

A regular meeting of the **Planning Commission** was held on Thursday, February 6, 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; Planner, Ms. Donquetta Singleton; Town Engineer, Mr. Dale Perryman; Deputy Town Engineer, Mr. Tom Flanagan; Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Amy Jensen.

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any additions or deletions to the minutes from the January 7, 2020 meeting.

Hearing none, he called for a motion to approve the minutes from the January 7, 2020 meeting as presented.

Motion by Commissioner Rozanski, and seconded, to approve the January 7, 2020 minutes as presented.

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

Roll call:

Rozanski – yes, Given – yes, Jordan – 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 were none.

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

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

Roll call:

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

Motion Approved.

Consent Agenda:

DD20-002, Magnolia Preserve PD, Magnolia Preserve Subdivision Phase 2 – Request approval of a Final Plat for a 34 lot residential subdivision on 16.60 acres located south of East Shelby Drive and east of Fleming Road.

There were two members of the audience that wanted to ask questions about DD20-002, Magnolia Preserve Subdivision Phase 2.

Mr. Joe Krisle came forward to ask questions. He stated he was in the initial meetings when this Subdivision was being proposed, and he wants to make sure the fence will still be the same materials as it was described before and it will be extended to include Shelby drive. He said the view from his home will be the fence. He also had questions about the landscaping. It was stated at the preliminary meetings it would be included and specified. He also wants to make sure there is proper water drainage off of the property.

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| <p style="text-align: center;">EXHIBITS</p> <ol style="list-style-type: none">1. Applicant’s cover letter (1/10/2020)2. Final Subdivision Plat (1/10/2020)3. Engineering Checklist for Plat Recording4. PC Conditions of Approval (1/31/2020) |
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Chairman Cotton said with all of these questions he proposes they take the item off of the Consent Agenda and put it on the Formal Agenda. He asked for a motion.

Motion by Commissioner Rozanski, and seconded, to move the item to the Formal Agenda.

Roll call:

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

Motion Approved.

Formal Agenda:

DD20-002, Magnolia Preserve PD, Magnolia Preserve Subdivision Phase 2 – Request approval of a Final Plat for a 34 lot residential subdivision on 16.60 acres located south of East Shelby Drive and east of Fleming Road.

Ms. Singleton gave the presentation stating the request is for approval of a final subdivision plat. The Applicant is McCarty Granberry Engineering and Property Owner is Reggie Garner. The PD was approved by the Planning Commission in 2015 for Phases 1 and 2. The final plat complies with the Magnolia Preserve PD and the Preliminary Plat. Traffic and Storm water concerns were addressed with the Preliminary Plat. The next steps for the final subdivision plat recording are the plat must be revised and recorded prior to the issuance of any building permits. Prior to the issuance of a building permit for any of the lots, construction plans must be submitted to the Codes Department for review.

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Mr. Jaime Groce added that the landscaping questions were looked at and approved by the DRC. The Staff will make sure the landscaping is completed. The drainage issues have been reviewed as well and the Staff will be involved to ensure completion.

Chairman Cotton invited Mr. Tillman to come to the microphone.

Mr. John Tillman wanted to ask about drainage as well. He said the retention pond is adjacent to his lot. He wanted to know where the water will flow.

Mr. Groce said he would get with the Town Engineers and communicate with Mr. Tillman.

Commissioner Worley stated that since there are questions about this item he feels maybe they should not vote until they have the answers. He suggested they defer it until the next meeting.

Mr. Kevin Vaughan, a developer who works with this applicant, came forward to say he does not believe the development agreement has been submitted. He felt the drainage issues and other questions could be answered in conjunction with their approval of the Final Plat tonight.

There was discussion about the situation.

Mr. Groce said they can only defer it once according to State Law.

Mr. Nathan Binks, the Town's attorney said they could word the motion to say it is subject to the issues being resolved.

Commissioner Jordan asked if the fence and the drainage have been addressed already.

Commissioner Worley said he believed these items have been addressed and designed to meet Town requirements.

Mr. Dale Perryman, Town Engineer, came forward and said usually the silt ponds remain in place the whole time the subdivision is being developed and then the contractor will clean them up.

Commissioner Worley agreed with Mr. Perryman that this is a common occurrence for drain water in subdivisions while they are being constructed.

Commissioner Rozanski wanted to clarify what the motion is and what they will be voting on.

Mr. Binks suggested the motion be conditional on the plat actually recording. That would keep the applicant from having to return to a future meeting.

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

Motion by Commissioner Jordan, and seconded, to approve DD20-002, the Magnolia Preserve PD, Phase 2, Final Subdivision Plat for 34 lots on 16.60 acres located south of East Shelby Drive and east of Fleming Road subject to the following conditions, once all the items have been met and it meets Staff 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. The Magnolia Preserve PD Outline Plan shall be recorded prior to the recording of the Final Plat for Phase 2.
3. Provide the Declaration of Covenants, Conditions and Restrictions (DCCRs) for this phase of the subdivision for review prior to recording the Final Plat. Include a reference to the DCCRs in the Final Plat.

4. Prior to plat recording, provide a 11 x 17 drawing showing the area (s.f.) of all public easements and R.O.W. dedicated with this plat.
5. Add “Found” or “Set” to the concrete corner monument labels.
6. The minimum F.F.E. need to be shown. They will be reviewed once the As-Built topo is submitted.
7. Add the following to Note #14 (Storm Water Detention): “The Town shall have a ‘right of access’ to use the drives, parking areas and yards of this property to make inspections of the storm water detention facility to ensure that said maintenance has been properly performed. In the event that the HOA has not properly performed maintenance on the facility, to the extent that the facility poses a threat to public health, safety or welfare, the Town shall retain the right to perform emergency repairs to the facility. The cost of any such repairs will remain the responsibility of the property owner or owners’ association and may be added as a lien on the next year’s tax bill.”
8. Please show the centerline of Shelby Drive and provide a dimension from the centerline to the boundary line.
9. Please show the Horizontal Datum.
10. Add note identifying the type of monumentation used for the front and back corners unless otherwise noted.
11. Ped./Util. Esmt. – This may not show up when copied, make it darker and/or change the line type.
12. To avoid any issues with MLGW in the future, spell out “Circle” in the street names.
13. Note #6 –Remove the word “And” from between “Collierville” and “Shall”.
14. Note #10 –Remove one of the “Shows”.
15. Owner’s Certificate has “Magnolia Homes, Inc.” but the Title Block has “Magnolia Homes, LLC”.
16. Final Subdivision Plat shall not be recorded without approval from Development Staff.

