

A regular meeting of the **Planning Commission** was held on Tuesday, January 7, 2020 at 6:00 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Town Attorney, Mr. Nathan Bicks; Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Mrs. Nancy Boatwright; Planners Mr. Scott Henninger and Ms. Donquetta Singleton; Town Engineer, Mr. Dale Perryman; Deputy Town Engineer, Mr. Tom Flanagan; Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Shari Michael.

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

Cotton – present, Rozanski – present, Marshall – present, Gilbert – present, Jordan – present, Goddard – present, Worley – present, Mitchell – absent, Given – present.

Quorum Present.

Election of Officers

Chairman Cotton called for a nomination for Chairman for 2020.

Alderman Worley nominated Chairman Cotton to serve for 2020, and it was seconded.

Hearing no further nominations, motion was made by Commissioner Rozanski, and seconded, to close the nominations.

Motion Approved and Chairman Cotton was re-elected Chairman for 2020 by acclamation.

Chairman Cotton called for a nomination for Vice-Chairman for 2020.

Commissioner Jordan nominated Commissioner Rozanski to serve for 2020, and it was seconded.

Hearing no further nominations, Vice-Chairman Rozanski was re-elected Vice-Chairman for 2020 by acclamation.

Chairman Cotton called for a nomination for Secretary for 2020.

Alderman Worley nominated Commissioner Given to serve as Secretary for 2020, and it was seconded.

Hearing no further nominations, Commissioner Given was elected as Secretary for 2020 by acclamation.

Approval of Minutes

Chairman Cotton asked if there were any additions or deletions to the minutes from the December 5, 2019 meeting.

Hearing none, he called for a motion to approve the minutes from the December 5, 2019 meeting as presented.

Motion by Vice-Chairman Rozanski, and seconded, to approve the December 5, 2019 minutes as presented.

Hearing no further discussion, Chairman Cotton asked Mrs. Michael to call the roll.

Roll call:

Rozanski – yes, Given – abstain, Jordan – yes, Marshall – abstain, Goddard – yes, Gilbert – yes, Worley – yes.
Cotton - yes.

Motion Approved

Approval of Agenda

Chairman Cotton asked if there were any additions or deletions to the Agenda.

Mr. Groce explained there are none.

Motion by Alderman Worley, and seconded, to approve the agenda as presented.

Hearing no further discussion, Chairman Cotton asked Mrs. Michael to call the roll.

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Marshall – yes, Goddard – yes, Gilbert – yes, Worley – yes. Cotton - yes.

Motion Approved.

Consent Agenda:

Chairman Cotton called for a motion to approve the Consent Agenda.

Motion by Commissioner Jordan, and seconded, to approve the Consent Agenda as presented.

Vice-Chairman Rozanski and Alderman Worley recused themselves from this portion of the meeting.

DD19-0008 – Tara Oaks Court Subdivision – Request approval of Preliminary Subdivision Plat for a 3-lot residential subdivision on 1.07 acres located on the northeast corner of Collierville-Arlington Road and Tara Oaks Drive.

To approve the Preliminary Subdivision Plat (Exhibit 3) for the Tara Oaks Court Subdivision, subject to the conditions:

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.

PC 1-7-20

EXHIBITS

1. PC Conditions of Approval (1/3/20)
2. Applicant's Cover Letter (12/10/19)
3. Preliminary Subdivision Plat (12/10/19)
4. Villas of Tara Oaks Final Subdivision Plat
5. Site Drainage Pattern Summary (12/10/19)
6. Grading Plan (12/10/19)
7. Site Generated Traffic Volumes (7/31/19)

2. Add the following language to the first note on Sheet 1: ***The ingress/egress*** portions of C.O.S. A and B of the Villas of Tara Oaks to be maintained by the homeowners' association of this subdivision ***per the approved landscape plan on file with the Town of Collierville.***
3. The Declaration of Covenants, Conditions, and Restrictions for Tara Oaks Court shall be revised as follows prior to the approval of a Development Agreement by the Board of Mayor and Aldermen:
 - a. Remove all references to a P.D. from the document. The Tara Oaks Court Subdivision is not a planned development.
 - b. Include a specific requirement in Article IV. 4.1 that the ingress/egress easements in the Villas of Tara Oaks Common Open Spaces A and B shall be maintained by the Homeowners' Association per the approved landscape plan on file with the Town of Collierville.
4. Remove the landscape plan for the Common Open Space (COS) A and B of the adjacent Villas of Tara Oaks from the Preliminary Plat drawings and include it in the construction drawings.
5. Show the location of the concrete pads for solid waste removal for all three lots. It is suggested that these pads and any signage be in a COS for Tara Oaks Court. If not in COS but on private lots, then provide easements for these common amenities.
6. On the final plat, include notes that explain for whom the easements are in favor and for what purpose they are provided.
7. Prior to plat recording, provide an 11" x 17" drawing showing the area (in square feet) of all public easements dedicated with this plat.
8. Please be advised that the plat will still need to be filed for Final Approval before it is recorded.
9. The min. Finished Floor Elevations will be reviewed once the As-Built topo is submitted.
10. FEMA Note – F.E.M.A. now requires for the zone that the project is located in to be listed as well. Please add the zone.
11. "6 of 14" is labeled as "5 of 14"
12. The Private Drainage Easement needs to be dimensioned and tied down.
13. Confirm the scale is correct on Sheet 2.
14. Add a Notary's certificate to the Certificate of Declaration of Covenants and Restrictions.

