



Case 2267

To: Oxford Planning Commission
From: Judy Daniel, AICP, Planning Director
Date: February 12, 2018

Applicant: City of Oxford
Owner: Primary Developer – Blackburn Group, City of Oxford School Board, Christ Presbyterian Church, Kenlan Development, Rebel Hospitality, Murray Avent, New Regional Planning, and Multiple Owners of other developed properties

Request: Modifications to Oxford Commons Planned Unit Development District

Location: Oxford Commons Development – Sisk Avenue at Hwy 7 North

Zoning: Planned Unit Development (PUD): Underlying Zoning - Suburban Center, Suburban Corridor, Traditional Neighborhood Business, Suburban Multi-family, Suburban Residential

Surrounding Zoning: Properties to the northeast, east, and southeast are in Lafayette County and (for the first time) zoned low density residential; to the southwest zoning is Neighborhood Residential, to the west zoning is Institutional, and beyond Hwy 7 zoning is Estate Residential; and to the north zoning is Suburban Center.

Planners Comments: This report proposes changes to the governing documents for the portions of the development named Oxford Commons that are zoned Planned Unit Development. The changes do not affect the portions of the Oxford Commons Development in The Summit (in the City of Oxford) and in The Heights (in Lafayette County) that are not within the PUD zoning district. As established in the January report regarding Cases #2263 and #2264 (requests to rezone certain lots), research regarding those requests revealed management problems and mistakes at Oxford Commons that needed correction. Staff has now separated the proposals to modify the Oxford Commons PUD structure from the initial rezoning requests that precipitated it. Thus this report is a staff initiated change to the governing documents, conditions, requirements, and standards of the Oxford Commons PUD zoning district.

The problems at Oxford Commons 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 description of the history and complex evolution at Oxford Commons, presented in the January report, is included as *Attachment "A"* and *Attachment "B"* recaps the staff Evaluation and Assessment of the situation at Oxford Commons, as presented in January.

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 and mechanisms which has led to confusion and mistakes in its application as ownership of developable land has splintered. Aside from the mistakes found, these problems have led to particular problems in relation to the remaining allotted density and uses within Tracts A1 and C where there is split ownership of lots. Since there is no "density distribution" method, and subsequent property owners were seemingly not aware of this when they purchased property; the developers who first made requests were able to be approved for higher densities than remained available for later development requests.

The Planning Commission seemed to concur with the staff recommendation to address the concerns revealed. The question of how far the modifications should go was not determined. After lengthy discussion and public testimony at the January 8 meeting, the Commission asked staff to return with alternative recommendations representing a lesser level of modification, and to meet with David Blackburn, who is the developer of the largest amount remaining developable property at this development (outside of Tract A1 and portions of Tract C), to discuss his concerns about the changes and to consider his ideas for the corrections and changes.

As suggested by the Planning Commission, the staff has met twice with Mr. Blackburn and his representatives. Mr. Blackburn has conceded that it does not seem possible to achieve agreement between the multiple property owners in Tracts A1 and C on new central governing covenants for the commercial/mixed use areas. Therefore, the staff has proposed modifications to the PUD district in lieu of any such covenants. These changes also address the mistakes found in the 2015 modification documents which affect other Tracts. The PUD will still be governed by:

- A revised Map indicating the various Tracts and their proportional size and uses.
- Revised and augmented Plan Data Tables indicating the size of the Tracts, their density, with an Extension that establishes the allocation for each property in Tract A1 and Tract C.
- Revised and augmented Conditions of Approval, which shall be effectively Governing Notes, stating the methodology for various elements of governance, such as allocation of density.

In our conversations with Mr. Blackburn, we have reached full agreement on the corrections and on many of the proposed changes needed to provide fair management of this zoning district. Substantial disagreement remains related to the Plan Data Table changes.

Revised Proposed Changes

This report presents three options to consider. The Planning Commission requested that the staff consider modifications lower than initially proposed, including one with a 1.0 FAR (Floor Area Ratio), lower than the initial proposal of 1.5 FAR. The staff primary proposal has narrowed the approach to correcting the mistakes, adding new processes needed, and addressing the density concerns in Tract A1 and Tract C. The alternate proposal with the 1.0 FAR is also presented. Finally, Mr. Blackburn has presented a proposal which reflects his philosophy of redistribution without any density increases. Also, he does not want the density calculation methods now used throughout Oxford to be used at Oxford Commons.

The three options for consideration by the Commission all correct the mistakes found in the 2015 approval and provide an option for addressing the density concerns in Tracts A1 and C, addressing only the remaining vacant properties that are now at a disadvantage due to the “first come first serve” method of density allocation that has been used in the past.

But there is what seems to be an irreconcilable philosophical difference in approach to resolving the density and allocation issues between staff and Mr. Blackburn. The staff believes it a better approach to add some density potential applicable to the vacant lots to in Tracts A1 and C to resolve the problems. Mr. Blackburn wishes to just “redistribute” the existing density potential, giving up some of the potential on the Tracts where he is the developer, to provide some level of additional density potential for Tract A1 and Tract C. Staff does not believe his proposal sufficiently addresses the problems revealed. And staff finds Mr. Blackburn’s objections to calculation of residential and commercial density as done everywhere else in Oxford to be irrational.

Staff Primary Proposal - The staff revised proposals change the Plan Data Table and the map, and recommend extensive changes to the Conditions of Approval/Governing Notes governing notes (*See Attachments D, D1, D2, D3, H, and I*). The changes are far more modest than the original proposal, and are primarily directed to correcting problems and providing a rational amount of additional development potential in Tracts A1 and C, where the lack of a density distribution system created the greatest concerns.

Staff would still prefer broader density potential across the commercial and mixed-use Tracts, but solving these few issues will be sufficient for the most egregious concerns until or unless economic or other conditions change at Oxford Commons.

In summary, the staff changes that are proposed to “fix” the PUD management include:

1. Amending the Map to remove the Plan Data Table (relocating it to be a separate document), modifying the northern Tract A boundary, modifying the northern Tract G boundary to add 5+/- acres (to include the 10 lots approved in the 2016 Preliminary Plat that have now been annexed into the City), and to rename the northern portion of Tract J as Tract H.
2. Modifications to the Plan Data Table to:
 - a. Modify the density allowed in Tract A1 and Tract C to allow a fair level of development potential for the remaining vacant commercial properties. While the potential will be somewhat higher than what is currently allowed, staff is recommending a substantially lower density potential than allowed in the underlying zoning districts reflecting the generally lower density that has been previously approved at Oxford Commons.
 - b. To establish density for Tract H and to increase density for Tract S. the density calculation method for multi-family residential uses to bedrooms per acre rather than per unit (as is now used throughout Oxford); but reflecting the dwelling unit limit requested by the developer for Tracts A and B1.
 - c. To separate multi-family residential potential from other residential uses by Tract.
 - d. To include a multi-family residential density calculation by dwelling units per acre and a square foot limit (as used throughout Oxford).
 - e. To include an upper limit on total square feet that includes both residential and commercial potential on the mixed-use Tracts.
3. Creating an Extension to the Plan Data Table to establish methods for distribution of allotted density (residential and commercial) for each property in each Tract designated for Commercial or Mixed Use with existing separate lots (Tracts A1 and C);
4. Augmenting the Conditions of Approval to more clearly establish how future development will be governed and creating density limits for Tracts B2, D, and O reflecting the underlying zoning district

The primary staff option allots density equivalent to the existing development within the Tract that was given the highest equivalent floor area ratio. In Tract A1, that is the Tru Hotel with an equivalent of .75 FAR; and in Tract C, that is the Townplace Suites Hotel with an equivalent FAR of .85. It also provides a modest level of residential potential in Tract A1, but at density equivalent to than that allotted to Tract A (approximately 112 dwelling units).