Roll call:

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

Motion Approved.

DD19-099 - DeCaro Subdivision – Request approval of a Final Plat for a 2-lot commercial subdivision on 1.85 acres located west of Byhalia Road and north of the Norfolk Southern Railroad.

Commissioner Rozanski recused himself for this item.

Ms. Donquetta Singleton gave the staff presentation. She explained that the Decaro Subdivision is located at 167 Byhalia Road. The applicant is Carlson Consulting Engineering and the owners are Mary and James Thompson. The subdivision is a 2 lot minor subdivision and both lots are zoned General Commercial. There is an existing car wash detail shop on lot 2. Lot 1 has a Conditional Use Permit approved for an auto repair shop that is currently in review for a final site plan by Staff. A traffic impact study has been done, and Staff feels the facility is small enough that it will not impact most of the intersection in the study area. A detention pond on Lot 1 will address the majority of the storm water runoff for the property. The applicant is requesting a Right of Way (R.O.W.) waiver. The Town’s Subdivision Regulations requires the applicant to dedicate 24 feet of R.O.W. on Byhalia to allow for a 54-ft section from the centerline.

EXHIBITS	
1.	Conditions of Approval (1/31/20)
2.	Cover Letter (12/27/19)
3.	Final Subdivision Plat (12/27/19)
4.	Right-of-Way Dedication Waiver (9/11/19)
5.	Right-of-Way Dedication on Byhalia Table
6.	Decaro Drive Assess Easement
7.	BMA Draft Minutes (1/13/20)
8.	Applicant’s Response to staff Comments (1/24/20 & 1/30/20)

Byhalia Road is currently 60 feet wide along the subject property. The Car Wash USA & the Circle K north of the subject project have not dedicated R.O.W. Those two locations currently have 30 feet of R.O.W. 795 West Poplar Avenue dedicated 10 ft. of R.O.W. and 783 West Poplar Avenue dedicated no R.O.W.

If the PC waives the R.O.W. dedication requirement, the Town or State would have to acquire the R.O.W. from the property owner at a later date if Byhalia Road is to be widened. R.O.W. width along Byhalia between Poplar Ave & Winchester Blvd varies throughout the entirety of the roadway.

The BMA added a condition on the Conditional Use amendment that Decaro Drive be maintained. Decaro Drive is a private assess easement & is maintained by the property owner. Private streets do not have to meet public road standards, but must be continually maintained in good condition. The BMA will ultimately decide who does the Decaro Drive maintenance.

The applicant has provided a revised plat but the revisions have not been fully reviewed by Staff. The applicant is willing to provide a 10-ft pedestrian easement along Byhalia Road with no R.O.W. to be dedicated. To comply with the Final Site Plan, the applicant must add sidewalks along Byhalia within the pedestrian easement.

Ms. Singleton said the next steps for the applicant will included the Final Subdivision Plat being reviewed based on the Conditions of Approval and recorded prior to the issuance of building permits. The applicant will also have to provide written responses stating how each comment/condition for the Final Subdivision Plat was addressed. She said the applicant does not agree with #2 and #26 in the Conditions of Approval stating they must dedicate 24 feet of R.O.W. along Byhalia Road or request a waiver. If a waiver is requested, Staff suggests that at least 10 feet is dedicated.

Chairman Cotton asked if there were any questions of staff.

Commissioner Given asked if the requirement for Right of Way is 30 feet, why are we asking for 24 feet of this applicant.

Commissioner Worley answered this by saying the total amount needed is 54 feet, and there is already 30 feet dedicated, so they would request 24 more. The least the Town can take is 10 feet.

Hearing no more questions for Staff, Chairman Cotton called the applicant forward.

Mr. Tom Barnes – the applicant came to the mic. He stated that this site is already constrained so dedicating additional R.O.W. would require them having to shift the entire structure. They can do a 10 foot public easement and put a sidewalk in it.

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

Commissioner Worley said he would like to make a motion.

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

Motion by Commissioner Worley, and seconded, to approve the Decaro Final Subdivision Plat for two (2) commercial lots on 1.85 acres located west of Byhalia Road and north of the Norfolk Southern Railroad subject to the conditions in Exhibit 1 and the applicant putting in a 10 foot public easement and install a sidewalk, not dedicated as Right of Way.

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. ~~Dedicate 24 feet of R.O.W. along Byhalia Road or request a waiver. If a waiver is requested, staff suggest that at least 10 feet is dedicated.~~
3. If additional Right-of-Way is not dedicated along Byhalia Road, the area of the sidewalk shall be shown in a Pedestrian Easement.
4. Remove building footprint on Lot 1.
5. Update the Instrument Number and Property Owner for the carwash north of Lot 1.
6. Remove the "Site Data" and corresponding information from the lower left corner of the plat.
7. Show the recorded "Ingress/Egress Easement" for Decaro Drive (if applicable).
8. Remove "Plan Designation: Suburban Commercial" from surrounding parcels.
9. Site Data Table:
 - a. Use the standard Town of Collierville Site Data Table.
 - b. Add "General Commercial" after "GC".
 - c. Include the Floor Area Ratio.
 - d. Include the Minimum Lot Size.
10. Title Block:
 - a. Change "City of Memphis" to "Town of Collierville".
 - b. Title Block – Label the square footage along with the acreage.
 - c. Title Block – Label the zoning.
11. Add any applicable notes for existing legal nonconformities.
12. Provide an updated letter if a new Right-of-Way waiver is requested.
13. Prior to plat recording, please provide a 11 x 17 drawing showing the area (s.f.) of all public easements and Right-of-Way dedicated with this plat (if applicable).
14. Show the location of the two required permanent concrete corner monuments. Also, label them as "Found" or "Set".
15. Benchmark needs to be shown and described on or in close proximity to subject property.
16. Add a note that Decaro Drive is private and that the Town of Collierville does not have any maintenance responsibilities.
17. There should be a sewer easement shown for the sewer that is running across your lot to serve the other lot.
18. Common Open Space Area does not need to be shown unless it is going to be an actual common open space lot for the benefit of both lots.
19. The minimum Finished Floor Elevation needs to be labeled for each lot.
20. Add the following note: "Please refer to Instrument # _____ for Inspection and Maintenance Agreement for Private Storm Water Management Facilities."
21. Note #1 – Detention Note – Please revise it to the following: "The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the Town Engineer. The storm water detention system located in this area, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the Town Engineer's office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning and repair of drainage structures. The Town shall have a 'right of access' to use the drives, parking areas and yards of this property to make inspections of the storm water detention facility to ensure that said maintenance has been properly performed. In the event that the property owner has not properly performed maintenance on the facility, to the extent that the facility poses a threat to public health, safety or welfare, the Town shall retain the right to perform emergency repairs to the facility. The cost

of any such repairs will remain the responsibility of the property owner and may be added as a lien on the next year's tax bill."