DD19-02 – Villages of Porter Farms, Phase 24 – Request approval of a Final Subdivision Plat for 22 single family residential lots on 4.91 acres located on the east side of South Shea Road adjacent to and south of The Villages at Porter Farms PD Phase 23.

To approve the Villages at Porter Farms, Phase 24 Final Subdivision Plat (Exhibit 3), subject to the conditions:

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
2. Prior to recording the Final Plat for Phase 24, update and re-record the Declaration Cover Page and "Exhibit A" to include all areas of the PD to be subject to the Declaration of Covenants, Conditions, and Restrictions for Shea Station Home Owners Association. Provide space for the new instrument number to be written.
3. Additional comments may be issued for the Amendment to the Shea Station Homeowners Association upon review by the Town's Attorney.
4. The remainder parcel on the Plat (Sheets 3 & 4) indicate Phase 22 and 23 as part of the parent parcel. They are no longer part as the Final Plat has now been recorded. Show the parent parcel as the area south of Phases 23 & 24.
5. In the Plat Data Table, correct the acreage of the parent parcels in the data table to remove the acreage of Phases 22 & 23 as well as other property north of those phases.
6. The following comments from the Engineering Division shall be addressed:

EXHIBITS
1. Conditions of Approval (1/3/20)
2. Applicant's cover letter (11/15/19)
3. Final Subdivision Plat (12/04/19)
4. Checklist for Plat Recording

- a. Prior to plat recording, provide an 11 x 17 drawing showing the area (sq. ft.) of all public easements and right-of-way dedicated with this plat.
- b. The minimum Finished Floor Elevations will be reviewed once the As-Built topo is submitted.
- c. North Arrow should state basis of bearing or horizontal datum – NAVD88 was added. This should be NAD83.
- d. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Department.
- e. Street Signs shall be installed before the plat is recorded. Please contact the Engineering Inspector and the Town's Sign Shop before installation to verify that all signage meets the current requirements.

DD19-063 -167 Byhalia Road (Take 5 Oil Change) – Request approval of an Amendment to the Conditional Use Permit (CUP) for an auto repair shop located west of Byhalia Road and north of the Norfolk Southern Railroad.

To recommend approval of the request for the Conditional Use Permit (CUP) amendment to modify the Conditions of Approval for Take 5 Oil Change on 0.65 acres located at 167 Byhalia Road subject to the conditions:

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
2. Auto repair shops shall generate noise, odors, dust, or vibrations off site.
3. Vehicle service bays shall be screened from view.
4. Activities and materials shall take place within an enclosed structure.
5. The building shall be primarily brick with EIFS used as accent material on the parapet.
6. A Preliminary Site Plan shall be required.
7. A Final Subdivision Plat to subdivide the property to create the 0.71-acre lot shall be required.
8. Applicant shall install a right turn lane on DeCaro Drive.
9. The new curb for the right turn lane adjacent to the car detail shop on DeCaro Drive shall be tapered and less abrupt.
10. There shall be no outdoor display, vending, or storage.
11. This Conditional Use Permit limits the site to automobile oil changes and ancillary automobile repair uses. Auto-body repair is expressly prohibited.
12. Any activities related to this Automobile Repair Use that would increase the intensity of the use shall not be allowed without an amendment to this CUP or through a separate CUP for an outdoor event. Increases in intensity shall be considered expanding the building beyond 1,405 square feet, activities that increase parking demand, and/or increases in the number of parking spaces related to this use.
13. Any services performed at the site shall comply with the Town's Anti-Noise Regulations (§ 130.022)

EXHIBITS
1. Amended CUP Conditions of Approval (1/3/20)
2. Applicant's Cover Letter (12/13/19)
3. Applicant's CUP Test Analysis (9/10/19)
4. Site Layout & Color Renderings (11/27/19)
5. Staff's CUP Test Analysis (10/3/19)
6. Applicant's Response to CUP Conditions of Approval October 2019 BMA
7. PC Minutes October 2019
8. BMA Minutes October 2019

Roll call:

Rozanski – recused, Given – yes, Jordan – yes, Marshall – yes, Goddard – yes, Gilbert – yes, Worley – recused, Cotton - yes.