Staff believe this additional density, while quite modest, offers a rational level of relief for the lots that reflects the advantage held by the developers of these hotels, who happened to be “first in the door” with their site plans; before the density allocation problems were uncovered. The Tracts wholly controlled by Mr. Blackburn generally reflect the 2015 allotted uses and density, with modifications to correct mistakes. Fortunately, there are few differences between the staff proposal and Mr. Blackburn’s preferences in the Conditions of Approval, as noted in *Attachment “H”*; and the Map (*Attachments D2 and D3*).

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

In addition, information regarding other properties considered a part of the Oxford Commons development, but not within the PUD boundary, is included in order to avoid confusion (*See Attachment G*). One of these areas was a small portion in “The Preserve”, now annexed into the City, approved for ten lots in a 2016 Preliminary Plat. The PUD boundary is to be expanded to include this area, and the number of detached lots increased accordingly. There are two other areas include approximately 39 undeveloped acres north of Tract A in “The Summit” area; and approximately 84 acres with 185 lots (45 platted, 140 with preliminary plat approval) south of Tract M in “The Heights” area. Staff recommends that at the next consideration of the PUD that they become a part of the PUD, since they are considered a part of Oxford Commons.

Alternate 1FAR Staff Proposal - The second proposal, requested by the Planning Commission, proposes a floor area ratio (FAR) of 1.0 (rather than the 1.5 in the January report); but again, only for the vacant properties in Tract A1 and Tract C that were not “first in the door” (*Attachment E*). Staff believes that either one would be fair and justified; but the first would cause the least impact on the existing owners of homes or businesses who do not wish to see additional development.

Blackburn Group Proposal - Mr. Blackburn’s proposal for Tracts A1 and C provides no increase in overall development potential, and no additional potential at all for Tract C (*Attachments D2, F, and F1*). He has proposed decreasing some of the potential on properties he plans to develop to achieve some additional density for Tract A1, but no residential potential. Staff believes the amount of density he has proposed is not a fair amount, as they would not be able to achieve as much density as the two hotels, which guided the staff proposal.

Summary Comparison - *Attachment “C”* has a detailed description of the changes staff has proposed, and indicates the areas where Mr. Blackburn still has concerns. A summary guide to the differences between these options is provided in *Attachment “G”*. The following Table summarizes the main differences in the options offered. These primarily relate to allowing an approximate 112 additional dwelling units in Tract A1, providing an estimate of the size of all the

allowed multi-family units, and providing some additional density potential in Tracts A1 and C. The staff proposals are dramatically reduced from the January proposals.

Summary Comparison of Development Potential

	Detached/ Attached Dwellings	MF Dwellings	Commercial Potential SF	Total Potential SF
2015 Approval	1,048	414	1,285,000	<i>1,864,600</i>
January Staff Proposal	1,058	2,470	4,050,950	5,866,148
February Staff Proposal	1,048	526	1,713,622	2,342,675
February PC Request	1,048	526	2,617,569	3,362,569
February Blackburn Request	1,048	414	1,285,000	<i>1,864,600</i>

Recommendation

Staff recommends approval of the modifications to the Oxford Commons Plan Data Table (and Extension) (*Attachments D and D1*), Map (*Attachment D2 and D3*), Conditions of Approval (*Attachment H*), and incorporation of the Green Space Calculations Map (*Attachment I*). The staff recommendations are quite modest, and contrary to the intent for growth in other areas of the City, but reflect sensitivities of residents in this development, while providing some added development potential for property owners in Tracts A1 and C, who did not benefit from the full potential density allotted to their Tracts, and were not given an initial “fair share” initial allotment related to the size of their property. The lack of density allocation for these lots are at the core of the Oxford Commons concerns, and this change is the most restrictive change possible to give them a fair share of potential.

As stated in the January report, the staff remains 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.

The proposed modifications will also assist the developers and the 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 Extension and these can then be updated as necessary to avoid confusion and problems of interpretation.

Consequences of No Action

As stated in January, 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 can be correctly reviewed. Over the past two years, economic circumstances, regulatory mechanisms, City of Oxford Land Use policies have changed. These necessitate revisions to the controlling documents for Oxford Commons, and correct the multiple mistakes uncovered in the 2015 modifications.

Without change, no further development will be possible in Tract A2, and only limited potential will remain for the six vacant lots in Tract C. There are, again, corrections needed to adjust Tracts A, A1, B2, C, D, E, G, and 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:

1. 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
2. Proof 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.
3. Further, for any future 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.
4. Further, for any submittal going forward (Site Plan or Subdivision), 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.

Given the extent of the concerns, although staff does not recommend it at this time, the other action the City could consider would be to remove the developable properties not under the direct control of Mr. Blackburn's development company from the PUD zoning (all of Tract A1 and Tract C). This would remove a total of less than 50 acres (half of which is already developed), and place those areas in the underlying Suburban Corridor and Suburban Center zoning. This would require a far less complicated modification of the PUD Plan Data Table (just corrections) and would leave the remaining portions of the PUD not already developed under the control of a single development entity, and thus able to function more closely to the intent of the Planned Unit Development zoning district.

State Requirements for Rezoning:

The City has the authority to propose these changes to protect the developers, the property owners, and the interests of the City at this location. But the changes are 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. 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.
- A mistakes was 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.
- A mistake was made in 2015 in not accounting for the location, actual size and proportional development potential for the two sites shown collectively as Tract J.

- A mistake was made in 2015 in the allotted size for Tract A, which is smaller than indicated on that Plan Data Table.
- A mistake was made in the 2015 modification in not reducing the size of Tract E to accommodate the acres allotted to Tract J.
- A mistake was made in not establishing density limits for churches and schools in 2015.
- 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.
- 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. But even a modest increase in density for remaining undeveloped commercial properties would allow them a fairer development potential.
- 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 (restricted 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 mixed uses around 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. This is particularly problematic for Tract A1, which has been designated for mixed-use potential since the inception of the PUD until 2015.

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.)

The Oxford Commons development is not what it was originally going to be, it is lower density and more suburban than what seems to have been 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.

ATTACHMENT A - 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 Tartt 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 filed 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.

ATTACHMENT B

Assessment and Evaluation of Situation at Oxford Commons

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 of Situation at Oxford Commons

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.

ATTACHMENT C

Description of Proposed Changes to Oxford Commons Governing Documents: Map, Plan Data Table, Conditions of Approval

Recommended Modifications to the Map

A number of changes have been made to the Oxford Commons PUD Map in coordination with The Blackburn Group (the developers of most of the property at Oxford Commons) and their engineering firm. As noted in the staff report, the staff is proposing additional changes which are integral to the staff recommendations, which The Blackburn Group does not wish to see changed.