22. Suggest adjusting the color of the setbacks and labels. As it is now, they are difficult to read and they will not show up on copies.
23. Adjust the scale to a larger scale and putting the certificates on a separate sheet so that it is not as cluttered.
24. Revise "Abbinton" to "Abbington" on Vicinity Map.
25. Lot #1 – Suggest removing the Proposed Use label.
26. ~~Need to dedicate 24 feet of R.O.W. along Byhalia Road or request a waiver. If a waiver is requested, staff suggest that you still dedicate at least 10 feet.~~
27. If additional Right-of-Way is not dedicated along Byhalia Road, the area of the sidewalk shall be shown in a Pedestrian Easement.
28. Lot Lines are labeled twice.
29. Suggest showing the typical 5' Utility Easement along all property lines.
30. Revise Certificates – Most of them do not match the Town's Standard Certificates exactly. The Town's Standard Certificates can be found in the Subdivision Regulations.
31. Certificates – Need to adjust the year.
32. Add a Mortgagee and Notary's Certificate.
33. The BMA Certificate needs to be added.

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

Roll call:

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

Motion Approved.

Commissioner Rozanski rejoined the meeting.

DD19-0015, Ordinance 2019-22 (Clara's Ridge at Cartwright Farms) – An Ordinance Amending the Official Zoning Map of the Town of Collierville by rezoning approximately 61.69 acres from FAR Forest Agriculture Residential to R-1 Low Density Residential, located at the northeast corner of Sycamore Road and East Shelby Drive.

DD19-0016, Resolution 2019-46 – (Clara's Ridge at Cartwright Farms Planned Development) – Request approval of a Planned Development for 81 residential lots and one parkland lot on 61.961 acres located at the northeast corner of East Shelby Drive and Sycamore Road.

Mrs. Nancy Boatwright gave the staff presentation. She explained that these requests are related. The applicant is Township Development Services represented by Kevin Vaughan and the Property Owner is Robert T. Cartwright. The outline plan proposes reductions in bulk requirements in area 1, reduce Right of Way width for internal streets in Area 1, and pedestrian and utility easements across the fronts of the lots of Area 1. Area 1 is the residential section of the PD and Area 2 will be park land and public safety facilities. There are other

EXHIBITS

1. Applicant's Cover Letter (10/23/19)
2. Applicant's Grounds for Amendment (10/23/19)
3. Ordinance 2019-22 with Attachments A & B (1/31/20)
4. Staff Analysis of Grounds for Amendment
5. Applicant's Exhibits (10/23/19)
 - a. Survey
 - b. Vicinity Map
 - c. Existing Zoning
 - d. 2040 Plan Place Types Map
 - e. Maximum Gross Residential Density Map
 - f. Clara's Ridge PD Outline Plan Map
 - g. Conceptual Subdivision Layout

subdivisions in the area that have been developed with reduced bulk requirements and alternative R.O.W. They are all planned developments. They have either 31-foot or 50-foot R.O.W.

Based on the proposed setbacks, the dwellings could be as close as 7 feet from the sidewalk. 31-foot ROW places the sidewalk/utility easement within the front yard. The 20-foot front yard places the front façade within 10.5 feet of the sidewalk, and bay windows, chimneys, steps & balconies could encroach up to 3.5 feet into the setback, which could be 16.5 feet from property line. Porches are allowed by the Zoning Ordinance to encroach up to 6 feet into the front yard which could place the residences 4.5 feet from the sidewalk and 14 feet from the back of the curb. The Conditions of Approval require a 30-foot minimum front yard to meet Ordinance 2019-05 and garages must be 20 feet from the sidewalk to prevent blocking the sidewalk.

The Town's Greenbelt Network shows part of the local network along Sycamore Road. The developer would be required to provide the trail through the streetscape.

Area 2 (30.317 acres) will be dedicated to the Town for recreational and public safety facilities. The Parks Advisory Board and BMA must approve the dedication.

There is a stream that runs north and south between Areas 1 and 2. It and its buffers will need to be entirely within Area 1's open space.

Clara's Ridge PD has included a pattern book with design guidelines for the common open spaces and for the residential construction in Area 1. It also describes the usable open space with 2 green areas and the connection to the park. There will also be perimeter landscaping. All COS must meet the Design Guidelines and Zoning Ordinance of the Town. The pattern book has residential construction specifics including materials, garage design, and lot layout. There are images of houses that are examples but are non-binding. The Staff will review each building permit to ensure it complies with the standards.

The developer intends to dedicate and improve Sycamore Road to 36 feet from the centerline, which will give it 2 lanes, curb, gutter, grass strip, and a sidewalk. That meets the Major Road Plan. Their engineer will work with the Town Engineer to determine if an alignment study is needed. The 81 residents the development will generate will average 770 trips/day with 165 peak morning trips and 82 peak evening trips.

A drainage report will be required with the subdivision review. The storm water analysis has not been provided yet. An on-site detention could be required which will be determined later with the drainage report and there are no detention ponds shown on the concept plan.

Clara's Ridge Outline Plan complies with the Future Land Use Plan showing 10 acres as estate residential with 0.01 – 0.50 units/acre, 50 acres as medium density residential with 2.51 – 3.00 units/ acre, for a combined density = 1.3 units/acre.

The required neighborhood meeting was held in November 2019 prior to submitting the proposal for the PD.

According to the Zoning Ordinance, the objective of the PD process is to facilitate the use of flexible techniques of land development and site design by providing relief from requirements designed for conventional developments. In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that...preserve environmental resources...provide exceptional open space amenities...and incorporate creative design in the layout of buildings, open space and circulation.

Ordinance 2019-22 would rezone this 64.83 acres from FAR to R-1. Surrounding uses and zoning to the West are estate lots along Sycamore Road (FAR), to the Northeast: SR 385 ROW (RL-1), and to the South is Collierville High School which is zoned R-1.

