

The regular meeting of the **Design Review Commission** was held on March 12, 2020, at 5:00 pm in the Board Chambers of Town Hall, 500 Poplar View Parkway.

The following staff members were present: Development Director, Jay Cravens; Town Planner, Mr. Jaime Groce; Planner, Donquetta Singleton; and Administrative Specialist Sr., Ms. Amy Jensen.

ROLL CALL:

Stamps – absent (joined at a later time), Donhardt – present, Hepner – absent (joined at a later time), Peeler - present, Lawhon – present, Lester – present, and Doss – absent.

Quorum present.

APPROVAL OF MINUTES

Commissioner Lawhon asked if there were any corrections or additions to the minutes from the February 13, 2020, meeting.

Hearing none, Commissioner Lawhon called for a motion to approve the minutes from the February 13, 2020, meeting as presented.

Motion by Commissioner Donhardt, and seconded, to approve the minutes from the February 13, 2020, meeting as presented.

Hearing no further discussion, Commissioner Lawhon asked for a roll call.

ROLL CALL:

Donhardt – yes, Peeler - yes, Lawhon - yes, Lester - yes.

Motion Approved.

APPROVAL OF AGENDA:

Commissioner Lawhon asked if there were any changes or additions to the agenda.

Mrs. Groce explained there were no changes.

Commissioner Hepner joined the meeting at 5:03 pm.

Commissioner Lawhon asked for a motion to approve the agenda as published.

Motion by Commissioner Donhardt, and seconded to approve the agenda as published.

Hearing no further discussion, Commissioner Lawhon asked for a roll call.

ROLL CALL:

Donhardt – yes, Peeler - yes, Hepner – yes, Lawhon - yes, Lester - yes.

Motion Approved.

DRC20-0003 – 166 Neely Street – Appeal of Staff Decision related to exterior alterations regarding landscaping and the building façade.

Mr. Jaime Groce gave the staff presentation. The applicant for 166 Neely Street is appealing Staff decision related to exterior alterations related to landscaping and the building façade. Mr. Kevin Vaughan and Mr. Grayson Vaughan, with Township Development Services, are representing ATB Properties, owned by Trip Barzizza. They are requesting an appeal of three staff decisions related to planned exterior improvements to a nonconforming building and site. The 0.754-acre subject property is comprised of two separate tracts located on the north side of Neely Street and south of the Norfolk Southern railway. The western 0.49-acre portion of the property contains a 12,100-square foot prefabricated metal building constructed in 1987, prior to the adoption of the Design Guidelines. The eastern 0.264 tract is vacant and has been used for parking. The property is zoned GI: General Industrial.

- | EXHIBITS: | |
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| 1. | Applicants' Appeal (2/17/20) |
| 2. | Site Plan Modification cover letter (2/19/20) |
| 3. | Staff's Comments on Site Plan Modification (2/14/20) |
| 4. | Policy For Site Improvements (7/1/19) |
| 5. | Aerial Photo (received 2/20/20) |
| 6. | Site Photos Showing Changes (received 2/20/20) |
| 7. | Vent Details (received 2/20/20) |
| 8. | Existing Survey (received 2/20/20) |
| 9. | Proposed Site Layout (received 2/20/20) |
| 10. | Staff's analysis of the "test" (3/6/20) |

The applicant submitted a "Type B" (change to more than 10% of the site) Site Plan Modification/Exterior Alternation request in January 2020, to make improvements to the exterior of the building, expand and improve the parking area, and add landscaping. It was being reviewed administratively. During the review Staff noticed 3 things that are not consistent with the Guidelines. First, they requested an encroachment into the required 10-foot minimum front yard open space along Neely Street. Second, they planned to "reskin" the building with 100% new metal, and that is not allowed. Third, the new galvanized aluminum vents to be left unpainted are not allowed. That is why they are here today.

New landscaping is planned along the north side of the building to improve the appearance of the property from the Town Square. Screening will be added for the HVAC units visible along Neely Street to correct a nonconforming situation.

