

The regular meeting of the **Design Review Commission** was held on July 9, 2020, at 5:00 pm in the Board Chambers of Town Hall, 500 Poplar View Parkway.

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

ROLL CALL:

Peeler	Donhardt	Lawhon	Hepner	Lester	Stamps	Doss
yes	yes	yes	yes	absent	yes	yes

Quorum present.

APPROVAL OF MINUTES

Chairman Doss asked if there were any corrections or additions to the minutes from the March 12, 2020, meeting.

Hearing none, Chairman Doss called for a motion to approve the minutes from the March 12, 2020, meeting as presented.

Motion by Commissioner Lawhon, and seconded, to approve the minutes from the March 12, 2020, meeting as presented.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Donhardt	Peeler	Lawhon	Hepner	Lester	Stamps	Doss
yes	yes	yes	yes	absent	yes	abstain

Motion Approved.

APPROVAL OF AGENDA:

Chairman Doss asked if there were any changes or additions to the agenda.

Mrs. Groce explained that the agenda was just as they advertised it in the newspaper, but under other business he wants to brief the Commissioners about a project concerning a Mexican Restaurant that has applied for construction on Winchester Road. No vote will be requested.

Chairman Doss asked for a motion to approve the agenda.

Motion by Commissioner Peeler, and seconded to approve the agenda as amended.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Hepner	Peeler	Lawhon	Donhardt	Lester	Stamps	Doss
yes	yes	yes	yes	absent	yes	yes

Motion Approved.

Formal Agenda

DD20-058 - 1025 West Poplar Avenue – Appeal of Staff Decision Related to Visible Roll-Up Doors and Encroachment into the Minimum Required Landscape Buffer

Ms. Singleton gave the presentation. She explained the previous use of the location was a full service carwash. The plan is to upgrade the structure to a modern, express tunnel carwash. No final site plan application has been submitted yet, but the applicant has been working with Staff. It was originally built in 1997. Ms. Singleton showed a picture of the proposed business with its requested deviation for the service door and the buffer. The applicant proposes to move the roll up door from the east elevation to the north elevation. Over 50% of the site would be altered with the redevelopment & the site would be expected to comply with current standards. The Design Guidelines states roll-up doors & service doors should be located on building elevations least visible from public streets, adjacent developments, or from access drives with large developments. The color of the roll-up doors also should match the building.

EXHIBITS:

1. Conditions of Approval (7/2/20)
2. Applicant’s Cover Letter (06/22/20)
3. Conceptual Site Layout & Location of Deviations (6/22/20)
4. Proposed Front Elevation (06/19/20)
5. Existing Landscape Buffers (6/19/20)
6. Property Survey (06/18/20)
7. Design Guidelines for Aging Nonresidential Development
8. Design Guidelines for Service Areas & Appurtenances
9. Design Guidelines for Landscape Buffers
10. Site Photos (6/30/20)
11. Staff Analysis of the “Test” for Granting a Deviation from the Design Guidelines
12. Pre-Application Meeting Notes (1/28/20)

Secondly, there is a request for an encroachment to the east with a deviation for the landscape buffer. Currently there is a 60 foot ingress/egress easement running parallel to Poplar Avenue. 114 feet of the property line is composed of wheel stops. Also 106 feet has no separation. The public sanitation truck uses the open access to pick up trash. The Fire Department states that adding the landscape buffer along the property line would restrict fire truck movement. And the current draining system would be negatively impacted if the landscape buffer is placed along the property line. The applicant proposes the current 5 foot landscape buffer between the proposed development and the IHOP restaurant will create a loss for the escape lane. The applicant proposes to add a hedge & landscape screening between the car wash vacuums and the existing drive, and the proposed redevelopment of site will also increase the landscaping from 13% to 23%.

Ms. Singleton explained the Design Guidelines state that the side and rear lot landscape buffers shall be waived where there is a shared private driveway in an ingress/egress easement along the property line.

Where 2 nonresidential uses/districts are contiguous, an average buffer width of at least 10 feet shall be provided along the property line with the minimum width of the buffer being no less than 5 feet at

its most narrow point. The zoning next to the carwash on the east side is R-1, but there is a planned development overlay that is General Commercial. The bank is also a commercial institutional use, so they are both nonresidential uses.