The areas of agreement include:

1. Modification for Clarity - The "Legend" on the Map will be modified to include the percentage of Residential, Mixed Use, and Commercial uses indicated.
2. Correction – Tract A size is changed reflecting a mapping error in 2015, and to include five lots that are shown partially in and partially out of the PUD boundary on the 2016 Preliminary Plat.
3. Change – The PUD boundary is expanded to include an area of 5+/- acres above Tract G, reflecting 10 lots included in the 2016 Preliminary Plat, annexed into the City last year.
4. Update – The "Notes" are to be relocated to the Conditions of Approval to avoid overlap.

The areas of disagreement include:

5. Change – The recommends that the Plan Data Table be removed from the map page, making it a separate document in order to accommodate the necessarily more complex Plan Data Table recommended by staff (*See Attachment D*), as outlined elsewhere. *The Plan Data Table presented by the Blackburn Group does not reflect those changes. If necessary staff will create an independent map page reflecting these changes that will be managed by the Planning Department for Oxford Commons.*

There is agreement that the amount of preservation/green space will be reflected on that Plan Data Table. *The amount of that green space will be as indicated on the "Green Space Preservation Calculation Map submitted by The Blackburn Group (see Attachment I); but the staff recommends a different method of displaying the green space.*

6. Change – The staff recommendation calls for the Tract A1 use type to be changed to Mixed Use (applicable for undeveloped lots) as noted on the Plan Data Table.
7. Change – The two notes related to ROW area will need to be relocated as footnotes to the Plan Data Table.

Recommended General Modifications to the Plan Data Table Information:

These changes reflect how the City now calculates residential and commercial use density. *(Mr. Blackburn, a majority developer at Oxford Commons, would prefer to not change to these calculation methods. He has requested not including the bedrooms per acre and the square footage totals in the Data Table, but instead referencing the underlying zoning, except as limited by restricting notes in the Conditions of Approval. He has no objection to the Open Space calculation change.)*

1. Update of Calculation Method - The intended type of residential use for designated Tracts will be separated into areas allowing Detached vs. Attached vs. Multi-family Residential. Tracts allowing attached or detached residential will be calculated on a dwelling units per acre basis; and the allowed residential density in Tracts that allow Multi-family residential development will be stated in bedrooms per acre (as used elsewhere in the City).
2. Update of Calculation Method - The allowed density in Tracts with Mixed Use potential will indicate an upper limit of square feet that includes residential and commercial uses, and that equivalent floor area ratio (as used elsewhere in the City). The allowed density in Tracts with Non-residential potential only, will indicate their upper limit of square feet and that equivalent floor area ratio (as used elsewhere in the City).
3. Update of Calculation Method – In the staff proposal, the total land area for each Tract does not include what is intended to become preservation/green space. This differs from the calculation method submitted by Mr. Blackburn, in that he includes those green spaces in the overall acreage; but the “bottom line” numbers do not differ. The staff calculation makes the total amount of preservation/green space easier to discern and calculate.
4. Change to Correct Problem - The calculations for open space will be included as a separate “row” on the Plan Data Table (*Attachment D*), and a Map (*Attachment I*) will be incorporated into the governing documents.
5. Addition of Necessary Control – On the Plan Data Table Extension, the allotted density for each vacant lot within each Tract with commercial or mixed-use potential will be established, based on the overall density allotted and (where appropriate) the proportional size of the lots.

Modifications to Tracts on Plan Data Table

Staff and Mr. Blackburn reached agreement on all changes other than in Tracts A, A1, B1 and C.

6. **Tract A**

Correction - New calculations presented by Mr. Blackburn indicated that there are 11 fewer acres than were shown on the 2015 Plan Data Table, so that will be reflected. Update of

Calculation Method - The density and residential potential will reflect no greater potential than what now exists – calculated based 214 dwelling units with an average size of 1,700 square feet and an average of 3BR per dwelling unit, with no more than three bedrooms per unit. *(Mr. Blackburn, the developer, would prefer that the calculation just refer to dwelling units, limited by a new condition that does not allow any four bedroom multi-family or attached dwellings (including townhomes).*

Correction - Four lots included on the 2016 Preliminary Plat are not entirely within the PUD (the northern “spike”). Mr. Blackburn, the developer, wishes to include the area into the PUD. Therefore, the size and configuration of that area is modified on the Plan Data Table and Map to indicate that they are entirely within Tract A.

7. **Tract A1** – The staff has proposed added density potential for the lots in this Tract. In this Tract, due to mistakes, there is no potential density remaining. The staff has prepared a recommendation to address that concern. There seven (7) lots that are either vacant, or have received site plan approval but are not yet under construction (due to traffic generation concerns at the development). For these lots, staff proposes a density potential of .75 FAR. This is based on the density approved for the Tru Hotel last year, and the size of the lots. The Plan Data Table Extension indicates the added potential based on this method.

Further, staff recommends mixed-use potential for these lots, as until 2015 this area included mixed-use potential. But the residential potential is based on the residential potential assigned to Tract A to the north, since Tract A1 was divided from Tract A. The Plan Data Table Extension, this would add approximately 112 additional dwelling units.

(The property owners in the Tract support the staff recommendation, which would modestly increase the density potential of the PUD zoning. Mr. Blackburn, who does not own these properties, has a different proposal. He would contribute some of his potential density from another Tract to allow some potential; but he does not support any increase in overall capacity in the PUD.)

8. **Tract B1** - Update of Calculation Method: The density and residential potential are proposed to reflect no greater potential than what now exists, just the calculation methodology to match how these uses are calculated elsewhere in the City. The calculation is based 200 dwelling units (as approved in 2015) with an average size of 1,750 square feet and an average of 3BR per dwelling unit, with no more than three bedrooms per unit.

(Mr. Blackburn, the property developer, would prefer that the calculation remain at 214 dwelling units, with the restriction on more than three bedrooms, but with no square feet calculation.)

9. **Tract B2 – Addition of Density Control:** The density will reference a provision in the approval conditions that sets a density limit based on underlying zoning for the “church” site rather than stating (NA) that there are no controls on development capacity.
10. **Tract C –** - The staff has proposed added density potential for the undeveloped lots in this Tract. In this Tract, there is limited potential density remaining, and “first come/first serve” lots have received much higher density approvals than would be allowed for these six remaining lots. The staff has prepared a recommendation to address that concern. There are six (6) lots that are either vacant, or have received site plan approval but are not yet under construction (due to traffic generation concerns at the development). For these lots, staff proposes a density potential of .85 FAR. This is based on the density approved for the Townplace Suites Hotel several years ago, and the size of the lots. The Plan Data Table Extension indicates the added potential based on this method.

(Mr. Blackburn, who has a development interest in three of the vacant lots in the Tract and in the Park at Oxford Commons; does not support the proposed changes. He is proposing to just distribute the remaining density evenly between the lots. The owner of two of the affected lots has indicated support for the staff recommended changes.)

