford Commons as a viable Planned Unit Development entity with central governance. This request is precipitated by two applications that have been received in the Planning Department requesting rezoning from the PUD to the underlying zoning by two other owners of developable property in the PUD. The applicant has provided information to the City indicating that he plans to withdraw from the PUD, stating that he was authorized to do this within the original covenants.

Initial staff research into this request has revealed no evidence in the city files of currently valid overall governing covenants related to Oxford Commons. A primary concern of the City is that the PUD zoning district was granted to a singular entity with overall governing authority over this development; but over time tracts of land have been sold to other owners without evidence of adjustments to the governing covenants. And new tracts of land have been added to (advertised as part of) the Oxford Commons development without being included in the PUD.

Given these confusing factors, it is important for the City to understand if there is currently an overall governing entity for Oxford Commons beyond the PUD zoning, to which all owners are subject. It is unfortunate that when this development was last holistically considered by the City in 2015, that these questions were not resolved. But that was under a different Planning Director who did not think to inquire. Considering how this area has evolved with previously unanticipated development and new owners, however, I believe we need to resolve this question while considering the rezoning requests or other potential action.

Please contact me or Ben Requet if you have any information or questions; or if you wish to meet regarding the proposed actions.

Best Regards,

A handwritten signature in green ink, appearing to read "Judy Daniel". The signature is fluid and cursive, with a large loop at the end.

Judy Daniel, AICP
Director