The Design Guidelines address aging nonresidential developments that pre-date the adoption of the Guidelines. Many developments along Poplar Avenue can be constrained into setbacks and other features such as parking, and may find it difficult to meet current Design Guidelines. The Design Guidelines allow the BMA to consider minor deviations for existing nonconforming sites or buildings pursuant to a test. There are five questions that are asked. Ms. Singleton reviewed them as follows:

1. The particular physical surroundings, shape or topographic conditions of the subject property would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of the Guideline(s) were carried out. *The current site has an existing structure and the applicant is not proposing to completely demolish the structure for redevelopment; however, around 50% of the site will be impacted by the redevelopment. There are two existing businesses/structures on the west and east side of the property that further constrains the site.*
2. The conditions upon which the request is based would not be applicable, generally, to “greenfield” properties of a similar land use type (office, retail, industrial, etc.). *“Greenfield” properties are not limited by existing site features such as existing landscape buffers, asphalt, and existing structures. The entire site is not being redeveloped.*
3. Financial return or franchise design reasons only shall not be considered as a basis for granting a deviation. *There are factors other than financial gain being considered, such as physical characteristics of the lot and existing built environment (see Criteria #1 and #2).*
4. The deviation is the minimum necessary to make possible the reasonable use of the land, building, or structure. *The proposed relocation of the roll-up door likely does not meet the “Test” that characterizes the deviation as the minimum necessary to make possible the use of the land. The previous car wash had its vehicle bay in a location for many years that complied with Design Guidelines. The proposed zero foot east landscape buffer likely meets the “Test” that characterizes the deviation as the minimum necessary to make possible the use of the land. The current five foot west landscape buffer likely meets the “Test” that characterizes the deviation as the minimum necessary to make possible the use of the land.*
5. The granting of the deviation will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located. *There have been other redeveloped sites along the Poplar Avenue corridor that have been granted deviations from the Design Guidelines without detriment to the public welfare or injury to other property or improvements.*

The DRC will need to decide whether the visible roll-up doors and the encroachments into the minimum required east and west landscape buffers should be allowed. The DRC must also decide if they have enough information to make a decision or if they need to table this request until a Final Site Plan application can be reviewed. If the DRC votes to overrule staff’s determination that the request(s) are inappropriate, then the DRC should provide for the record an explanation of the decision with the motion, and why the request(s) are appropriate.

Ms. Singleton said the applicant had provided colored renderings. She showed them to the Commissioners.

Chairman Doss asked if there were any questions for Staff.

Alderman Stamps asked there were other businesses on Poplar that had deviations.

Mr. Jaime Groce said O'Reillys auto parts store shared a drive with McDonalds, and they did not require a grass strip between them. When Collierville Auto became a dealership they did not provide the full buffers due to the widening of Highway 72.

Chairman Doss brought up a similar situation with Discount Tire where he thought they had required an average portion of the land for the buffer.

Commissioner Peeler asked if the landscape buffer in the fire lane would be a conflict.

Ms. Singleton said she had talked to Mr. Paul Witt, the Town of Collierville Fire Marshal, and he said putting the full buffer would restrict fire truck movements.

Hearing no further comments for Staff, Chairman Doss asked the applicant to come forward.

Mr. James M Herrington, one of the applicants, came forward. He stated COVID-19 has affected the car wash industry, especially the full service wash. He said it was closed because people do not want other people in their cars during this pandemic. In his express tunnel, no one gets in the car; customers don't get out of their car or even roll down their windows. He has an app that people can use to pay and access the entry. The reason for the roll up front door is so customers can make the turn with ease as they exit the car wash. He is concerned customers will stop and even back up to make the turn if it has to stay at a 90 degree angle. He would like to remedy that by using roll up doors.

He addressed the two concerns of Staff. First, roll up doors should be located on building elevations that are the least visible to adjacent streets. He said the car wash has a berm and landscaping that keeps the side he wants the door partially shielded. And second, he does not feel it will be setting a precedence if he is allowed to have his door on the east side. He feels it is the correct location for it based on the lot size and building location.

Commissioner Lawhon asked what he planned to have the door look like.

Mr. Herrington said he would like it to be full glass. It can't be full roll up but he will put in as much glass as possible. He said he will match the part that is not glass to the building.

Commissioner Lawhon asked if they would do a little more screening where the doors will be.

Mr. Herrington said he would go into the existing greenspace and add more plants. He said he has not done the landscaping plan yet. That will depend on the outcome of the meeting tonight. He plans to double what is there.

Commissioner Peeler agreed with Commissioner Lawhon that if the door looks like the rendering of a roll up door she would not approve it. It will need to look like what Commissioner Lawhon suggested of a store front door.

Mr. Herrington said they can paint it to match the brick or trim if needed.

Commissioner Hepner suggested he look at other recent auto shops in the Town for ideas. He felt they looked good.

Mr. Herrington said he would do that.

There was a discussion about the desire for the Commissioners to see the landscape plan.

Mr. Herrington said he would have had that if he had known.

Chairman Doss said he thought they should come back to the DRC with the landscaping plan.

Mr. Groce said they can make that a condition in the motion.

Chairman Doss said the Guidelines say there should not be a door that faces the road. He suggested a roof structure over the door so it would shadow it, then the perception is there is no door. Chairman Doss said to give the change to Staff with his final rendering. He also suggested they do a joint easement for a fire truck on the property line with the bank.

Mr. Herrington said he has a concern with the bank's parking lot having a steep slope. There will be an issue with drainage and storm water if they change the elevation of it.