11. **Tract D – Addition of Density Control and Map Correction:** The approval conditions will reference a provision in the approval conditions that sets a density limit based on underlying zoning for all school sites rather than stating (NA) that there are no controls on development capacity. Also, the Tract is split into D1 and D2 to reflect the differing underlying zoning in this Tract.
12. **Tract E – Map Correction and Use Limit:** The size of this Tract is reduced to reflect the 4.1 acres allotted to Tract J. Also, currently, the dwelling unit types allowed in all the Tracts designated for “residential” use are limited to detached or townhouse development. The total acres include approximately 14 acres that are to become dedicated preservation land.
13. **Tract G –Expansion:** The changes to this Tract reflect an addition to the PUD zoning encompassing approximately 5 acres, to include 10 lots taking access from Tract G (as included in the Preliminary Plat approved in 2016). This change will increase the size from 25.4 acres to 66.9 acres (with approximately 32.5 acres to become conservation/green space land) and the number of lots from 47 to 66.
14. **Tract H – Map Correction:** This is the new name for what was the “northern portion” of Tract J in 2015. It contains approximately 5 acres, and a density limit of 10,000sf requested by the developer of the property, Mr. Blackburn, will be used.

15. **Tract J – Map Correction and Plan Data Table Change:** This Tract now reflects only the “southern portion” of Tract J. The development potential, at 40,000 sf, is slightly higher than the 2015 modification.
16. **Tract L – Plan Data Table Correction:** The Tract will reflect the “as built” condition of 36 lots (down from 58 in 2015) on 19.4 acres (of which approximately 5 acres are to become dedicated conservation land).
17. **Tract M – No Changes:** The Tract will reflect the “as built” and “as approved” condition of 93 lots on 27.7 acres (of which approximately 2 acres are to become dedicated conservation land.)
18. **Tract N – Plan Data Table Change:** The Tract slightly modified, reflecting 3 added lots, and the size is reduced (primarily reflecting road dedications). The Tract will include 389 lots on 131 acres (down from 145.8 acres), of which approximately 13 acres are to become dedicated conservation land.
19. **Tract O – Plan Data Table Change:** The approval conditions will reference a provision in the approval conditions that sets a density limit based on underlying zoning for all school sites rather than stating (NA) that there are no controls on development capacity.
20. **Tract P – Plan Data Table Change:** The developer, Mr. Blackburn, has indicated a slightly larger size for this property will indicate a substantial reduction in the development potential of the Tract (from 40,000sf to 5,000sf).
21. **Tract S – Plan Data Table Correction:** The Tract will reflect a density increase to 85,000 sf, the site plan approved size for The Blake.

Recommended Modifications to the PUD Conditions

CHANGES WITH FULL AGREEMENT

Staff and Mr. Blackburn reached agreement on all but two of these proposed changes and additions.

1. Update - The first two conditions regarding a future frontage road that has now been completed are to be removed.
2. Update - The language of the condition related to unrelated persons residing in a dwelling unit will be modified (simplified) to state:
 - a. No more than three unrelated persons may reside in any dwelling unit in Oxford Commons. Unrelated persons shall have the same meaning as used for that term in the Oxford Land Development Code (Sec.10.2.101).
3. Change Request from Developer - A new condition requested by Mr. Blackburn limits the number of bedrooms in any residential unit to no more than three. This coordinates with City efforts to restrict the number of apartments being built only to accommodate student renters; a housing type that exacerbates the shortages of affordable multi-family housing in the City.
4. Update - The condition related to Tract M will be removed as it is not relevant.
5. Update - The condition related to the Design Guidelines will be removed; as we discovered that the current Design Guidelines only pertain to some of the commercial properties in some of the Tracts.
6. Update for Clarity - The condition related to the Open Space Standards is combined with the condition related to the dedication (or offer to sell) land to the City for a park or parks.
7. Update for Clarity - The condition related to limit on percent of land area occupied by various use types will be deleted. Instead, the percent of land area proposed for various use types will be noted on the "Legend" of the PUD Map so that any changes to the adopted percentages would require a zoning amendment.
8. Update - The condition related to the total percentage of land uses for "business" will be deleted, as that use type is already limited by the Tract use designations.
9. Update for Clarity - The condition related to covenants will be modified to be more clear:

“All who purchase homes, townhomes, or condominium homes at Oxford Commons will automatically become members in the Homes Association and be governed by the applicable adopted covenants.”

10. Added for Clarity - A new condition will be added stating:

“All who purchase a unit in The Park at Oxford Commons (office condominiums) will automatically become subject to the covenants that govern that development.”

11. Update for Clarity - The condition pertaining to uses allowed in mixed use areas will be modified to state:

“Tracts designated for “Mixed Use” can be developed with any use allowed in the underlying zoning, but cumulative development in the underlying zoning, but development cannot cumulatively exceed the allotted capacity for commercial or residential development.”

12. Adding Missing Controls - A new condition related to governance of allotted density within a Tract will be added stating:

“When property in a Tract is proposed for subdivision (for division or recombination) the application must include the plan for division of the allowed capacity between the pertinent lots of the subdivision; with indication of agreement by all parties to the subdivision.”

13. Addition for Clarity - A new condition clarifying the method of modifying density between Tracts will be added stating:

“Density potential may not be changed or exchanged between Tracts without approval by the City of Oxford through a zoning amendment process.”

14. Adding Missing Controls - Conditions will be added establishing that density for the Tracts designated for “School” and “Church” use will be governed by the underlying zoning.

15. Modification for Clarity - The condition related to road access thresholds for dwelling unit construction is modified to adjust for roads completed or now under construction.

16. Adding Missing Controls - A new condition is added requiring consideration of the PUD elements every five years while undeveloped commercial areas remain. Its intent is to monitor any potential concepts for redevelopment of already developed sites that might occur.

17. Adding Missing Controls – A new condition is added establishing a process for allowing the exchange of density or residential potential between the owners of lots in a Tract.

RECOMMENDED CHANGES - DISAGREEMENT FROM BLACKBURN

18. Update – Staff recommend removing an existing limiting condition that requires “individual ownership” of all residential units in Tract A unless the City determines that condominium

covenants and by-laws to prevent rental of units are also required; as we have found that this type of restriction does not accomplish its intended use - preventing the creation of rental units.

A great many condominium units in Oxford are rented. For the condition were to achieve its intent, it would also need to require that the condominium covenants and by-laws prevent rental of units. And that may be more intrusive than the City would wish to impose. *(Mr. Blackburn, the property developer, prefers to retain the requirement for individual ownership of all units in Tract A since this has been a restriction for many years.)*

19. Update - An existing limiting condition limiting dwelling unit types in the Tracts designated for Residential use to detached or townhomes only, is modified for Tract E to permit other attached dwelling unit types (as defined in the Land Development Code). The change would not modify unit counts. *(Mr. Blackburn, the developer of Tract E, would prefer for the use type limit to remain detached or townhomes only since that restriction has been in place for many years. The change would not require him to develop any type other than detached or townhomes.)*

Attchment D - Plan Data Table Staff Proposal February 2018

1	2		3		4	5	6	7	8		
Tract	Tract Size 2018	Tract Size 2015	2018 Detached / Attached Residential	2015 Detached / Attached Residential	Staff MF Residential Proposal @ 22 BR/A [A]	Staff Estimate MF DU	Staff Proposal Residential SF [B]	Staff Commercial Proposal	Staff Total Development Proposal		2015 Commercial Potential
A	34.60	40.60	NA		649	214	1,135,750	521,250	1,657,500		521,250
A1	26.70	24.00			243	122	122,000	506,273	628,273		223,750
B1	16.60	16.00	NA		598	200	1,046,500	75,000	1,121,500		75,000
B2	10.30	10.00	NA					NA			
C	20.20	23.30						471,099	471,099		347,802
D-1	15.00	0.00	NA								
D-2	5.00	0.00	NA								
E	48.00	56.00	464	464							
G	35.90	25.40	66	47							
H	5.00	0.00	NA					10,000	10,000		
J	4.00	4.00	NA					40,000	40,000		37,198
L	14.00	21.80	36	58							
M	24.50	27.70	93	93							
N	118.00	145.80	389	386							
O	75.00	75.00	NA								
P	6.30	5.90	NA					5,000	5,000		20,000
S	4.10	4.10	NA					85,000	85,000		60,000
Lakes	0.00	10.90	NA	NA	NA	NA	NA	NA	NA		NA
ROW/Misc.	41.30	49.30	NA	NA	NA	NA	NA	NA	NA		NA
Open Space	65.00	0.00	NA	NA	NA	NA	NA	NA	NA		NA
Totals	569.50	539.80	1,048	1,048	1,490	536	2,304,250	1,713,622	4,018,372		1,285,000

* Substantial Changes From 2015 shown in red.