The rezoning would allow the development of the PD as a “cluster subdivision” with open space on Sycamore Road rather than large perimeter lots, which complies with the Land Use Plan & Grounds for Amending Zoning Map.

With the combined density of 1.3 dwelling units per acre, the proposed Clara’s Ridge at Cartwright Farms PD development meets the combined densities as recommended by the Density Map. There should be no material adverse effect upon adjoining property owners. Adverse impacts can more appropriately be addressed at subsequent stages of development (Preliminary Subdivision Plat and Construction Drawing review).

For the next steps, the BMA will consider the Outline Plan and the rezoning, a comprehensive sign policy will be reviewed and approved by the DRC before the first phase of the subdivision can be built, the Preliminary Subdivision Plat/Subdivision Infrastructure Construction Drawings will be reviewed and approved, and then later, the Final Subdivision Plat will be reviewed and approved by the Planning Commission.

For the first motion, the PC will need to decide if the rezoning request complies with the Collierville 2040 Land Use Plan and the Grounds for Amending the Zoning Map.

The second motion requires the PC to decide if the proposed design of the residential PD in Area 1, and its commitments beyond what would normally be required of a standard R-1 single family subdivision, warrants the requested waivers of standards.

Ms. Boatwright said the applicant agrees to all of the Conditions of Approval except number 3, which requires a 30-foot setback. They want to propose a 25-foot front yard setback. Staff has determined if they do a 26-foot front yard setback then that 6-foot encroachment would keep the front of the house at least 20 feet from the back of the sidewalk.

They have also asked that number 11, regarding an alternative tree mitigation be removed. They plan to follow the typical tree mitigation ratio of 1 tree planted to replace every 2 removed.

Chairman Cotton asked if there were any questions of staff.

Commissioner Worley asked if on Condition 11f, regarding tree mitigation, is their request similar to other current developments

Ms. Boatwright said they want to use the typical tree mitigation ratio of 1 tree planted for every 2 removed.

EXHIBITS

1. Applicant’s Cover Letter & Project Overview (10/23/19)
2. Resolution 2019-46 (1/31/20)
Attachment A - Outline Plan (1/10/20)
Attachment B – Pattern Book (1/10/20)
3. Street Cross Sections (1/10/20)
4. Requested Exceptions to Zoning Ordinance (1/10/20)
5. Applicant’s Objectives (1/10/20)
6. Applicant’s General Standards & Criteria (1/10/20)
7. Comparison of Bulk Requirements & ROW for Surrounding Developments
8. Proposed Setbacks and Allowed Encroachment
9. Place Type & Maximum Density Maps (1/10/20)
10. Greenbelt Network Maps
11. Neighborhood Meeting Summary (11/19/19)

Mr. Groce said the applicants have informed the Staff that there are not many trees that are 8" or larger, so they may not have to mitigate many at all.

Ms. Boatwright added they will still be required to have 1 tree for every 40 feet of lot frontage on the lots.

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

Commissioner Jordan chose to abstain from the vote on this issue due to his living right across from the development and having a discussion with Mr. Vaughan who is the developer.

Mr. Kevin Vaughan came forward and said this property used to be a tree nursery. The owner would like to turn it into a housing development. He said this is the beginning of an almost 300-acre project. He said the current development will contain many types of homes. It will be a cluster development. He discussed the setbacks. He stated that Commissioner Jordan and he have addressed the issue of the busy road. They tried to get an entrance off of Shelby Drive instead of Sycamore Road. He said they will work with the Town Engineering Staff to keep it safe, and to keep the head lights of cars at the stop lights out of neighbors windows as well. He also stated they will cluster green space in the center development as well as the west side to keep it looking like a country lane. He said they will not have fewer trees than the current standard following his proposed plan, just less counting to do.

Commissioner Worley asked if the 20-foot front yard space was from the back of the curb.

Mr. Vaughan said yes.

Mr. Vaughan asked for 25 feet for the front yard setback but said he will agree to 26 if necessary.

Chairman Cotton read an email from Ms. Diana Thompson stating she was in favor of the development. She had not included her address in the email.

Commissioner Worley asked Town Manager James Lewellen about the message he had sent a few days ago regarding the purchase of this land and would the proposed PD change anything in that agreement.

Mr. James Lewellen came forward and said when the Town purchased the land for the High School, they entered into an agreement at that time with the land owner, Mr. Cartwright, which stated the Town would have the option to accept parcel 2 as a dedicated park and he would dedicate a portion of the land to a dedicated park to meet his parkland credits as he develops this property out.

Commissioner Worley asked Ms. Boatwright if the neighbors were happy with the project.

Ms. Boatwright said at the neighborhood meeting their questions were answered and they seemed to be happy with the project.

Commissioner Given asked to verify the front setback from 30 feet to 25 to be amended tonight or do we need to stick to 30 feet.

Commissioner Worley agreed that the shorter setback will work. His concern would be not blocking the sidewalk.

Mr. Groce said there is one concern that porches are allowed to extend 6 feet into a front yard setback, if they do allow for 25 feet you could have a situation where the porch is 19 feet from the back of the curb. He said when the Board of Mayor and Alderman were updating the Ordinance last year it was decided that 20 feet should be the minimum setback. He asked the Commissioners to consider limiting porch encroachments to 5 feet.

Mr. Vaughan said those standards are set for straight-zoning subdivisions. In this case, a Planned Development is allowed variations. It will be an interior development and they will not allow any cars to hang over the sidewalk.

Commissioner Rozanski wanted clarification about the encroachment and porch size.

Mr. Vaughan said he will agree to a 25-foot setback and adjust the porch depth to be 20 feet from the curb.

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

Motion by Commissioner Gilbert, and seconded, to recommend approval of Ordinance 2019-22 (Exhibit 3).

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

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

Roll call:

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

Motion Approved.

Motion by Commissioner Rozanski, and seconded, to recommend approval of Resolution 2019-46 (Exhibit 2) changing Item #3 from a 30 feet minimum front yard setback in Area 1 to 25 feet and the maximum porch encroachment is 5 feet; and delete Item 11f, h, i, and j.