The applicant is requesting that the Town allow an encroachment into the required 10-foot minimum front yard open space along Neely Street. The Design Guidelines require local streets to have a 10-foot wide minimum front yard open space, which allows an area for screening shrubs to be planted, street trees, and maintains greenspace along public roads. The Design Guidelines state that a consistent landscape treatment along public streets enhances the appearance of the public domain and provides an attractive unified setting for variations among individual developments. The proposed site layout depicts a continuous "mountable" curb cut along Neely Street for around 64% of the frontage, which is not allowed for new developments. Portions of the curb cut allow for 90-degree parking, backing out into the public roadway. The request would allow for this continuous curb cut to be extended eastward to around 95% of the frontage to be a continuous curb driveway opening, with 90-degree parking backing out into the public roadway. Many of the properties along Neely Street are nonconforming. Most have continuous curb cuts with 90-degree parking backing out into the public roadway and do not provide the required 10-foot landscape buffer.

State and local law allows legal nonconforming sites to continue in operation, destroy present facilities, reconstruct new facilities, expand operations, and construct additional facilities, but only within certain limitations.

For an alteration to a nonconforming site to be appropriate, there must be a reasonable amount of space for such expansion on the property so as to avoid nuisances to adjoining landowners. Buildings and sites that do not comply with the Guidelines are a nuisance to adjoining landowners. It is unreasonable for additional parking spaces to be added to the site that would back into the public right-of-way. Since that portion of the site is vacant and being substantially improved, it is appropriate to require that portion of the site to be brought into conformance with the Guidelines.

The Guidelines acknowledge that there are aging developments in the older parts of Town that predate the Town's adoption of Design Guidelines in 1994 and that it may be impractical to apply the current Guidelines in some cases.

The applicant would like the DRC's approval to allow for the "reskinned" metal to be visible from public streets and have galvanized aluminum vents that will not match the surrounding building materials. The Guidelines require that the portions of industrial facades visible from public streets be held to commercial standards and that vents be painted to match the wall on which they are located.

Staff may administratively approve certain site and building changes, but only if they are materially consistent with the Board of Mayor and Aldermen's (BMA) adopted Guidelines. If staff interprets that certain elements within an application are not consistent with the Guidelines, or if the applicant disagrees with a staff/DRC interpretation of the Guidelines, either may request a final determination at the next available BMA meeting, based upon a recommendation from the DRC.

The Development Department has a policy for how to view exterior alterations to an existing site. The policy helps staff to determine, given the extent of the proposed changes being made to the site, if additional improvements are needed to address nonconformities. The policy helps staff to make rational and proportional requests of the property owner based upon the extent of improvements being made. This policy also helps staff to determine if there is a reasonable amount of space for such expansion on the property so as to avoid nuisances to adjoining landowners.

The questions for the DRC to consider are:

Is it appropriate to expand the parking area and curb cut, and forgo the required front yard buffer, for this nonconforming site?

Is it appropriate to reskin the existing nonconforming metal building with new metal?

Is it appropriate for some of the wall fixtures to be unpainted?

Commissioner Lawhon asked if there were any questions for Staff.

Commissioner Peeler asked Mr. Groce if the current parking lot is the space they will be repaving and if the reskinning is planned to match the existing color scheme?

Mr. Groce said yes to both of her questions.

A discussion ensued about how the exterior facades of industrial buildings visible from the public streets are held to a higher standard than those facades not visible.

Commissioner Lawhon asked if the landscaping proposed at the rear of the building is more than sod.

Mr. Groce said the landscaping plan was not supplied to the Commissioners at this time, but he has it and it includes foundation plantings and crape myrtles.

A discussion ensued about the size of the lot and the railroad right-of-way. There was no conflict with new landscaping or parking being located on railroad property.

Hearing no further discussion Commissioner Lawhon called for the applicant to come forward.