Motion Approved

Formal Agenda:

DD 19-076, Byhalia and Rowlett Subdivision – Request approval of a Final Subdivision Plat on 4.31 acres located at the intersection of South Byhalia Road and South Rowlett Street.

Mr. Jaime Groce gave the staff presentation. He explained that the property is a re-subdivision of Lot 2 of the Federal Express Subdivision and part of Lot 1 of the J.P. Cowan Subdivision.

A portion of the property was rezoned from GI to GC, but the majority of it is now GC General Commercial. The property is currently being used as an animal boarding and animal clinic use allowed by right. There is also a cell tower with a lease area located on the property, and an automobile repair garage (Zellner’s Alingment), and the use is allowed through a CUP approved in 2009. The Final Site Plan is pending for Zellner’s and the plan is to demolish the current building and build another building.

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| <p style="text-align: center;">EXHIBITS:</p> <ol style="list-style-type: none">1. Conditions of Approval (1/3/20)2. Cover Letter (7/22/19)3. Waiver Requests (11/22/19)4. Final Plat (December 2019)5. Aerial Photo (12/30/19)6. Site Layout Excerpt from Final Site Plan (December 2019)7. Plat Recording Checklist |
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Traffic is expected to increase with planned improvements. The existing detention pond could be used to meet the Town’s stormwater requirements. The capacity of the pond is being reviewed through the site plan process.

Mr. Groce explained that the area was recently rezoned, and he showed elevations of the proposed design of the buildings. The applicant is requesting the PC to waive the right-of-way (ROW) dedication. The PC decides ROW waivers, and can approve exceptions per the Subdivision Regulations. The BMA decides road improvement waivers. The Major Road Plan for Byhalia Road classifies this road as an arterial six lanes undivided with turn lane. Currently, Byhalia Road has 5 lanes, with 2 lanes southbound and 2 lanes northbound with a center lane, and 80 feet of ROW.

The frontage is already improved along Byhalia Road with curbs, gutters, and sidewalks in front of the property. The applicant argues that a right-of-way dedication puts existing site improvements, which includes the drive, part of the parking lot, sign, and detention pond in the ROW.

Condition 4.b., states that “In order to widen the South Byhalia Road to six lanes, per the Major Road Plan, dedicate with this plat an additional 14 feet of public ROW.” The applicant does not agree with this condition.

He reviewed the next steps for the applicant, the example motion contained in the staff report and stated that the applicant is in agreement with the conditions of approval except number 4b.

Chairman Cotton asked if there were any questions of staff.

Hearing none, Chairman Cotton called the applicant forward.

Mr. John McCarty, representative for the applicant, addressed the commissioners. He explained that the site functions well with the driveway as it is, but if they had to give up parking spaces due to giving up the ROW, they would not be able to get the animals in the building safely, and this causes problems. If in the future, the State decided to make that road 6 lanes, they could acquire the ROW and use it, and the applicant would lose parking spaces.

Chairman Cotton asked if there were any questions from the commissioners.

Commissioner Given asked if the driveway went away off of Byhalia Road, could you move the entrance only off of Rowlett.

Mr. McCarty stated if they did that, they would lose all of the parking in the front area and would not be convenient for the clients or animals.

A discussion ensued regarding the lot adjacent and the parking restriction it has as well. There was additional ROW obtained from U-Haul and the C-Store further north on Byhalia Road.

After a brief discussion about the surrounding properties and their right-of-ways, Mr. Dale Perryman, Town Engineer, addressed the commissioners. He explained that there are no plans for widening Byhalia Road at this time.

Hearing no further discussion, Chairman Cotton called for a motion.

Motion by Vice-Chairman Rozanski, and seconded, to approve the Final Subdivision Plat for the Byhalia and Rowlett Subdivision, subject to the Conditions in Exhibit 1, deleting 4.b.:

Conditions of Approval:

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
2. Demolition of the Zellner's building is required before the Final Plat can be recorded. Obtain a demolition permit from the Codes Division prior to removing the structure.
3. Remove the language referring to "proposed" zoning, as Ordinance 2019-16 was adopted by the BMA in October and is not effective.
4. Address the following comments from the Engineering Division:
 - a. Show the TBM location.
 - b. ~~In order to widen South Byhalia Road to 6 lanes (3 lanes southbound; 3 lanes northbound) per the Major Road Plan, dedicate with this plat an additional 14 feet of public right of way.~~
 - c. Off-site Sewer Esmt. – This must be recorded prior to the plat and the instrument number noted on the plat.
 - d. Label Lot #2. Include the lot number, lot size (in acreage and square feet), and the minimum FFE.