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

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. The Outline Plan and the Pattern Book shall be two separate documents.
3. The minimum front yard setback in Area 1 shall be 25 feet with a maximum porch encroachment of 5 feet.
4. All garages shall be a minimum of 20 feet from the back of the sidewalk to allow for parking in the driveway without blocking the sidewalk.
5. On Sheet 1, the Outline Plan map, remove from the data table the data for Area 2 for Net Density, Common Open Space, % Common Open Space, and Greenbelt Dedication and replace with *N/A* as that data does not apply to the parkland that will be dedicated to the Town.
6. Label the right-of-way width for all roads on the Outline Plan.
7. Add a reference to a privacy fence detail in the Outline Plan as provided in the Pattern Book.
8. Reimbursement for the Rolling Meadows developer for the sewer tie in will be required. Note this on the Outline Plan.
9. Show the existing sewer easement (not just the sewer line) on Sheet 1 of the Outline Plan and on the Concept Plan.
10. The acreages on the Outline Plan map and in the Outline Plan text shall match those on the property surveys.

11. On Sheet 2, the Outline Plan text, make the following changes:
 - a. In Section I. C. add: A Declaration of Covenants and Restrictions will be applicable to all *single family* lots within the development...
 - b. Permitted Uses should be in a separate Section III, not as II.E. under Bulk Requirements. Re-number all sections that follow.
 - c. In the new Section III, change the text for the Permitted Uses in Area 1 to: Single Family Detached as permitted and regulated in the R-1 Low Density Residential district as modified herein.
 - d. In Section V.E. (Landscaping/Screening/Open Space) remove the following text: ~~any tree and shrubs will be limited to the perimeter of these areas.~~ The previous sentence references the landscaping as to be found in the Pattern Book.
 - e. Change Section V.F. (Landscaping/Screening/Open Space) to *Area 1 Common Open Space* and remove the Area 2 acreage as it is not common open space for the residential subdivision but will be dedicated to the Town. Provide an adjusted percentage of the common open space total acreage for Area 1.
 - f. The following subsections shall be added to V. Landscaping/Screening/Open Space:
 - H. ~~The Town's approved alternative tree mitigation formula will be used. Fourteen (14) trees (minimum 2 inch caliper) are required for each acre of the development. Existing viable trees shall be credited towards the required number of trees, with specimen trees being counted as the equivalent of three (3) new trees. Specimen trees shall be considered any canopy tree with a trunk diameter of 24 inches or greater, and any understory tree with a diameter of eight inches or more measured four and one-half feet above grade. Trees planted on individual lots, common open spaces, and street trees shall be credited towards the required number of trees.~~
 - I. ~~The tree survey and preservation plan shall only illustrate tree species, caliper size, and location of all trees eight (8) inches in diameter for areas where existing trees are to be preserved, but not for areas where existing trees are proposed for removal. In addition, the plan shall illustrate utilities, rights of way, easements and grading contour lines. The total number of trees proposed for preservation shall be shown visually, and listed separately per the tree mitigation formula approved by the Planning Commission. When mitigation is required, a tree replacement plan, as approved by the Design Review Commission, shall also be provided that indicates the location, species, and size of on-site replacement trees.~~
 - J. ~~Tree protection fencing shall be installed and remain in place until the street base layer of asphalt of the current construction phase is installed. A Preconstruction Meeting shall not be held until the tree protection fencing is in place and field-verified by staff. Removal of less than 15% of existing trees eight inches or greater in a diameter at a point four and one-half feet above the ground level from the property is permitted pursuant to §151.269(B) prior to the Preconstruction Meeting and issuance of a grading permit. The Town's standard tree protection detail shall not apply and the developer will propose an alternative tree protection detail with Phase 1 of the development for approval by the BMA based on a recommendation from the DRC.~~
 - g. The following shall be added to Section VII. Utilities: *Reimbursement for the Rolling Meadows developer for the sewer tie in will be required.*
12. On Sheet 3 of the Outline Plan, change all references to Hidden Creek PD to Clara's Ridge at Cartwright Farms PD.
13. Make the same changes to the data table on the Concept Plan as noted above.
14. The Outline Plan shall be recorded, and corrections made to the Pattern Book prior to the Planning Commission (PC) considering the Preliminary Plat for Phase 1.

15. A Local Trail Network greenbelt trail is required along the Sycamore Road frontage by the Collierville Greenbelt Network map. Note this on the Outline Plan map, in the text, on the concept plan and provide a detail in the Pattern Book.
16. The Parks Advisory Board (PAB) shall review and approve any modifications to the Greenbelt Plan before the BMA considers the PD. Contact the Parks Department directly to schedule an item on the agenda.
17. Obtain approval from the PAB for the dedication of the parkland prior to approval of the PD by the BMA. Contact the Parks Department directly to schedule an item on the agenda.
18. If the BMA accepts the parkland dedication, a separate deed and Final Plat note explaining the dedication will be required. Note this on the Outline Plan map and in the text.
19. The entire stream and associated buffers between the single family portion of the development and the parkland shall be within the subdivision's common open space. Make any adjustments in the Outline Plan and Pattern Book including, but not limited to area boundaries, acreage, and landscape buffers. The homeowners' association shall be responsible for the maintenance of the stream buffer.
20. Provide the following in the Pattern Book:
 - a. All landscape buffers shall meet the Design Guideline requirements and the Zoning Ordinance requirements for a Planned Development.
 - b. Label all "enlargements" and "buffers" with a specific plate number.
 - c. On all landscape plates specify general plant types (e.g., street tree, evergreen shrubs) and plant spacing. Call out fencing with column spacing for plates with fencing (i.e., road buffers).
 - d. Provide a plate for fencing or vegetative screening along the State Route 385 portion of the PD perimeter. The Zoning Ordinance (§151.154(B)(12)) requires that fences or vegetative screening at the periphery of a planned development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influences.
 - e. In the Area 1 Open Space Calculations, remove the entrance median as it is not considered usable and is less than the required 5,000 square feet. Recalculate the total usable and percentage.
 - f. Label the spaces on the Key Map to match the open spaces on the Open Space Calculations table.
 - g. Remove the Buffer Area photos as they do not match the proposed landscape plates.
 - h. Note the spacing of the columns on the brick fence column detail.
 - i. Note that the wood used in the fencing shall be naturally rot resistant (redwood, cypress and cedar).
 - j. Remove the following language from the Roofs section: Roofs and roofing materials used should complement the architectural style ~~and keep the inhabitants dry during rain.~~
 - k. Reference plate numbers in the Streetscape and Landscaping section.
21. Usable open space is required for a new residential PD. Specify where the usable open space is on the Concept Plan and include the requirement in the Outline Plan text.
22. Each usable open space shall be classified as either an Active Recreational Area or a Formally Planned Area.
23. The usable open space shall meet the requirements of the Design Guidelines.
24. Provide a detailed drainage report with the Preliminary Subdivision Plat and Construction Documents. The Town Engineer will review the grading and drainage for the development and the need for storm water detention will be determined at that time.
25. The developer's engineer shall work with Staff on the Sycamore Road alignment prior to submitting the Preliminary Subdivision Plat and Construction Drawings. The need for an alignment study will be determined by the Town Engineer.
26. The Town Engineer will approve the design and spacing of the subdivision entrances on Sycamore Road.