Mr. Kevin Vaughan came forward and stated he would like the Commissioners to consider the fact Mr. Barzizza does not have to do anything to the building. He is trying to improve the appearance but is not required to do anything. Based on the non-conforming use of the property and the Design Guidelines, he is allowed to continue what he is doing and even do improvements as long as his business is not a nuisance. Mr. Barzizza's intention is to improve the look of his business. It is the 10 foot parking strip they have mainly come to the DRC about.

They do not want to paint the aluminum hoods because paint does not adhere very well. They feel it would start to come off quickly.

There was a discussion regarding the required 10 foot buffer and the relation to the existing continuous curb cut. The applicant feels the only question for the DRC is when customers back into the street is it a nuisance.

Alderman Stamps stated that this area of Collierville is a challenge. He feels the applicant should be thanked for what they are trying to do.

A discussion ensued about the options to powder coat aluminum. It is possible to do so.

The Commissioners discussed the issue. They asked Staff if the building were to be redeveloped in the future would the applicant come back to the Town for approval. The answer was yes. There was discussion about customers pulling onto Neely Street and if it was a nuisance. Mr. Groce said they could include something about that in the motion or as a reason for their vote if they had concerns.

Hearing no further discussion Commissioner Lawhon called for a motion.

Motion made by Commissioner Lester, and seconded, to approve encroachment of the revised parking lot into the required 10-foot buffer with the condition that the landscaping screening on the north side of the Town Square is sufficient with evergreens based on site limitations.

ROLL CALL:

Donhardt – yes, Peeler - yes, Hepner – yes, Lawhon - yes, Lester – yes, Stamps - yes.

Motion Approved.

Motion made by Commissioner Donhardt, and seconded, to approve reskinning the existing nonconforming metal building with a new metal.

ROLL CALL:

Donhardt – yes, Peeler - yes, Hepner – yes, Lawhon - yes, Lester – yes, Stamps - yes.

Motion Approved.

Commissioner Lester was excused at 5:45 pm.

Motion made by Commissioner Peeler, and seconded, to approve the use of unpainted wall vents and hoods that match the building color.

ROLL CALL:

Donhardt – no, Peeler - yes, Hepner – yes, Lawhon - yes, Stamps - yes.

Motion Approved.

DRC19-0023 – The Learning Experience (Schilling Farms, Phase 64) – Appeal of Staff Decision related to the encroachment into a required landscape buffer.

Ms. Donquetta Singleton gave the staff presentation. The Learning Experience – Schilling Farms, Phase 64 – request appeal of staff decision regarding an encroachment into the required landscape buffer and to allow EIFS on the façade.

The Reaves Firm, Inc. (Jim Schumpert), representing CD Development, LLC is appealing to DRC, a staff decision related to the 20-foot landscape buffer for the proposed site located on the northwest corner of Crescent Drive and East Winchester Boulevard.

They are also asking to use EIFS synthetic stucco trim and accents, which are only allowed on a case-by-case basis. Schilling Farms master developer, Boyle Investment, requires formal review of all exterior design to ensure compatibility with the overall vision of the development. Staff may administratively approve certain Final Site Plans, but only if they are materially consistent with the Board of Mayor and Aldermen’s (BMA) adopted Design Guidelines. If staff interprets that certain elements within an application are not consistent with the Guidelines, or if the applicant disagrees with a Staff/DRC interpretation of the Guidelines, either may request a final determination at the next available BMA meeting, based upon a recommendation from the DRC. Sites that have requested waivers are not eligible for Administrative Development Agreements. The BMA will consider any waivers with the consideration of the Development Agreement.

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| <p style="text-align: center;">EXHIBITS</p> <ol style="list-style-type: none">1. Appeal Cover Letter (2/11/20)2. Site Plan (2/11/20)3. Landscape Plan (2/11/20)4. Elevations (3/4/20)5. Photos EIFS in Schilling Farms6. Buffer Width Exhibit (3/4/20) |
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The applicant has requested to encroach 8 feet into the required 20-foot west landscape buffer. Plate 6 of the Schilling Farms PD Outline Plan and the Design Guidelines require a 20-foot landscape buffer where non-residential uses abut residential uses. The 8-foot encroachment is approximately 203 square feet (4.3%) of the 4,738-square foot west landscape buffer. The applicant is proposing the same landscape plantings for the reduced area that is shown for the full 20-foot landscape buffer and states that the existing trees will provide adequate screening.