Footnotes:**1. Tracts Column:**

- * Tract D split to reflect differing underlying zoning.
- * Open Space now shown as a separate category, reflecting dedicated space in Tracts E, G, L, M, and N.
- * Dedicated Open Space Areas Include: Tract E (14 Acres, Tract G (31 acres), Tract L (5 acres), Tract M (2 acres), and Tract N (13 acres).
 - * The "Lakes" areas are now included as a part of the Open Space calculations.

2. Tract Size Column:

- * Most changes are minor and reflect more careful calculations of size, or accommodating open space dedication.
 - Some changes reflect mapping errors or area loss due to right-of-way dedications.
- * Tract A and Tract G changes reflect modification of PUD boundary and lots (see 2016 Preliminary Plat).
- * Tract A also reflects mapping error in 2015.

3. Residential Calculations Columns:

- * Calculations divided into attached/detached vs. multi-family reflecting different calculation methods.
- * Detached/Attached Column: No increase in number of lots, but lot locations modified as proposed by Blackburn.
- * Decrease in Tract L reflects "as built" lots.

4. MF Residential Density Column:

- * Tracts A and B1 reflect the 2015 limit, calculation based on 3BR per dwelling.
- * Tract A1 residential potential based on 22 BR/A equivalent in Tract A.

5. MF Dwelling Units Column:

- * Tracts A and B1 reflect 2015 limits.
- * Tract A1 estimates based estimated bedrooms, and standard average of 2 bedrooms per dwelling unit.

6. MF Dwelling Units Size Column:

- * Tracts A and B1 estimates based on Blackburn estimate of 1,750sf per dwelling unit.
- * Tract A1 estimates based on standard average of 1,000sf per dwelling unit.

7. Commercial Size Column:

- * Tracts A and B1 are as approved in 2015.
- * Tracts A1 and C reflect staff proposals in the Plan Data Table Extension.
- * Tracts H, J, and P are as proposed by Mr. Blackburn.
- * Tracts B2, D, and P density governed by underlying zoning.
- * Tract S reflects the approximate site plan approved size of The Blake.

8. Total Development Potential Size Column:

- * Number combines residential size (or estimate) and commercial size limit.
- * Tracts A and B1 includes size estimate based on developer estimated average dwelling unit size.

ATTACHMENT D1**Oxford Commons Plan Data Table Extension - 2018**

Tract	Subdivision Data	Size	Status/ Designated Use	Built/ Approved SF	Density	Residential	OPD Proposed Density	Alternate Density Option
A1	PPIN	Acres	Commercial (FN2)	223,750 SF 2015	Effective FAR	22BR/A	.75 FAR [FN] + Existing	1.0 FAR + Existing
A 1.1	26605	2.7	APP: Hotel	74,860	0.65	59	87,882	117,176
A 1.2	26605	1.5	Vacant	NA	NA	32	47,698	63,598
A 1.3	27719	1.2	Vacant	NA	NA	26	38,551	51,401
A 1.4	27720	1.4	Vacant	NA	NA	29	43,124	57,499
A 1.5	27721	1.4	Vacant	NA	NA	31	45,738	60,984
A 1.6	27717	2.1	APP: Retail	15,000	0.20	30	44,431	59,242
A 1.7	27716	0.7	Vacant	NA	NA	16	23,522	31,363
A 1.8	27715	0.9	Vacant	NA	NA	20	30,383	40,511
A 1.9	27714/27718	7.0	Movie/Bowling	59,000	0.20	NA	59,000	59,000
A 1.10	26628	1.6	UC: Hotel	54,632	0.75	NA	54,632	54,632
A 1.11	35118	1.3	UC: Dining	7,687	0.15	NA	7,687	7,687
A 1.12	36017	1.5	Gas/Retail	6,100	0.15	NA	6,100	6,100
A 1.13	26629	0.9	Restaurant	2,000	0.15	NA	2,000	2,000
A 1.14	26630	1.6	Mixed Retail	15,525	0.25	NA	15,525	15,525
Tract Totals:		25.8		234,804		243	506,273	626,718

Notes:

The staff density proposal of .75 is based on the FAR approved for to the TRU Hotel.

The bedrooms per acre of the staff propoal are based on the 22 bedrooms per acre allotted to Tract A under the 2015 density.

The bedrooms per acre of the staff proposal are equivalent to 121 two bedroom units or 81 three bedroom units.

The staff proposal allots an additional 282,523sf to Tract A1, the 1 FAR proposal allots an additional 402,968 sf to Tract A1.

Oxford Commons Plan Data Table Extension - 2018

Tract C Density Potential Distribution

Property	Subdivision Data	Size	Status/ Designated Use	Approved / Built SF	Density	OPD Proposed Density	Alternate Density Option
C	PPINs	Acres	Commercial (FN2)	347,802	Effective FAR	.85 FAR [FN] + Existing	1.0 FAR + Existing
C1	28528	1.0	APP:Bank	3,800	0.15	38,137	56,628
C2	27876	0.9	Vacant	NA	NA	33,323	39,204
C3	33596	1.0	Vacant	NA	NA	35,175	41,382
C4	33597	1.3	Vacant	NA	NA	46,653	54,886
C5	33598	1.2	Vacant	NA	NA	43,691	51,401
C6	26626	1.9	Vacant	NA	NA	70,720	83,200
C-7	31270	1.9	Hotel	43,400	0.55	43,400	43,400
C-8	31266	1.9	Hotel	68,500	0.85	68,500	68,500
C-9	Mixed PPINs	9.2	Offices	91,500	0.19	91,500	91,500
Tract Totals:		20.3		207,200		471,099	530,101

Notes:

The staff density proposal of .75 is the same as was used for Tract A1.

The staff density proposal allots 27,850 additional square feet to the applicable (unbuilt) lots in Tract C.

The alternate density proposal allots 182,299 additional square feet to the applicable (unbuilt) lots in Tract C.