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

Roll call:

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

Motion Approved.

Commissioner Jordan rejoined the Commissioners.

DD20-006, 141 Eastley Street (Big League Wildcats) – Request approval of an Amendment to a Conditional Use Permit (CUP) for a Special Training Facility.

Mrs. Nancy Boatwright gave the staff presentation. She said the applicant is Big League Wildcats owned by Courtney Mitchell and the Property over is with Nera Investments LLC. She explained that the applicant is requesting an amendment to their Conditional Use Permit. The BMA approved their original CUP last August. It is zoned GI industrial. The original CUP was zoned for 30 people. They want to increase the occupancy to 49 for the business occupancy. Other than life safety concerns, the primary issue with increasing the occupancy is providing adequate parking. They currently have 55 parking spaces. They have submitted a conceptual plan that shows with eventual paving and striping they could have 183 parking spaces for the whole 25,000 square foot building. The minimum requirement for the Big League Wildcats is 84 parking spaces, for the car gallery with 48,000 square feet of building the minimum is 96 spaces, and the flooring warehouse minimum is 1.5spaces per every 2 employees on a single shift. The planned parking should be adequate. The paving and striping should be provided prior to increasing the occupancy. Other than parking and signage, and with the staff-recommended conditions of approval, the specialty training use will not be perceptible off the lot.

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| <p style="text-align: center;">EXHIBITS:</p> <ol style="list-style-type: none">1. Conditions of approval (1/31/20)2. Cover letter (received 1/13/20)3. Applicant’s CUP responses (4/3/19)4. Interior Floor Plans and Site Plans (4/12/19)5. Conceptual Parking Layout (7/26/19)6. Google Aerial Photo (3/14/18)7. Staff CUP Test Analysis (1/31/20)8. PC Minutes (8/1/19)9. BMA Minutes (8/26/19) |
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The next steps are for the Board of Mayor and Aldermen to give Approval of Conditional Use Permit and the BMA must approve the amendment to the CUP upon the recommendation by the PC. The BMA is scheduled to consider the request on February 10, 2020. Also, a Certificate of Occupancy without a Building Permit needs to be issued so the Building Department and Fire Department will inspect the building prior to the issuance of a Certificate of Occupancy. The neighbors have asked that the business close at 10:00 pm., and the applicant agrees to this.

Ms. Boatwright mentioned that one of the Conditions of Approval is that the parking lot shall be paved with asphalt or concrete and striped prior to increasing the occupancy limit.

Chairman Cotton asked if there were any questions of staff.

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

Motion by Commissioner Worley, and seconded, to recommend approval of the Amendment to the Conditional Use Permit for Big League Wildcats, a special training facility, at 141 Eastley Street, subject to the conditions in Exhibit 1.

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. The parking lot shall be paved with asphalt or concrete and striped to meet the minimum parking requirement for the 25,000 square foot special training facility and the other uses in the building according to Exhibit 5 prior to increasing the occupancy.
3. The maximum occupancy of the building occupied by Big League Wildcats shall be limited to 49 people until and unless the building can be classified as an “assembly occupancy” per the Building and Fire Codes, at which time the maximum occupancy of the building occupied by Big League Wildcats shall be limited to 80 people.
4. The applicant shall demonstrate that the building complies with all applicable Building and Fire Codes for a “business occupancy” subject to the approval of the Building Department through the Certificate of Occupancy process.
5. Any activities related to this Special Training Facility that would increase the intensity of the use shall not be allowed without an additional amendment to this CUP. Increases in intensity shall be considered expanding the leased area beyond 25,000 square feet, activities (i.e. tournaments) that increase parking demand beyond that of a Special Training Facility, and/or increases to this industrial complex in the number of parking spaces on or off site directly related to this use.
6. The relocation of the Big League Wildcats Special Training Facility to another industrial property shall be approved by the BMA after a recommendation from the Planning Commission.
7. No exterior storage, display, or activity shall be permitted except for parking and signage.
8. All doors shall remain closed during practice house to prevent sound from leaving the building.
9. Additional, Town-approved sound baffling shall be provided if sound associated with the training facility is audible from any residential property.
10. ***Hours of operation shall end no later than 10 p.m.***

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

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

Roll call:

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

Motion Approved.

DD19-0012, Resolution 2020-03 – An amendment to the Woodlawn Planned Development to remove the requirement that access be provided to adjacent properties.

DD19-0013, Ordinance 2020-01– An Ordinance providing for the closure and vacation of two street stubs within the Woodlawn Planned Development.

Mr. Jaime Groce gave the staff presentation. He explained that these requests are related and are for the same 38 lot subdivision. He said that a petition has been signed by 100% of the residents in the subdivision and they are in favor of this road closure. This planned development dates back to 1999, and these street stubs were included in that master plan. The HOA asked for a similar request 10 years ago, and at that time the developer of Woodgrove to the west expressed concern about losing these connections. There is a regulation on how many access points a development has to have. All of the homes in this development have rear access drives that are maintained by the HOA. One of the formal requests would strike language from the 1999 PD that required connections to the adjacent properties. The other request is the actual Ordinance to close the street. This not something is that done a lot in Collierville and Mr. Groce said it is State mandated for a road closure to be done by Ordinance. The street stubs have not been connected for the last 20 years. The subdivision feels they will never be necessary and they want to make sure there is never cut-through traffic on their street. When a development has more than 50 lots, it has to have two points of access, but there are only 38 in Woodlawn. The HOA would care for the land once the roads are closed. Woodlawn HOA has received a letter of support from both owners of the adjacent property, as long as there are no new requirements on them.