According to the applicant, the average buffer width, along the west property line, will be around 27 feet. Even with the requested encroachment, the applicant will be providing 35% open space when the Schilling Farms PD only requires 25%.

The site plan depicts 40 required parking spaces for the childcare facility. The 8-foot landscape buffer encroachment is created by a desired maneuvering tail/turn around in the parking lot. The parking spaces cannot be shifted to the east without encroaching into the required 30-foot streetscape and pedestrian easement. The Schilling Farms PD Outline Plan states that the DRC can approve changes to landscaping/screening requirements if substantially equivalent alternatives are presented.

The applicant is also now requesting the use of EIFS, which is only allowed if approved by the DRC. The proposed location of the EIFS is concentrated in the roof projections and cornice used to break up the roof line. There are other buildings in Schilling Farms which contain the use of EIFS. The Town has not received approval from Boyle, which has private design approval authority in Schilling Farms, indicating that the proposed design is acceptable. Instead of EIFS, the applicant could use materials already indicated on the building facade such as brick, precast concrete, or cast stone. ACM metal panel is another alternate material which is compatible with the standing seam metal roof. Materials, such as EIFS and ACM, are only allowed

per the Guidelines on a case-by-case basis. In such cases DRC review and approval is required. Staff cannot administratively approve such materials in most cases.

The DRC should decide if the 8-foot encroachment into the 20-foot west landscape buffer is appropriate and if EIFS should be allowed as trim and accent.

Commissioner Lawhon asked Ms. Singleton if the applicant currently has more green space than is required.

Ms. Singleton said yes.

A discussion ensued about the required buffer being used for backing in and out. They cannot lose any of their parking spaces because they would go under the required minimum spaces. The Fire Department has looked at the plan and stated they have adequate room for their needs.

Commissioner Donhardt asked about the EIFS. Does the master developer of the subdivision, Boyle Investments, need to give their approval before the DRC can approve them?

Mr. Groce said Boyle does not need to formally approve the project before the Town approves it.

Hearing no further discussion Commissioner Lawhon called for the applicant to come forward.

Mr. Jim Schumpert, applicant, came forward and spoke to the Commissioners. He said they will have 12 feet of planting area along the west side where they plan to put evergreens and other trees. As far as the EIFS, he has a letter that states that Boyle has approved its use.

The Commissioners discussed the fact that the applicant has more green space than is required and they plan to screen it. They also feel the EFIS is fine as long as the developer approves it.

Motion made by Commissioner Hepner, and seconded, to overrule the Staff decision related to the interpretation of the Design Guidelines and approve the 8-foot encroachment into the 20-foot west landscape buffer and take it as an average.

ROLL CALL:

Donhardt – yes, Peeler - yes, Hepner – yes, Lawhon – yes, Stamps - yes.

Motion Approved.

Motion made by Commissioner Peeler, and seconded, to overrule the Staff decision related to the interpretation of the Design Guidelines and approve the use of EIFS as a secondary building material.

ROLL CALL:

Donhardt – yes, Peeler - yes, Hepner – yes, Lawhon – yes, Stamps - yes.

Motion Approved.

Other Business:

Commissioner Lawhon asked if there was any other business.

Mr. Groce explained that an update to the development activity map is being created and will be given to

the Commissioners when it is finished. The April meeting may be cancelled because there are no projects on the agenda at this time.

The recent Corona virus outbreak may cause our public meetings to change for a while because the public is being cautioned to practice social distancing. He will get more information out to them as it comes to him.

Hearing no further business, the meeting was adjourned at 6:06 pm.

Amy Jensen, Administrative Specialist, Sr.