Plan Data

Tract	Tract Area	Residential Units	Commercial Use	Preservation / Green Space
Tract A	+/- 34.6 Ac.	+/- 214 Units	+/- 398,053 s.f.	
Tract A1	+/- 26.7 Ac.		+/- 324,960 s.f.	
Tract B1	+/- 16.6 Ac.	+/- 200 Units	+/- 75,000 s.f.	
Tract B2	+/- 10.3 Ac.	Church		
Tract C	+/- 20.2 Ac.		+/- 347,802 s.f.	
Tract D	+/- 20.0 Ac.	School		
Tract E	+/- 60.0 Ac.	+/- 464 Units		+/- 12.5 Ac.
Tract G	+/- 66.9 Ac.	+/- 66 Units		+/- 32.5 Ac.
Tract H	+/- 5.0 Ac.		+/- 10,000 s.f.	
Tract J	+/- 4.0 Ac.		+/- 40,000 s.f.	
Tract L	+/-19.4 Ac.	+/- 36 Units		+/- 5 Ac.
Tract M	+/- 26.5 Ac.	+/- 93 Units		+/- 2 Ac.
Tract N	+/- 131.0 Ac.	+/- 389 Units		+/- 13 Ac.
Tract O	+/- 75.0 Ac.	School		
Tract P	+/- 6.3 Ac.		+/- 5,000 s.f.	
Tract S	+/- 4.1 Ac.		+/- 84,185 s.f.	
ROW ¹	+/- 41.3 Ac.			
Total	+/- 567.9 Ac.	+/- 1,462 Units	+/- 1,285,000 s.f.	+/- 65 Ac.

NOTES: SEE ATTACHED CONDITIONS

LEGEND

- 55% ²

RESIDENTIAL ³
- 9% ²

MIXED USE
- 12% ²

COMMERCIAL
- 17% ²

SCHOOL SITE
- 7% ¹

ROAD R.O.W.

- VEHICULAR CIRCULATION
FINAL DESIGN TO BE DETERMINED
- ROADWAY CONSTRUCTION
BY OTHERS
- 36 FT WIDE ROADWAY

¹ The ROW area indicated reflects the area of ROW which has either been dedicated to the City of Oxford or is under construction as of the date on this map.

² The percentages indicated include potential future ROW that has not been dedicated nor has construction started as of the date of this map. These percentages will decrease as ROW is dedicated to the City of Oxford.

³ Approximately 20% of the Residential area is to be Green Space / Preservation area.

Mississippi Hwy. 30



Mixed Use Square Streetscape



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



Hampton Inn



Estate Residential



Bungalow residential



Cottage residential



Estate Residential



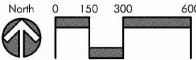
Estate residential



Malco Theater



Courtyards



Oxford Commons



REVISED PUD PLAT (MARCH 2018)



Attachment D3: Proposed Map Changes 2018

Staff recommends the following changes to the "Map" for Oxford Commons:

Changes to Tracts:

- 1) Tract A - Smaller area reflects mapping error in 20015.
- 2) Tract A1 Use to be Mixed Use (applicable only for lots undeveloped as of February 2018).
- 4) Tract D1 and D2 - Tract D split to reflect different underlying zoning for the two portions.
- 5) Tract G - PUD boundary expanded to include new lots taking sole access from Tract G.
- 6) Tract H was formerly a northern portion of Tract J.

Plan Data Table: This table to be removed from the Map to become a separate document in City records.

Legend:

Indicates Residential, Mixed Use, Commercial, Open Space (including Water Features), and Other (Conference Center, Schools, Religious Institution)

* Includes percentage of land area of each designated use type (not the "Other" category).

Notes:

- 1) All notes from 2015 Map relocated to the Conditions of Approval.
- 2) Notes added by Blackburn Group related to ROW calculation to be relocated as notes to the Plan

Attachment E - Plan Data Table Planning Commission Request Proposal 2018

1	2		3		4	5	6	
Tract	Tract Size 2018	Tract Size 2015	2018 Detached / Attached Residential		Staff Proposed MF Potential	Alternate 1 FAR Commercial Potential	Alternate 1 FAR Total Potential	2015 Commercial Potential
A	34.60	40.60	NA		1,135,750	521,250	1,657,500	521,250
A1	26.70	24.00	NA		122,000	626,718	748,718	223,750
B1	16.60	16.00	NA		1,046,500	75,000	1,121,500	75,000
B2	10.30	10.00	NA			NA	NA	
C	20.20	23.30	NA			530,101	530,101	347,802
D-1	15.00	0.00	NA			NA	NA	
D-2	5.00	0.00	NA			NA	NA	
E	48.00	56.00	464			NA	NA	
G	35.90	25.40	66			NA	NA	
H	5.00	0.00	NA			10,000	10,000	
J	4.00	4.00	NA			40,000	40,000	37,198
L	14.00	21.80	36			NA	NA	
M	24.50	27.70	93			NA	NA	
N	118.00	145.80	389			NA	NA	
O	75.00	75.00	NA			NA	NA	
P	6.30	5.90	NA			5,000	5,000	20,000
S	4.10	4.10	NA			85,000	85,000	60,000
Lakes	0.00	10.90	NA			NA	NA	NA
ROW/Misc.	41.30	49.30	NA			NA	NA	NA
Open Space	65.00	0.00	NA			NA	NA	NA
Totals	569.50	539.80	1,048			1,893,069	4,197,819	1,285,000

* Substantial Changes From 2015 shown in red.

Footnotes:

1. Tracts Column:

Tract D split to reflect differing underlying zoning.

Open Space now shown as a separate category, reflecting dedicated space in Tracts E, G, L, M, and N.

The "Lakes" areas are generally a part of the Open Space calculations.

2. Tract Size Column:

Most changes minor and reflect more careful calculations of size, or accommodating open space dedication.

Some changes reflect mapping errors or area loss due to right-of-way dedications.

Tract A and Tract G changes reflect modification of PUD boundary and lots (see 2016 Preliminary Plat).

Tract A also reflects mapping error in 2015.

3. Residential Calculations Columns:

Calculations divided into attached/detached vs. multi-family reflecting different calculation methods.

Detached/Attached Column: No increase in number of lots, lot locations modified as proposed by Blackburn.

Decrease in Tract L reflects "as built" lots.

4. MF Dwelling Units Size Column:

Tracts A and B1 estimates based on Blackburn estimate of 1,750sf per dwelling unit.

Tract A1 estimates based on standard average of 1,000sf per dwelling unit.

5. Commercial Size Column:

Tracts A and B1 are as approved in 2015.

Tracts A1 and C reflect 1.0 FAR for all vacant lots.

Tracts H, J, and P are as proposed by Mr. Blackburn.

Tracts B2, D, and P density governed by underlying zoning.

Tract S reflects the approximate site plan approved size of The Blake.

6. Total Development Potential Size Column:

Number combines residential size (or estimate) and commercial size limit.

Tracts A and B1 includes size estimate based on developer estimated average dwelling unit size.