- | EXHIBITS | |
|-----------------|---|
| 1. | Cover Letter (11/10/19) |
| 2. | Neighborhood Petition (11/10/19) |
| 3. | Letter of Support from Developer to East (11/1/19) |
| 4. | Letter of Support from Property Owner to North (9/13/19) |
| 5. | Site Photos (11/10/19) |
| 6. | PC Minutes November 2008 |
| 7. | 9-prong Test for Closing a Street (1/31/20) |
| 8. | Woodgrove Master Plan (4/10/18) |
| 9. | Resolution 2020-03 (Outline Plan Attachment A), 1/31/20. |
| 10. | Ordinance 2020-01 (with legal description A and map Attachment B), 1/31/20. |

The Staff believes that right-of-way is not only about vehicles, but also utility lines and public mobility with bikes and pedestrians. Also they have to consider the ability for emergency vehicles to access the neighborhood.

Staff does not believe the request fully meets the 9-prong standards for closing a street as both connections have a public benefit. The Town's regulations encourage, and in some cases require, an interconnected street network with stubs every quarter mile, maximum block sizes and block faces, a minimum number of connections based on the number of dwellings and a maximum cul-de-sac length. If this street is closed it becomes like a 1600-foot cul-de-sac with only one way in and out. The mac cul-de-sac length is 600 to 1000 feet per the Town's Subdivision Regulations. With it being that long there are requirements about sprinkling the houses and looping water lines. The Town consulted with the Fire Marshall and he suggested a gate be added to Nixon Leaf Way instead of a fence. Similar gates have been used in other neighborhoods in Collierville. Mr. Groce used the example of the Braystone PD Phase 5, which had 29 lots and was a 1,500-foot long dead end cul-de-sac. They installed an emergency access giving them two access points. The next steps for this item would be a PD amendment at the BMA meeting. A final subdivision plat and the planned development amendment will have to be recorded.

Chairman Cotton asked if there were any questions of Staff.

Commissioner Jordan asked who would have access to the gate and would it be used for emergency purposes only.

Mr. Groce said it would be for emergency purposes and the HOA's needs.

Commissioner Jordan asked if the gate could look very similar to the existing fence.

Mr. Groce said yes, very similar with the addition of the hinges.

Commissioner Gilbert said since the HOA would be responsible for the construction and care, can they choose what it looks like.

Mr. Groce said the Fire Marshall would need to be consulted on the design and they would have to follow the Design Guidelines, but otherwise they could choose they look of it.

Chairman Cotton asked if there were any questions of the Fire Marshal.

Hearing none, Chairman Cotton called the applicant forward.

Mr. Joe Finch, homeowner in the neighborhood and president of the HOA for Woodlawn, came forward. He said the road stubs are currently closed and they have been for 20 years.

Mr. Richard Hoffman came forward and said the subdivision regulations indicate that subdivisions are to provide connections between adjacent properties and to ensure adequate circulation. The subdivision to the north is putting in adequate outlets. He does not want to create outlets for other subdivisions. He said regarding the 1,600-foot cul-de-sac issue – his cul-de-sac is really two circles. There are alternative accesses to houses if one side of the circle becomes blocked.

Mr. Finch read the minutes from a previous Planning Commission meeting in 2008, quoting Mayor Joyner saying “the stubs were done at a request of the adjacent property owners and they were not a condition of approval because of the number of lots. Sometimes connectivity is a great thing, but sometimes common sense has to take the rule of the day and we have to decide what is in the best interest of those who are most affected. Are the benefits the Town would gain worth the sacrifice that the residents in the area would experience? This is where the common sense issue must come in.”

Chairman Cotton asked why they oppose a gate on Nixon Leaf Way so emergency vehicles could have access.

Mr. Finch said that is their second choice. The homeowners feel the existing fence would look better and be permanent. He can't speak to the cost for the people on the other side of the gate. If it is a gate, the land owners the on the other side would have to do a driveway to the gate.

Commissioner Rozanski asked Fire Marshall Paul Witt about the entrance on Shelby Drive and if there were an accident how do they get in there?

Fire Marshall Witt said they don't. The Fire Department would always want the connectivity. He said any number of incidences could block the road. He does not think the Fire Department has used any of the gates in the Town for an emergency.

Commissioner Rozanski asked Fire Marshall Witt if the Fire Department had a preference on which access was left open with a gate.

Fire Marshall Witt said it did not matter.

Commissioner Jordan stated the Town has a responsibility to answer the “what if?” questions. He feels safety should be the main deciding factor. He wanted to know if they could just close one.

Mr. Finch said all residents have said they have no use for the gates.

Chairman Cotton asked the Fire Marshall Witt which one they would like kept open.

Fire Marshall Witt said the north entrance would be more beneficial to keep open if he had to choose right now.

Commissioner Jordan asked Fire Marshall Witt to guesstimate the delay in time if both stubs were closed as opposed to having a gate.

Fire Marshall Witt said he could not estimate. He said with the hope of a new station being built in that vicinity it would change all of the response times.

Commissioner Worley stated he wanted the roads stubbed and walled when he was involved. He suggested they eliminate the north street stub.

Mr. Finch said if the north is considered for an emergency access there is a pond and culvert there. It would be more expensive.

Fire Marshall Witt said he always goes with the most remote choice. They are the furthest apart for choices. If it was more expensive to put a gate on he would be agreeable with them doing the east access.

Commissioner Rozanski said they should allow the subdivision to close the roads, but what about putting in an easement on the east entrance.

Commissioner Given felt the same with Commissioner Rozanski to close off the north side and put a gate on the east side.

Commissioner Gilbert said his comment is that this development would benefit from an access but everyone involved said they don't need it. He feels they should be able to wall both stubs in they want to.

Commissioner Worley asked to clarify the motions.

Mr. Groce said the first motion is to recommend the Resolution be adopted that amends the Outline Plan for the planned development related to the requirements for connectivity with adjacent properties. The second motion is to adopt the Ordinance that provides permission for them to close the streets.

Motion by Commissioner Rozanski, and seconded, that the Planning Commission recommends adoption of Resolution 2020-03 (Exhibit 9), amending the Outline Plan for Woodlawn Planned Development which includes Condition 5 to require an emergency access gate on Nixon Leaf Way.

Mr. Nathan Bicks, the Town Attorney, clarified that the PD amendment would no longer require any connection to adjacent developments except for the emergency access required by condition #5.

A discussion ensued about the difference between a gated community and a gate on this street.

Fire Marshall Witt said it has to do with the way people can enter. It also came up that there is only one access point in many of the gated neighborhoods in Town and that concerns the Fire Department.