Vice-Chairman Rozanski explained that because the surrounding properties were not required to have any dedication of ROW, he does not feel this should be required for this project.

Alderman Worley asked if when Dr. Wright purchased that property, was the ROW changed, and was this known 15 years ago when Dr. Wright purchased the property. If Dr. Wright knew on the front end, when he purchased the property, that this was going to have to be dedicated, then he could see asking him to do so now. If he didn't know, then he should be paid for that ROW.

Mr. McCarty explained that the plat was recorded in 1994 and it was not required then when he bought the property.

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Marshall – abstain, Goddard – yes, Gilbert – yes, Worley – yes, Cotton - yes.

Motion Approved.

DD19-0014 – Resolution 2019-45 – A Resolution of the Board of Mayor And Aldermen of The Town of Collierville, annexing, and adopting a plan of services for 32.73 acres located in Collierville’s Reserve Area on the east side of Sycamore Road, south of E. Shelby Drive, and to incorporate the same within the corporate boundaries of the Town of Collierville.

DD19-0027 – Ordinance 2019-21 – An Ordinance Amending the Official Zoning Map of the Town of Collierville by Zoning 32.73 acres located in Collierville’s Reserve Area on the east side of Sycamore Road, south of E. Shelby Drive.

Mrs. Nancy Boatwright gave the staff presentation. She explained that these requests are both related to the annexation, which was initiated at the request of the property owner. State law requires all annexations to include a Plan of Services (POS), which outlines the services and or amenities available to the land being annexed, and the timeframe within which services/amenities will be provided. Benefits of the annexation include municipal schools, police coverage, fire and emergency response, trash collection and curbside recycling, library services, animal services, street maintenance, water and sewer, and management of stormwater drainage system/drainage ditches.

- | EXHIBITS | |
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| 1. | Summary of affected properties (3/22/19) |
| 2. | Resolution 2019-12, with Legal Descriptions
Location Maps, and Plan of Service (3/22/19) |
| 3. | Existing Land Use Map (12/31/18) |
| 4. | Collierville 2040 Place Types Map (3/13/19) |
| 5. | Ordinance 2019-07, with attachments (3/22/19) |
| 6. | Grounds for Amendment to the Zoning Map,
(3/22/19) |

The existing zoning is CA Conservation Agriculture in Shelby County. The land is undeveloped and vacant. When property is annexed into the Town, it must be zoned by separate ordinance. The proposed zoning to R-2 Medium Density Residential, is consistent with the Collierville 2040 Land Use Plan and the grounds to amend the Zoning Map.

The Conventional Suburban Neighborhood land use is characterized by low density, single family detached houses. The 2040 Plan anticipates that the R-2 Zoning District may be appropriate on a case-by-case basis to serve as a transition in lot size and width. A nonbinding concept plan was submitted with the request and proposes a 1.82 dwelling units/acre gross density, which is less than a 2.01 to 2.5 units/acre recommended by the 2040 Plan. She showed the surrounding zoning of subdivisions in the area.

She reviewed grounds to amend the official Zoning map, the next steps for the applicant, and the example motions contained in the staff report.

Chairman Cotton asked if there were any questions of staff.

A discussion ensued regarding the lot widths of Rolling Meadows SD, which is 90 feet.

Hearing no further questions, Chairman Cotton called the applicant forward.

Mr. Kevin Vaughan, representative for the applicant, addressed the commissioners. He explained that this is a remnant piece of property that was left after the high school property was purchased by the Town. It's a 400 foot wide piece of property and they plan to develop it as they have submitted the plan. The nursery property sits to the east of the high school now, and this is going to be one of the entryways into that piece of property. If they zone it R-1, they will have a piece of property that has a 1,000 foot long dragstrip down through the property. They want to add a little bit of aesthetic look with variations on the lot frontages so it's not a picket fence of mailboxes and homes. They are going to leave the area in the middle of the property as natural as possible and make it a nice development with lots of trees.

Hearing no further discussion, Chairman Cotton called for a motion.

Motion by Commissioner Jordan, and seconded, to recommend approval of Resolution 2019-45 (Exhibit 2).

Chairman Cotton asked if there was any discussion from the commissioners.

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Marshall – yes, Goddard – yes, Gilbert – yes, Worley – yes. Cotton - yes.

Motion Approved.

Motion by Vice-Chairman Rozanski, and seconded, to recommend approval of Ordinance 2019-07 (Exhibit 5).

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Marshall – yes, Goddard – yes, Gilbert – yes, Worley – yes. Cotton - yes.

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce gave an update on the recent Development Activity projects that have been received by staff and reminded the PC that more items will be coming forth in February 2020.

Commissioner Given asked that staff make sure to include information in staff reports that would be relevant to costing the Town money down the road.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:48 p.m.

Secretary, Commissioner Jeremy Given