Attachment F - Plan Data Table Blackburn Proposal 2018

1	2		3	4	5	6	7		
Tract	Tract Size 2018	Tract Size 2015	Blackburn D/A Residential	Blackburn MF Residential	Blackburn MF SF Estimate	Blackburn Commercial Potential	Blackburn Total Development Potential		2015 Commercial Potential
A	34.60	40.60	NA	214	374,500	398,053	772,553		521,250
A1	26.70	24.00	NA	NA	0	324,960	324,960		223,750
B1	16.60	16.00	NA	200	350,000	75,000	425,000		75,000
B2	10.30	10.00	NA	NA	NA	NA	NA		
C	20.20	23.30	NA	NA	NA	347,802	347,802		347,802
D-1	15.00	0.00	NA	NA	NA	NA	NA		
D-2	5.00	0.00	NA	NA	NA	NA	NA		
E	48.00	56.00	464	NA	NA	NA	NA		
G	35.90	25.40	66	NA	NA	NA	NA		
H	5.00	0.00	NA	NA	NA	10,000	10,000		
J	4.00	4.00	NA	NA	NA	40,000	40,000		37,198
L	14.00	21.80	36	NA	NA	NA	NA		
M	24.50	27.70	93	NA	NA	NA	NA		
N	118.00	145.80	389	NA	NA	NA	NA		
O	75.00	75.00	NA	NA	NA	NA	NA		
P	6.30	5.90	NA	NA	NA	5,000	5,000		20,000
S	4.10	4.10	NA	NA	NA	84,185	84,185		60,000
Lakes	0.00	10.90	NA	NA	NA	NA	NA		NA
ROW/Misc.	41.30	49.30	NA	NA	NA	NA	NA		NA
Open Space	65.00	0.00	NA	NA	NA	NA	NA		NA
Totals	569.50	539.80	1,048	414	724,500	1,285,000	2,009,500		1,285,000

* Substantial Changes From 2015 shown in red.

Footnotes:**1. Tracts Column:**

Tract D split to reflect differing underlying zoning.

Open Space now shown as a separate category, reflecting dedicated space in Tracts E, G, L, M, and N.

The "Lakes" areas are generally a part of the Open Space calculations.

2. Tract Size Column:

Most changes are minor and reflect more careful calculations of size, or accommodating open space dedication.

Some changes reflect mapping errors or area loss due to right-of-way dedications.

Tract A and Tract G changes reflect modification of PUD boundary and lots (see 2016 Preliminary Plat).

Tract A also reflects mapping error in 2015.

3. Residential Calculations Columns:

Calculations divided into attached/detached vs. multi-family reflecting different calculation methods.

Detached/Attached Column:

No increase in number of lots, but lot locations modified as proposed by Blackburn.

Decrease in Tract L reflects "as built" lots.

4. MF Dwelling Units Column:

Tracts A and B1 reflect 2015 limits.

5. MF Dwelling Units Size Column:

Tracts A and B1 estimates based on Blackburn estimate of 1,750sf per dwelling unit.

7. Commercial Size Column:

Tracts A is lower than the 2015 approval.

Tract A1 is somewhat higher than the 2015 approval.

Tracts B1 and C are as approved in 2015.

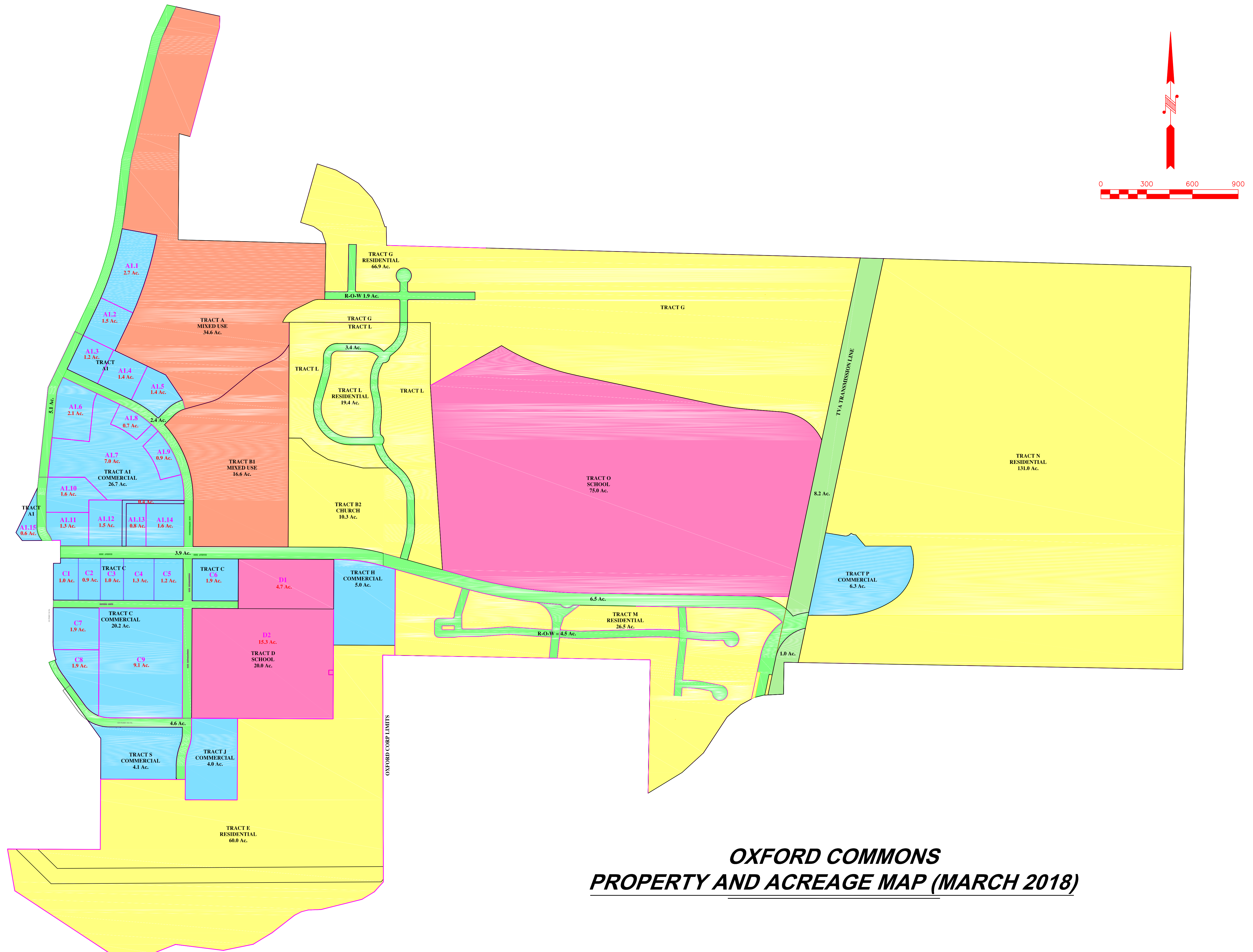
Tracts B2, D, and P density governed by underlying zoning.

Tracts H, J, and P new or revised, are as proposed by Mr. Blackburn.

Tract S reflects the approximate site plan approved size of The Blake.

8. Total Development Potential Size Column:

Number combines residential size (or estimate) and commercial size limit.