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

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Gilbert – yes, Worley – no, Cotton - yes.

Motion Approved.

Motion by Commissioner Given, and seconded, that the Planning Commission recommends adoption of Ordinance 2020-01 (Exhibit 10), an ordinance providing for the closure and vacation of Woodlawn Circle to the north and closure of Nixon Leaf Way to the east, provided that the Town retain the right-of-way for a gate on the east entrance.

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

Mr. Bicks mentioned that, if the Town needs an emergency access then the Town needs to retain some kind of interest in Nixon Leaf Way.

Mr. Groce asked if an easement or right-of-way would do that and Mr. Bicks said either would be fine.

Commissioner Worley stated he wanted both stubs closed off 15 years ago and he will be voting in favor of this even though one access will have to have a gate.

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

Roll call:

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

Motion Approved.

DD19-021 & DD19-098, Kingdom Hall Subdivision, Lot 2 – Healing Paws Animal Hospital – Request approval of a Preliminary Site Plan and Conditional Use Permit (CUP) for a 4,920 square foot medical office building on 1.25 acres located on Collierville-Arlington Rd.

Mr. Jaime Groce gave the staff presentation. He explained that there are two separate items related to this case. He said the first one is a Conditional Use Permit for a veterinarian/animal clinic and the other is a preliminary site plan. The name of the facility is going to be Healing Paws Animal Hospital. The building and site have been designed to blend in with the residential scale of the area. There will be 2 access points to Collierville-Arlington Road and the site will not connect to the preschool on the north or the church to the south. They will have two parking lots. Based on the plat from many years ago, there is an ingress/egress easement with the church, but they have chosen to only add a few more parking spaces.

- | EXHIBITS | |
|-----------------|---|
| 1. | PC Conditions for CUP (1/31/20) |
| 2. | PC Conditions for Site Plan (1/31/20) |
| 3. | DRC Conditions for Site Plan (1/31/20) |
| 4. | Applicant’s Cover Letter (1/14/20) |
| 5. | Applicant’s Traffic Impact Statement (1/14/20) |
| 6. | Applicant’s Drainage Impact Statement (1/14/20) |
| 7. | CUP Test (1/31/20) |
| 8. | Letters of Support (1/31/20) |
| 9. | Preliminary Site Plan (1/14/20) |
| 10. | Color Site Rendering (1/14/20) |

On-site detention will not be provided given the proximity to the Wolf River Lateral K. If the development connected to the preschool, they would interrupt the 100 year floodplain. By placing the building where they have they will save existing trees. Once the final site plan is submitted the Staff will be able to approve the lighting. In the preliminary plan they are showing full cut off lights without any flare.

If the Planning Commission recommends approval of the preliminary site plan tonight, the Design Review Commission will be approving the exterior at their meeting next week, and then it will move on to the Board of Mayor and Alderman. The applicant agrees with all of the conditions set by Staff. Mr. Groce said the main issues the Staff perceives are if it should connect to both adjacent properties along Collierville-Arlington Road and if it has been designed to avoid negative impacts to the surrounding neighborhood.

Chairman Cotton asked if there were any questions of staff.

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

Dr. Sara Herr has been practicing for 14 years here in Collierville. She would love to have this site work out for her business. She agrees with all of the conditions of approval. She has spoken with neighbors and businesses in the area and they are in favor of this business coming.

Mr. Eric Kestler came to the mic. He lives in the neighborhood next to the clinic. He highly recommends this business coming to his neighborhood. He brought his letter of support.

Mr. Steven Williams represents the clients. He wanted to bring up the subject of the bicycle rack and ornamental fencing required. He feels the fencing needs to be more private and the bicycle rack can be dangerous.

Commissioner Rozanski said he commends the project. He said the land is a difficult elevation and he welcomes them and their efforts.

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

Motion by Commissioner Worley, and seconded, to recommend that the BMA approve the request for a Conditional Use Permit for a veterinarian/animal clinic on Lot 2 of the Kingdom Hall Subdivision, subject to the conditions in Exhibit 1.

1. The Conditional Use Permit (CUP) for the Healing Paws Animal Hospital shall be narrowly limited to veterinary services with accessory dog grooming and retail sales. The following uses are expressly prohibited:
 - Boarding of animals overnight, except in conjunction with surgery or treatment. Such boarding shall be for short term duration not to exceed one week.
 - Dog daycare
 - Dog training
 - Private dog park
2. Places where animals are kept shall be kept clean and dry. All fecal materials shall be picked up daily and kept in a bin or receptacle that will exclude flies and odors (§94.03 (B)).
3. Chain-link fencing shall not be used.
4. All veterinary and associated services, including the boarding of animals in conjunction with surgery or treatment, shall be confined to the inside of the facility within special insulated and sound proof rooms.
5. Animals being treated for veterinary and associated services shall not be kept outdoors unattended.
6. Any activities related to the Healing Paws Animal Hospital 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 size beyond 4,920 square feet and/or increases in the number of parking spaces related to this use.

Chairman Cotton then moved on to the second part of this item.

Chairman Cotton called for a motion.

Motion by Commissioner Rozanski, and seconded, to recommend that the BMA approve the request for a Preliminary Site Plan (Exhibit 9) for the Healing Paws Animal Hospital on Lot 2 of the Kingdom Hall Subdivision, subject to the conditions in Exhibit 2.

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. Existing trees to be removed shall be replaced at a rate of 1 tree per 2 removed.
3. Sign permits are required for all signage. Signage is not being approved with the Preliminary Site Plan.
4. Fence permits are required prior to the construction of any fences or walls.
5. The dimension (36.5') on the old driveway location needs to be adjusted/removed.
6. Explain the meaning of Note #4 on the Grading & Drainage Plan.
7. With the Final Site Plan application provide a Traffic Control Plan.
8. Provide a CAD file with the Final Site Plan application.
9. With the Final Site Plan application provide a detail for the drive apron and spot elevations on all ADA ramps.
10. With the Final Site Plan application provide written responses stating how each comment was addressed.

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

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

Roll call:

Rozanski – yes, Given – yes, Jordan – 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 said that he anticipates a lot of permits for residential dwelling this year. The Staff are seeing permit applications for single family homes, townhouses, senior housing and apartments.

Hearing no further business, Chairman Cotton adjourned the meeting at 8:32p.m.

Secretary, Commissioner Jeremy Given