Chairman Doss said it would take some studies but he felt it was a good suggestion. He also asked if the car canopies on the parking spaces have been reviewed and will be changed.

Mr. Herrington said the canopies will match the color of the building. He will work with Staff on meeting the Guidelines with them.

Commissioner Donhardt asked if the 26 feet in the vacuum section could be reduced to give him more room.

Mr. Herrington said it has to do with the catch basin for the sewer. It would change the elevation. He will look in to it.

There was a discussion to decide if the DRC had enough information to make a motion, or if they needed to defer the item until the next meeting. It seems like the door is a major issue.

Hearing no further discussion, Chairman Doss asked for a motion.

Motion made by Chairman Doss, and seconded, to defer all three requested appeals until the Final Site Plan application can come before the DRC at a future DRC hearing.

That way there will be a full application in place that has been reviewed by Staff.

Chairman Doss summarized the design options discussed today that he thinks the applicant should explore, such as additional landscaping along Poplar and a roof or canopy cover that helps put that door into a very deep shadow. Address with the landscape architect both the east and west landscape buffers that are required by Ordinance such that the DRC and Staff are able to work with them within the bounds of the Guidelines. The West side will probably need to be cleaned up and make sure it is fully vegetated. Chairman Doss suggested for the East side the applicant sit down with at least his civil engineer, the landscape architect, and the adjacent property owner such that a solution can be developed that would provide something that would look like a landscaping easement between the two properties. Where it lands does not have to be on the property line necessarily. But the minimum ten (10) foot required east landscape buffer be met. And that the roll up door look like a store front door.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Lawhon	Hepner	Donhardt	Peeler	Lester	Stamps	Doss
yes	yes	yes	yes	absent	yes	yes

Motion Approved.

Chairman Doss suggested it could be advantageous for any of the professionals on this project to attend the next meeting.

Other Business:

Chairman Doss asked if there was any other business.

Mr. Groce explained that he wanted to give an update on the Development Activity Map. The Oliver’s Crossing development will be going to the BMA Monday night for rezoning. It is a single family neighborhood with office and retail zoning. Heritage Oaks senior living has been working with the Planning Commission. It is a Senior Housing development behind an old bowling alley off of Harris Street. It has been recommended by the Planning Commissioner to go to the Mayor and Board of Alderman, and if it is approved it will come to the DRC because it has a lot of landscaping and architecture to review. Several convenience stores have been proposed; one on Byhalia Road, one on Shelby Drive, and one at the intersection of Collierville Road. The Planning Commission did not recommend those, but if the BMA approves them they will come to the DRC meeting. The Collierville Funeral home has submitted their Final Site Plans.

Some other cases that may come to the DRC in the near future are some apartments in Schilling Farms called the Water Tower District. It is a very complex project with a lot of details. Mt. Pleasant Trace came through 10 years ago and now is back with tweaks to the landscape buffer plate. Lenox Place, which is at Holmes Road and Shelby Drive, has been working its way through Staff approvals so the DRC may see a fence soon. Patterson Place on north Main Street has been dormant for a while, but they may come back soon.

The Staff has been working with the owners of Ameca Mexican Cantina, which is similar to the restaurant Tacos For Life. The Staff thought these were not up against a residential zoning but they are, and there is a disagreement about their roll up doors.

Mr. Scott Henninger updated the Commissioners about the situation with Ameca Mexican Cantina with a short presentation. He said while working with the applicant they came up with some suggestions for the roll up doors.

Mr. Henninger said the doors are recessed two feet so there is some shadowing currently. If the roof projection extends a little further it could create the effect the DRC would like. The Staff has also suggested moveable planters with upright evergreen shrubs, a low wall out of brick or stone, or a combination of both in front of the doors.

Chairman Doss suggested that the applicant add an overhang out over the sidewalk like a pergola or

a gazebo structure on the north side so he would have shadow almost 90% of the time.

The applicant, Mr. Neeraj Kumar, was called on the speaker phone so he could respond to questions and concerns from the Commissioners.

Chairman Doss stated the concerns to the applicant. If the roof structure could hang over the door he said the DRC would get what they needed without major changes to the floor plan.

Commissioner Lawhon said he liked the idea of the planters and the brick wall and a larger overhang to create a shadow.

Commissioner Peeler, Donhardt, Hepner, and Stamps all agree. They stated the door could be metal and glass.

Mr. Kumar asked if they wanted them to do both ideas. He would like to do the door with the planters. He said he can also extend the overhang.

The Commissioners said he only needs to do either the planters or the wall. They like the idea of the overhang shadowing the door.

Mr. Kumar is also planning additional landscaping beyond what is required that will make it very private from the street.

The Commissioners suggested the applicant continue to work with Staff to get approval and they feel it will be a great building. The Commissioners also agreed they will need to address the Guidelines about roll up doors in the near future. They feel this is a new trend for them on buildings.

Hearing no further business, the meeting was adjourned at 6:23 pm.

Amy Jensen, Administrative Specialist