Attachment G - Summary Plan Data Table Options) 2018

	1	2	3	4	5	6
	PUD Size Acres	Detached/Attached Dwellings	MF DU Residential Potential	MF SF Potential	Commercial Potential SF	Total Development Potential SF
2015 Plan Data Table	560.00	1,048	414	Estimate of 579,600 sf	1,285,000	Estimate of 1,864,600sf
January 2018 Staff Proposal	569.50	1,058	Estimated 2,470	1,815,198	4,050,950	5,866,148
February 2018 Staff Proposal	569.50	1,058	Estimated 526 (414 +112]	691,600	1,713,622	2,342,675
February 2018 PC 1 FAR Request	569.50	1,058	Estimated 526 (414 +112]	691,600	2,617,569	3,362,569
February 2018 Blackburn Proposal	569.50	1,048	414	Estimate of 579,600 sf	1,285,000	Estimate of 1,864,600sf

Notes:

1. Size: Acreage increase reflects reduction in Tract A (mapping error in 2015) and increase to Tract G being added to PUD
2. Detached/Attached Density: Staff proposals add the 10 lots added to Tract G; Blackburn proposal deducts lots elsewhere in the PUD.
3. MF Density: Staff proposals add an estimate of 112 dwelling units overall (just in Tract A1).
4. MF Size: Average size dwelling estimated by Mr. Blackburn to be 1,400sf per dwelling unit in Tracts A and B1; staff used standard average size of 1,000sf per unit for Tract A1.
5. Commercial SF: In staff proposal density in A, B1, H, J, and P generally reflect 2015 density or as requested by Mr. Blackburn.
6. Total Potential: Reflects a combination of the commercial square feet and residential square feet.

Oxford Commons Development Not in PUD					
Name	Acres	Zoning	Status	PP Lots	Platted Lots
The Summit	7.10	Suburban Corridor	Vacant/Preliminary Plat	Unplatted	NA
	31.70	Suburban Center	Vacant/Preliminary Plat	6	NA
The Heights	83.50	(LC) R1 - Low Density	Mix of PP/FP/Built	140	45

ATTACHMENT H - Recommended Conditions of Approval 2018

1) [Modified] Access Constraints - The total number of occupied residential units for the overall development shall not exceed 893 units until a third access route (#1 being Sisk Avenue, #2 being the frontage access road along Hwy 7 connection to Hwy 30, and #3 being Sisk Avenue extension to Hwy 6) is constructed. The total number of occupied units shall not exceed 1,200 until a fourth road is constructed, preferably south to University Avenue.

Nothing about this condition shall abrogate the City's authority to require traffic mitigation measures as a condition of development approval or to place limitations on the amount, density, and/or timing of development due to traffic impacts, whether such decision is based on the results of traffic impact studies, other traffic analysis, any other pertinent information available to the City, or subsequent agreements.

Above condition modified to reflect that the Sisk Avenue Extension is now under construction.

2) [Modified] Residential Uses - No more than three unrelated persons may reside in any dwelling unit in Oxford Commons. Unrelated persons shall have the same meaning as defined in the Oxford Land Development Code (Article 10).

Above condition modified to just reference the Land Development Code.

3) [Modified] Residential Uses - Multi-Family Residential Unit Limits

Tract A no more than 214 dwelling units, size as limited by FAR of underlying zoning district.

Tract B1 no more than 200 dwelling units, size as limited by FAR of underlying zoning district.

4) [Modified] Residential Uses - Tracts G, L, M, and N shall be limited to either detached dwelling units, or townhomes (as defined in the Land Development Code). Residential uses on Tract E shall be limited to detached dwelling units, townhomes, or other attached dwelling unit types (as defined in the Land Development Code).

Above condition modified to reference the Tract, not the colors on the Map, and to differentiate Tract E.

5) [New] Residential Uses - No attached, townhome, or multi-family dwelling may have more than three bedrooms.

6) [New] Tract Change - The PUD district boundary in Tract G is expanded to include the 10 lots on approximately 5 acres included on the 2016 Preliminary Plat.

7) [New] Tract Change - The PUD district boundary of Tract A is expanded to include all of 5 lots on approximately X acres that were partially included on the 2016 Preliminary Plat.

6) [New] Development Capacity - Density for Tracts designated for School (education) and Church (Religious Institutions) uses are governed by the underlying zoning.

7) [Relocated from Map Notes and Modified] Development Capacity - Density for Tracts designated for "Mixed Use" can be developed with any use allowed in the underlying zoning, but development cannot cumulatively exceed the allotted total capacity for development. **Such development can include "by right" first floor residential uses if at least 25% of the allotted non-residential potential is used within the Tract.**

8) [New] Density Allotment - Each undeveloped lot or parcel in Tracts A, A1, B1, C, E, H, J, and P is allotted development potential as specified in the Plan Data Table or Plan Data Extension.

Conditions of Approval 2018 Continued

9) [New] Density Allotment - If property in Tracts A, A1, B1, C, E, H, J, or P is proposed for subdivision (division or recombination) the application must include (in addition to all other requirements) the plan for division of the allowed development capacity between the owners of the pertinent lots or properties that comprise the subdivision; with verification of agreement by the owners of the properties that are the subject of the subdivision.

10) [New] Density Allotment Exchange - If the owners of the individual lots or parcels within Tracts A, A1, B1, C, E, H, J, or P wish to exchange development potential, they may submit the request as a part of a development application. The request shall be in the form of a notarized agreement signed by both property owners, and be included as a part of the approved development. A record of all authorized density exchanges shall be retained separately by the City of Oxford Planning Department in order to update the Plan Data Table to reflect adjusted conditions at the required five year reviews of the PUD.

11) [New] Density Allotment Changes - Density allotment potential may not be changed or exchanged between properties in different Tracts without approval by the City of Oxford through a zoning amendment process.

12) [Relocated from Map Notes] Covenants - All homewoners at Oxford Commons will automatically become members in the Homes Association and be governed by the applicable adopted covenants.

13) [New] Covenants - All who purchase a unit in The Park at Oxford Commons (office condominium) will automatically become a member of the governing association and subject to the covenants established for that development.

14) [Relocated from Map Notes and Modified] Open Space Standards - The developer of the areas of the Oxford Commons Planned Unit Development designated for residential uses (Tracts E, G, L, M, and N), shall provide at least 20% of that total land area for passive or active recreational purposes (a minimum of approximately 62 acres).

The above condition has been modified, the requirement reduced from 20% to 15% at the request of Mr. Blackburn, as this is the required standard in the 2017 Land Development Code.

Conditions of Approval 2018 Continued

15) [Relocated from Map Notes and Modified] Open Space Standards- The developer of the residential Tracts shall give the City of Oxford an option to purchase, **or shall offer to dedicate to the City, any of the preservation land in those Tracts (E, G, L, M, or N) for parkland or other open space areas. Nothing herein shall obligate the City to purchase or otherwise accept any open space, parkland, or other property from any developer."**

The above condition has been modified to clarify the original intent.

16) [New] Governance Monitoring - The Plan Data Table and conditions of approval shall be reconsidered no less than every five years while undeveloped commercial areas remain. The continued Planned Unit Development zoning of the areas designated for Commercial or Mixed Use shall be considered after all such areas have been developed or at the next comprehensive rezoning, whichever comes first.

DELETED CONDITIONS:

1 - Conditions related to the front access road along Hwy 7 were deleted since the road has been opened.

2 - The condition requiring individual ownership in Tract A has been removed, since such a requirement does not prevent the rental of dwelling units. Such a restriction shall be an option for the developer.

3 - The condition related to Tract M being Neighborhood Business is being deleted since the developer supports the Plan Data Table version with Tract M as detached residential. This should have been removed in 2015.

4 - The condition related to the Design Guidelines has been deleted since it seems to have only pertained to some Tracts, and it has not been consistently enforced. Development will be subject to design standards in the Land Development Code.

5 - The condition (relocated from Map Notes) limiting Land Area Occupied by Residential, Business, Public and Other Buildings and Accessory Structures has been deleted as the calculations are difficult to make and the Tract uses already limit such uses.

